



PLATFORM FOR INTERNATIONAL COOPERATION ON UNDOCUMENTED MIGRANTS

PICUM Newsletter March 2007

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

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1. Death at the Border

- On 22 December 2006, the German federal government declared in a reply to an inquiry of the parliamentary Left that there had been four casualties at the German borders in 2005. In the report it emphasised that these casualties are not associated with any activities of officials of Germany's customs or federal police.
http://www.proasyl.de/fileadmin/proasyl/fm_redakteure/Newsletter_Anhaenge/120/1603967.pdf
- On 15 January 2007, maintenance crew at Brussels International Airport found the body of a young African man in a wheelbay of an aircraft of SN Brussels Airlines, which had arrived from Bajul, Gambia, a day earlier. (Source: *Migration Policy Group, Migration News Sheet, February 2007, p.7*)

- On 7 February 2007 rescue workers in Samos, Greece, called off a search for the remaining 12 immigrants that went missing on 2 February 2007, when their boat sank near the island in gale-force winds. Of the 19 undocumented migrants on board, seven bodies have been found. (Kathimerini, 8 February 2007/ Eleftheros Typos, Ethnos, 5 February)
- Five people drowned and another 20 are missing after a wooden boat carrying undocumented migrants sank off the eastern Aegean island of Samos, Greece, on 17 February 2007. The bodies of the five victims – three men and two women from Somalia – were found near the Galazio area of the island. Coast guard vessels, a warship, a helicopter and commercial ships tried to search for survivors in the rough seas but only managed to rescue one man, who told coast guard officers that 26 Somalis who were trying to reach Greece from Turkey had been aboard the boat. (Kathimerini, 20 February 2007)
- At least 19 undocumented migrants are missing at sea in the Channel of Sicily that separates Italy from Tunisia, according to a report given by the 31 survivors saved on 21 February. The vessel that had embarked from Libya had lost its way, went short of fuel and was caught in a thunderstorm. <http://www.lemonde.fr/web/depeches/0,14-0,39-29882617@7-60,0.html> and <http://www.ilmanifesto.it/Quotidiano-archivio/24-Febbraio-2007/art46.html>

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

UN

- The Government of Argentina ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families on 23 February, becoming the 36th state party to the Convention. To see the status of ratification of the ICMWR: <http://www.ohchr.org/english/countries/ratification/13.htm>

France

- On 6 February 2007, the Court of Appeals (Cour de cassation) ruled illegal a method used by the French police to get hold of undocumented migrants. On several occasions, undocumented migrants had been invited to the police station under the pretext of having their documents re-examined. Instead they were arrested. The court decided that no part of the administration is allowed to implement unfair means to get hold of an undocumented migrant. The week before, the Council of State (Conseil d'Etat) had suspended an order of the Interior Minister that authorized police to arrest people immediately after having identified them as undocumented migrants and keeping them in detention until they are being deported. <http://fr.news.yahoo.com/20022007/5/la-cour-de-cassation-juge-illegale-l-arrestation-de-sans.html>
- Following the renewed signing of a Franco-Rumanian accord on the repatriation of unaccompanied minors on 1 February, the organisation Hors La Rue issued a press release in which it voices its concern about the conditions minors encounter after being repatriated to Romania and about the aggravations contained in this new document. It also scrutinises the government's objectives and it is announcing the publication of a study on the situation of 100 unaccompanied minors. <http://listes.rezo.net/archives/migreurop/2007-02/msg00038.html> and http://actualite.aol.fr/france/societe/une-convention-franco-roumaine-sur-le-rapatriement-des-mineurs-suscite-l-inquietude/189626/p-article_cat/article_scat/article_titre/article_id/article.html

Spain

- Six chartered airplanes with at least 451 undocumented migrants on board took off from the Canary Island of Tenerife in the direction of Saint Louis in northern Senegal on 21 January 2007. Most of the undocumented migrants were Senegalese while a number of others, who claimed not to be Senegalese nationals, were taken to Dakar where they were told to contact the embassies of their home countries. Alexis Correa, a member of the national committee for managing the repatriated and displaced, informed that the six flights were the final ones in a series, which has resulted in the repatriation of a total of almost 4,500 Senegalese nationals in a little more than a month. (Source: Migration Policy Group, Migration News Sheet, February 2007, p.9)
- On the occasion of the visit of Malian President Amadou Toumani Touré to Spain on 23 January 2007, the Ministers of Foreign Affairs of both countries signed a "Migratory Flux Control Agreement" aimed at opening up legal immigration and combating irregular movements, a so-called second generation readmission agreements, similar to ones which have been signed between Spain and Gambia and Guinea Conakry, respectively. The Spanish development aid agency, the AECI, has set aside more than 10 million euros to invest in Mali, the third poorest nation in the world. For its part, Mali will step up border surveillance to prevent irregular movements and readmit Mali nationals apprehended while trying to enter Spain illegally. (Source: Migration Policy Group, Migration News Sheet, February 2007, p.10)
- A national plan for the integration of immigrants was launched on 19 February. Spain is to invest 2 billion euros in measures to help immigrants to feel they are "part of Spain". The plan, which will run until the year 2010, is divided into 12 areas: reception, education, jobs, homes, social services, health, infancy and childhood, women, equal treatment, participation, raising awareness and co-development. See: http://www.expatica.com/actual/article.asp?subchannel_id=82&story_id=36687
- The Spanish are the most positive Europeans regarding immigration. According to a poll in the Financial Times, 42% say that migrants from within the EU have had a positive effect on the economy while only 19% in Britain and France would agree. More than 4 million migrants have arrived in Spain over the last decade and the proportion of children from mixed marriages has risen from 1.8% in 1995 to 11.5% in 2005. However, 59% of Spaniards think that there are too many foreigners in the country. (Source Financial Times 19 February 2007)
- A label will be introduced to identify products of enterprises with good practices in hiring migrants. The *Contrata* project will evaluate companies in Huelva, Murcia, Burgos and the Canary Islands producing agricultural products. The idea is to grant the label to companies that comply with the law and to create examples to other companies. <http://www.migrar.org/noticias/noticia/?id=578>
- Asylum claims in the Canary Islands for the first months of 2007 have already reached the total levels of 2006. Since January there have been approximately 150 applications while in 2006 there were a total of 200. This is due to the arrival of several ships (including the *Marine I*) with migrants fleeing the war from Kashmir, Afghanistan, Sri Lanka and Myanmar as well as Sierra Leone, Ivory Coast and Liberia. According to data from the UNHCR and the Spanish Ministry of Interior, of the 32,000 migrants who have arrived, only 200 have claimed asylum. <http://www.apdha.org/comunicados/2007/220207marine.asp>. For info see http://www.cadenaser.com/articulo/espana/inmigrantes/MarineI/desembarcaran/Mauritania/Espana/encargara/repatriaciones/csrgsrpor/20070210csrgsrnac_5/Tes/

Italy

- The final report by the commission set up by Interior Minister Giuliano Amato to investigate conditions in Italy's detention centres (See *PICUM Newsletter February 2007*) was published on 20 February. The full text of the report (only in Italian) is available at: <http://www.asgi.it/content/documents/dl07020101.relazionecpt2007.pdf>

Greece

- Hundreds of demonstrators marched through central Athens on 10 February, demanding equal rights and citizenship for immigrant children born in Greece. Immigrant groups said that current laws make it very difficult for immigrants to live and work legally in the country. Holding up banners reading 'No to racism' and 'I was born here,' more than 600 immigrants called for an end to what they described as racial discrimination and asked for citizenship to be granted to their children born in Greece. See: <http://www.ekathimerini.com/4dcqi/news/content.asp?aid=80006>
- In a set of recommendations to the Ministry of Interior with regard to the draft law on immigration, the Greek Ombudsman calls for an end to deportations of alien minors and the adoption of measures for their effective protection. Source: UNHCR Greece: Press Review, 3 - 13 February 2007 (*Vima, Avgi, Eleftheros Typos, 8 February*)

UK

- On 22 January 2007, less than three weeks after being pressed to do so by the opposition Conservative Party (See *PICUM Newsletter February 2007*), Prime Minister Tony Blair finally announced that the UK would become party to the Council of Europe's Convention on Action against Trafficking in Human Beings. The Labour Government has long hesitated in signing this instrument, first signed in Warsaw on 16 May 2005, arguing that people seeking to immigrate illegally to the UK could abuse it. Thirty other Council of Europe member states had already signed the convention. (Source: Migration Policy Group, Migration News Sheet, February 2007, p.10)
- In response to four test cases of unaccompanied asylum-seeking minors seeking damages for being held in detention for weeks together with adults, the Home Secretary John Reid issued a statement on 25 January recognising that its past policy of holding children in detention, when it was not believed that they were under 18 years, "did not strike the right balance between, on the one hand, the interests of firm and fair immigration control, and on the other hand, the importance of avoiding the detention of unaccompanied children, save in exceptional cases and limited circumstances". The Home Office risks having to pay out huge sums in compensation to children affected, some of whom claim to have suffered psychological damage after being held in the same cells as adults in inappropriate conditions. (Source: Migration Policy Group, Migration News Sheet, February 2007, p.16)
- British Immigration Minister Liam Byrne announced on 26 January that third country nationals residing in the UK will be obliged to carry new identity documents with fingerprints and photographic data (See *PICUM Newsletter December 2006*). These new documents will be issued from 2008 and those who fail to obtain one risk to be sanctioned with a fine of up to 1000 £ or to be deprived of their right to remain. "This year, I am going to increase the sanctions for businesses who break the rules and employ people illegally", the Minister additionally announced. The new documents would provide employers with a "failsafe, easy method" to identify whether a would-be employee has the right to work and has presented a correct identity. (Source: Migration Policy Group, Migration News Sheet, February 2007, p.7)

- The UNHCR, together with human rights groups, including the Refugee Council, criticised Home Office plans on 4 February to forcibly deport asylum seekers on a charter flight to Erbil, in Northern Iraq. <http://www.guardian.co.uk/Iraq/Story/0,,2005693,00.html>
- The British daily *The Independent* published an article on 5 February 2007, criticizing the UK's asylum policy by detailing the case of Abdullah Tokhi, 35, an Afghan asylum seeker who had claimed his life would be in danger if he was refused asylum. Mr. Tokhi was shot dead in a public execution in Afghanistan in autumn 2005, within a year of being deported from the UK. <http://news.independent.co.uk/uk/politics/article2237648.ece>
- The House of Lords voted on 6 February to amend the Corporate Manslaughter Bill and thus to remove the exemption that would have meant that there could not be a prosecution under the new offence where an institution's gross negligence leads to a detainee's death. The exemption that the Government wanted would not only have covered prisons but also immigration removal centres. The civil liberties and human rights organisation Liberty is encouraging Labour MPs to support the amendment when the bill goes back to the Commons and to put pressure on the Government to change its position. The Liberal Democrat and Conservative benches are already supportive of Liberty's position against the bill. <http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2007/02/06/nddeath106.xml> and <http://www.liberty-human-rights.org.uk/pdfs/policy07/deaths-in-custody-joint-briefing.pdf>
- Kalayaan, the UK charity supporting migrant domestic workers, has launched a campaign against the Home Office's proposed changes to immigration law and practice for migrant domestic workers. In its campaign statement Kalayaan warns of the British government's plans to dramatically alter the domestic worker visa, in line with its new immigration proposals. "This will have a devastating effect on all domestic workers presently in the UK and all newly arriving domestic workers to the UK. The proposals will take away all rights of workers, will leave them vulnerable to abuse and exploitation, and will effectively legalise trafficking," said Kalayaan. <http://www.kalayaan.org.uk/documents/Campaign%20statement%20FINAL.pdf>

Belgium

- Regularization in Belgium:
 - The Foreign Affairs Office published criteria in December 2006 which it applies for the treatment of regularization demands on the basis of Article 9 paragraph 3 of the law. The criteria are not new, but are now confirmed officially. The criteria for regularization include three types of humanitarian situations: 1) Unreasonably long procedures (asylum or request to revision); 2) Serious medical situations; 3) Acute humanitarian situations. For more detailed information: www.dofi.fgov.be. (Source: Foyer newsletter 19/02/07)
 - The competent minister has said that a general regularization campaign such as the one which took place in 1999 in Belgium will not take place now, reported the organization "de8" in its newsletter. The only way to regularize is on the basis of individual applications. No legal criteria were stipulated, but, according to policy makers this is not necessary: the criteria are clear and are mentioned on the website of the Foreign Affairs Office (www.dofi.fgov.be). Lawyers, social workers and undocumented migrants themselves are confused about these criteria: they don't fit into the criteria mentioned on the web site. (Source: www.de8.be, newsletter 02/03/07)

- CRER (Coordination pour la Régularisation), the coordination group for the regularisation of all undocumented migrants in Belgium, issued a memorandum in February 2007 calling for an active intervention of people fighting for the regularisation of undocumented migrants in the upcoming pre-electoral campaigns. They draw a parallel to the situation in 1999, when massive grassroots pressure led to the regularisation of undocumented migrants (“sans-papiers”) after the liberal-led government had been elected.
<http://regularisation.canalblog.com/>
- As a result of the heavy condemnation of Belgium by the European Court of Human Rights in the detention and removal of unaccompanied five-year-old Tabitha Mitunga (*see PICUM Newsletter December 2006*), three non-profit organizations (DCI, Ligue des Droits de l’Homme, and CIRE) have lodged a complaint against “unknown parties” (the examining magistrate must then determine who the concerned parties are). In spite of the heavy condemnation by the European Court of Human Rights, nothing has changed and it is still possible to lock up minors in view of repatriation. The organizations complain about the arbitrary deprivation of freedom, inhumane and dishonourable treatment, complicity of civil servants and violation of the duty to attend school. Moreover a procedure has been started to require an immediate release of the children. (Source: Foyer newsletter 02/01/2007)
- Asylum applications strongly decreased in 2006, from 15,957 applications in 2005 to 11,587 applications in 2006. That brings the number of asylum applications for Belgium back to the level of 1995. (Source: Foyer newsletter 19/02/07)

Netherlands

- The labour inspectorate issued 50% more fines for unauthorised labour in 2006 than in 2005. On 24 January 2007, the inspection agency of the Ministry of Social Affairs reported that it imposed fines on employers on 3,197 occasions in 2006 for employing foreigners without the required permit, compared to 2,130 cases in 2005. The increase is a logical result of the fact that the inspectorate conducted more checks for illegal labour last year (10,500 compared to 8,600 in 2005). (Source: Migration Policy Group, Migration News Sheet, February 2007, p.8)
- The new government of Christian Democrats (CDA), Social Democrats (PvdA) and Christian Union (CU) pronounced a ‘general’ pardon for asylum seekers falling under the old asylum law (*see previous PICUM newsletters*). In their coalition agreement “Work together, live together” (Samen werken, samen leven) criteria for the pardon are drawn. Precise details of the amnesty will be set “as soon as possible”. For more information on the pardon see: www.pardonnu.nl. The new coalition further calls for more EU cooperation on asylum and immigration policy, a fair and humane asylum procedure and effective implementation of the Asylum Law 2000, including return. Full text of the coalition agreement: <http://www.minaz.nl/regeringsbeleid/regeerakkoord/index.html>
- The Advisory Committee on Aliens Affairs (Adviescommissie voor Vreemdelingenzaken - ACVZ) argues for one asylum procedure. In its report “Secure and fast” (Secuur en snel) the ACVZ advises to replace the present AC- and OC-procedure by one precise and time limited asylum procedure with variable speeds. An ‘iron’ regime of control- and steering mechanisms has to prevent lengthy decision terms. www.acvz.com
- Stichting LOS has now translated its publication “Basisrechten voor Ongedocumenteerden” into English (Basic Rights for Undocumented Migrants) and French (Droits de Base pour les Sans-Papiers). Copies are €7,50 and can be ordered at www.stichtinglos.nl.

Germany

- The Federal Working Group “Asylum in the Church” announced on 3 January that – in spite of the decision in November 2006 of the Conference of Interior Ministers (IMK) to grant residence permits to “tolerated” asylum-seekers having lived in Germany for a number of years if they satisfy a number of conditions – it did not expect a fall in the number of rejected asylum-seekers seeking church sanctuary in order to avoid expulsion. According to the figures established by this association, around 100 people sought church asylum in 2006. After going through appeals procedure before an administrative court some 70% of them were allowed to remain in Germany. Although they are under no obligation to do so, the authorities generally respect the protection granted by churches to rejected asylum-seekers. (Source: Migration Policy Group, *Migration News Sheet*, February 2007, p.15). “Asylum in the Church” has published a brochure on the topic of pastoral care during church-asylum (Seelsorge im Kirchenasyl). It aims at professionalising the contact with traumatised people and wants to help parishes in assisting refugees in church asylum. http://www.kirchenasyl.de/2_aktuelles/2_1_termine/downloads/Seelsorge.pdf
- The Antirassistische Initiative E.V. (Antiracist Initiative) has published the 14th and updated edition of its documentation *German Refugee Politics and its Fatal Consequences (1993 to 2006)* (Bundesdeutsche Flüchtlingspolitik und ihre tödlichen Folgen (1993 bis 2006). The documentation can be ordered at: <http://ari-berlin.org/doku/bestell.htm> and will also be made available on the homepage of Antirassistische Initiative E.V.: <http://www.ari-berlin.org/>

Slovakia

- Ahead of its likely accession to the Schengen area in 2008, Slovakia has increased efforts to control its border with Ukraine. Slovak authorities plan to install an electronic surveillance network worth 29 million euros, including cameras, heat and movement detectors. The EU is providing Slovakia with a total of 52 million euros out of the Schengen fund. In the meantime, on the Ukrainian border around 600 irregular immigrants and asylum seekers (Afghans, Sri Lankans, Chinese, Iraqis, Nepalese and other nationalities) are being held in the Pavchenko centre in Ukraine while their fate is decided. According to a TV documentary by France 2, conditions in this centre are poor with up to 50 people sleeping in one dorm, food scarce and outdoor showers even in winter. The French television channel documented one case in which an Iraqi man fleeing sectarian violence in his home country was not informed of his right to claim asylum. (Source: ECRE newsletter, February 2007 <http://www.ecre.org/files/ECRAN%20Weekly%20Update%209th%20Feb.pdf>)

Malta

- The importance of education and dialogue were highlighted in a conference on integration of third country nationals on 6 February. The meeting was hosted by SOS Malta as part of the EUNET Integration Network project, co-financed by the European Commission through the INTI programme fund. The programme fund aims to promote the integration of third country nationals in the EU. JRS Malta assistant director Dr Katrine Camilleri highlighted the time asylum seekers spend in detention as a major barrier to their integration. <http://www.jesref.org/news/index.php?lang=fr&sid=1709>

Switzerland

- The Geneva Collective of Undocumented Workers (Collectif des travailleurs/euses sans statut légal – Genève) has published its annual report for 2006 entitled “Le peuple suisse régularise le travail précaire: un «Sans-papiers» doit rester sans papiers pour être rentable” (“Swiss people regularize precarious work : undocumented migrants must remain undocumented in order to remain lucrative”). The CTSSL is fighting for the recognition of basic social rights for undocumented

workers in Switzerland and internationally. Their work consists of organizing undocumented workers in Geneva, in order to regularize their situation but also to try and offer concrete help, information and orientation in daily life wherever needed (social, legal, financial, etc.). <http://www.ctssl-geneve.org/home.htm>

- The organization "edition 8" will publish a book in March 2007 about undocumented adolescents in Switzerland. This book, written by Pierre-Alain Niklaus and Hans Schächli, is entitled "Zukunft Schwarzarbeit? Jugendliche Sans-Papiers in der Schweiz" (Is Their Future Undocumented Work? Adolescent Undocumented Migrants in Switzerland). The book is based on a series of interviews with undocumented youths and deals with the living conditions of these young people and examines what they think about their situation, where they see their main difficulties and what strategies they have developed to cope with these difficulties. <http://www.edition8.ch/autoren/sanspapiers.html>

USA

- Thousands of undocumented migrants are detained on the border with Mexico, far from their families and without legal assistance, report humanitarian organizations. « It is like Guantanamo, with the difference that the immigrants are not terrorists », points out Brent Willes, manager of the League of Latin American joined citizens (LULAC), recalling the 26,500 undocumented migrants are detained, most often without legal assistance. Under pressure by Congress in its fight against irregular migration, the Department of Internal Security last year increased the capacity of reception of detention centers. <http://www.lorient-lejour.com.lb/page.aspx?page=article&id=334524>
- The Migration Policy Institute announced on 6 February the creation of a new National Center on Immigrant Integration Policy. The center will connect U.S. government agency administrators, researchers, community leaders, service providers, the media, and others who seek to understand and respond to the challenges and opportunities today's high rates of immigration create in local communities in the U.S. <http://www.migrationinformation.org/integration/>

3. European Policy Developments

General

- EU Development Commissioner Louis Michel and Oumar Konaré, the President of the African Union, have begun a process of consultation with a view to the adoption of a joint EU/Africa strategy at the EU-Africa Summit in Lisbon next autumn. Among the main themes for discussion is migration and its implications for the relationship between the two continents. Various events will be organized in the EU and Africa and a website has been set up by the European Centre for Development Policy (ECDPM). One of the key development issues identified by the organisers is migration, serving as a follow up of the EU-Africa ministerial meetings in Rabat and Tripoli last year. Topics to be addressed under the theme include addressing the root causes of migration, better-targeted development policies, protection of migrants in Europe, Europe's aging population and "brain drain" are being put on the table. Ideas gathered during the consultation will be presented to the joint EU-Africa Ministerial Troika to be held in Brussels on May 15. A draft joint strategy will be presented for adoption at the EU/Africa summit in Lisbon in the autumn. Sources: http://www.ecre.org/topics/intro_to_topics and <http://europafrica.org/>
- On 8 February, the European Commission, Mali, Spain and France agreed to work together on a pilot project to manage immigration from Mali in a more controlled manner. This project is an 'integral part' of the EU's Global Approach on Migration. Commissioner for Development and Humanitarian Aid, Louis Michel, considers this 'accompanied migration' as an alternative to security

measures tackling the increasing flow of irregular immigration from Africa. The initiative in Mali will be co-financed by the EU and its member states. Tourism, public works and agriculture were the main areas where labour shortages existed in the EU and the plan would see workers returning to Africa when such seasonal work was finished, said Frattini. Workers under this scheme could also go on to work in other member states without having to reapply for permits from outside the EU. So far, only Spain and France offered job quotas for Mali workers linked to the office, as participation is voluntary. Denmark, Italy and the Netherlands are apparently also considering participating. The Malian authorities will collect and distribute information about immigration, particularly working conditions, opportunities and training in Mali, neighbouring countries and the EU, along with information about the dangers of clandestine immigration and helping returning immigrants fit back into Mali society. Other centres are planned in Senegal, Gambia and Mauritania. Mali was chosen as the site of the first centre ahead of other sub-Saharan countries because it has a national employment agency and experience of bilateral accords, with countries such as France. Sources: <http://news.bbc.co.uk/2/hi/africa/6341487.stm> and Agence Europe (Mali, European Commission, Spain and France to launch pilot immigration project) and <http://www.lemonde.fr/web/depeches/0,14-0,39-29693879@7-60,0.html>

European Commission

- The EU Council should enlarge its negotiating brief on a readmission agreement with Morocco, Franco Frattini, EU Commissioner for Justice, Liberty and Security has suggested. Addressing the European Parliament's LIBE committee on 25 January, Franco Frattini said that the present negotiating brief was too strict: in order to break the deadlock on negotiations, which have been going on since April 2003, "we must make a more ambitious offer to Morocco such as visa facilities for students or research workers", he proposed. The major problem was that "Morocco does not agree to the readmission of third country nationals" who crossed Morocco on the way to Europe, he said. http://www.ecre.org/topics/intro_to_topics
- Migration is one of three cross-cutting issues that have recently moved up to the top of the EU's political agenda, according to the Commission, alongside energy and climate change, and the Lisbon agenda for growth and jobs. In its Annual Political Strategy plan for 2008, published on 21 February, the Commission presents proposals for key initiatives to be taken forward in 2008 in the priority action areas of prosperity, solidarity, security and external actions. The Commission underlines the benefits to the EU of legal migration: "if well-managed, [legal migration] is a positive contribution to Europe's prosperity and cultural diversity". The Commission confirms that next year it plans to present "further next steps towards a common policy on migration and measures to achieve a Common European Asylum System by 2010". The EU also needs "to prevent illegal migration, counter human trafficking and protect its external borders", while a combined migration and development agenda, especially with Africa, forms the fourth element of the approach. The Commission's specific plans for 2007 include two legislative proposals on labour migration (conditions for seasonal workers and paid placement students to enter and remain within a country) and the launch of an action programme on migration and development, particularly in Africa. In the area of border and migration control, it plans to tighten the control network for the EU's sea borders and to put in place a European monitoring system designed to assist member states to manage increasing flows of irregular immigrants. It also expects to finalise the second-generation Schengen Information System (SIS II) and the launch of a Visa Information System (VIS) to pave the way for a common visa policy. The Commission will soon begin an exchange of views with the European Parliament and Council on where the policy priorities should lie in year 2008, and how this should be reflected in the Commission's legislative and work programme to be adopted in October and in the budget for 2008. Sources: http://www.ecre.org/topics/intro_to_topics and

<http://www.europa.eu/rapid/pressReleasesAction.do?reference=IP/07/215&format=HTML&aged=0&language=EN&guiLanguage=en>

- The EU External Borders Management Agency, Frontex, has started two new joint maritime operations. Following a request from Spain to continue Hera, an operation aimed at strengthening the protection of the EU's external sea borders, Hera III was launched on February. It will last "several weeks" depending on Spain's needs and risk analyses to be conducted by Frontex. It consists of two parallel parts, similar to the first two Hera operations in 2006. Part I, a follow-up of Hera I, is being implemented on the Canary Islands by experts from Germany, Italy, Luxembourg and Portugal who assist their Spanish colleagues with the establishing the identities of irregular migrants. Part II, the equivalent to Hera II, consists of aerial and naval coast patrols along the coast of West Africa, to be carried out by Spain, Italy, Luxembourg and France together with Senegalese authorities. Another joint operation, Amazon II, is being carried out at eight European airports and aims to tackle irregular migration by air from South America. Between 19 February and 9 March, 29 border police experts from France, Germany, Italy, the Netherlands, Portugal, Spain and the UK will be deployed at the airports of Frankfurt, Madrid, Barcelona, Lisbon, Paris, Amsterdam, Milan and Rome. This operation is a sequel to Amazon I which took place from 1 to 22 November 2006 at the same airports. Sources: http://www.ecre.org/topics/intro_to_topics and http://www.eu2007.de/en/News/Press_Releases/February/0222BMIFrontex.html and http://www.frontex.europa.eu/newsroom/news_releases/art13.html
- The European Commission is to develop a package of measures over the next few weeks for handling a possible sharp rise in asylum claims by Iraqis. Speaking to the press after the Justice and Home Affairs Council on 15 February, Commission Vice-President Franco Frattini said he had undertaken to present precise proposals for the 27 member states to deal with a surge in claims for asylum by Iraqis well before the next JHA Council in April. Sources: http://www.ecre.org/topics/intro_to_topics and <http://www.guardian.co.uk/Iraq/Story/0,,014466,00.html>
- Franco Frattini told the French newspaper Le Monde on 10 February that he had just received a letter from the Libyan authorities to receive – for the first time – a delegation of experts from the EU in order to study the conditions for reinforced monitoring of Libya's southern borders by which many immigrants transit. In return, Libya would have the opportunity to participate in the Mediterranean cooperation, the Commission for Freedom, Security and Justice added. Frattini also announced that he was planning to convene a meeting of the "5+5" group, in Malta in the near future, bringing together the five European countries on the northern shore of the Mediterranean (Portugal, Spain, France, Malta and Italy) and the five African countries to the south (Tunisia, Morocco, Mauritania, Libya and Algeria). Greece, Cyprus and Egypt would also take part in meeting Mr Frattini said. <http://www.lemonde.fr/web/article/0,1-0@2-3214,36-865914,0.html?xtor=RSS-3214>

European Parliament

- On February 15 the European Parliament called on countries in Europe and those bordering Iraq to better protect Iraqis fleeing their country. Backed by all political groups, the resolution notes that persecution and high levels of violence and crime are still forcing Iraqis to flee and urges Iraq's neighbours "to abide by their legal duty immediately to admit refugees, particularly those stranded at their borders and belonging to specially targeted minorities". According to the resolution, EU member states should swiftly and fairly determine the claims of Iraqi asylum-seekers and "fulfil their international and acquis obligations to grant refugee status or subsidiary protection to those who are at risk of persecution or serious harm". The resolution was adopted with 74 votes in favour and one

abstention. Sources: http://www.ecre.org/topics/intro_to_topics and <http://www.guardian.co.uk/world/latest/story/0,,-6411338,00.html> and <http://www.europarl.europa.eu/sides/getDoc.do?Type=TA&Reference=P6-TA-2007-0056&language=EN>

- In a resolution adopted on 13 February, the Parliament backed the recent conclusion of agreements on re-admission of irregular immigrants and facilitation of short-term visas with Russia, but also expressed reservations on several points. Both reports, drafted by Maria da Assunção Esteves (EPP, Portugal), serve as consultation documents to the Council on the visa/immigration agreements initialled in Moscow in April last year. With regard to the re-admission agreement, MEPs asked whether the human rights guarantees were central or if preference was given to the simple solution of returning irregular immigrants, with the security aspect winning the day over the humanitarian. MEPs stressed that readmission agreements were fundamentally a human and not a technical matter. In its resolution, the European Parliament calls on the Council to observe the essential principles of the proposed Returns directive in readmission agreements. MEPs are also worried that the option of voluntary return is not included in the agreement. The resolution urges the Council to extend the Parliament's role in conclusion of readmission agreement as "it makes no sense for Parliament to act solely as an observer. In fact, Parliament is not consulted until the stage at which it is no longer possible to alter the substance of an agreement or prevent it being concluded." In general, a more democratic approach to decisions taken in migration policies is needed, MEPs concluded.
<http://www.europarl.europa.eu/sides/getDoc.do?objRefId=136416&language=EN> and www.ecre.org

European Council

- In view of the anticipated increase of migrants coming to Europe this spring, Europe's Interior and Justice Ministers called on 15 February for the swift adoption of the Regulation on the creation of the Rapid Border Intervention Teams (RABITs) and the overall strengthening of FRONTEX by the Member States. The proposed RABITs are to be composed of experts from the member states and will be sent by FRONTEX to those member states which are particularly affected by irregular migration. The October 2004 regulation establishing FRONTEX includes provisions on centralized records of technical equipment, which member states are willing to make available for temporary use to protect the external borders. Commissioner Frattini and Mr Schäuble had pushed member states over the last month to make enough resources for this "toolbox" available. The Council's meeting was only a partial success in this respect with only 19 out of 29 countries – including non-EU Schengen members – replying to this request. Eight fixed-wing surveillance aircraft, 13 helicopters and 48 patrol boats were promised, as well as thermal imaging cameras and radars. This was the equivalent of about half the resources needed to equip FRONTEX for the expected increase in arrivals of irregular immigrants, Friso Roscam Abbing, spokesman for Mr Frattini, told journalists. Italy, Spain, Finland and Germany were listed as most generous. Sources: http://www.eu2007.de/en/News/Press_Releases/February/0215BMIFrontex.html and http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/92800.pdf

Committee of the Regions

- The Committee of the Regions, the Union's consultative body that comprises of representatives of regional and local authorities of the member states, is aiming at playing a more distinctive role in the EU's immigration policy, according to its President Michel Delebarre. Earlier, the assembly had adopted a report by Spanish member Laura de Esteban Martin, calling for a common European immigration policy and a specific financial instrument to help regions with high immigration levels. The report is the Committee's response to a set of legislative proposals from the Commission

(Policy Plan on Legal Immigration, Policy Priorities in the fight against illegal immigration of third country nationals, and Green paper on the future of the European Migration Network). The Committee plans to organise a summit of the regions later this year in the Canary Islands, on "the role of the regions in managing migratory flows". Sources: Agence Europe, 15 February 2007 and http://www.cor.europa.eu/en/press/press_07_02022.html

4. Upcoming Events

- "Strangers into Citizens" is a campaign for a one-off regularisation of migrants who have been in the UK for four years or more and made new lives in the UK (See *PICUM Newsletter December 2006*). The campaign was officially launched on 16 November 2006, with endorsements from the Cardinal Archbishop of Westminster, the Bishop of Chelmsford, and the Mayor of London. Last year the government flatly rejected the idea of a regularisation, but the campaign's organisers believe that through strong public awareness activities, they can slowly build up widespread support for their project. In the upcoming months two major events are planned:
 - 20 March in Birmingham, UK – large assembly to demonstrate the breadth of support for "Strangers into Citizens" from many different sectors - business, health, trade unions, schools, etc.
 - 7 May (bank holiday) in London, UK - demonstration of popular support for regularisation in London, as well as elsewhere.

For background information on the campaign see:

<http://www.ncadc.org.uk/archives/failed%20newszines/newszine77/strangers.html>

- An international conference on "New migration dynamics: Regular and irregular activities on the European labour market" will be held at the University of Nice Sophia Antipolis, France, from 6-8 December 2007. A call for papers has been launched for this conference, with a deadline for abstracts: 1 May 2007. <http://www.unice.fr/migractivities/index-EN.html>
- "European Conference on the respect of the rights of foreign minors in Europe and against their detention and forced removal" will take place on 14 March 2007 in Strasbourg. The organizers, CIMADE and THEMIS, aim is to bring together European association leaders and politicians (from the European Union, the Council of Europe and its national parliaments) and to contribute to the adoption of a text which respects the accepted fundamental principles contained in the various international agreements which cover the member states of the European Union and of the Council of Europe such as the International Convention on the Rights of the Child and the European Convention on Human Rights.
<http://ddata.over-blog.com/xxxyyy/0/15/95/26/invitation-conf-euro-14-mars-eng.doc> (English)
<http://ddata.over-blog.com/xxxyyy/0/15/95/26/copie-1-programme.doc> (French)
- The French network TERRA will hold an event on 6 March 2007 in Paris entitled: "Afrique-Europe, circulations et repressions" based on three books which have been referred to in previous PICUM newsletters: O. Jobard, F. Saugues, KINGSLEY - *Carnet de route d'un immigrant clandestine* (see PICUM newsletter December 2006); J. Lépine, *Une marche en liberté - Emigration subsaharienne*; and Migreurop, *Guerre aux migrants - Le livre noir de Ceuta & Melilla* (see PICUM newsletter November 2006). <http://terra.rezo.net>

5. Publications

The inhumanity of treatment of children in transit zones (L'inhumanité du traitement des enfants en zone d'attente), by Jean-François Martini, in *Journal du Droit des Jeunes, la revue d'action juridique et sociale* n° 262 (Février 2007) p. 19-22. After recalling the recent judgment of the European Court of Human Rights condemning Belgium for the detention and deportation of five-year old Tabitha (see section on "Belgium" in this newsletter and *PICUM Newsletter December 2006*), the author compares the Belgian situation with the French one in the light of what the European Convention on Human Rights provides. <http://www.anafe.org/download/mineurs/Pages%2019%20E0%2024%20de%20RAJS262.pdf>

Menschen in aufenthaltsrechtlicher Illegalität. Reformvorschläge und Folgenabwägungen aus sozialetischer Perspektive (People Living under Conditions of Illegality Regarding Residence Law. Proposals for Reform and Considerations of Implications from a Social-Ethical Perspective), by Andreas Fischer. LIT Publishers, Münster. The author first gives an interdisciplinary, discursive analysis of relevant empirical and judicial standards of knowledge. Based on this analysis, he develops specific duties on the grounds of his biblical, systematic-theological and social-ethical reflections which he then tests against well-established secular theories of justice. <http://www.lit-verlag.de/isbn/3-8258-0122-9>

Germany's regularisation of November 2006: Committed to an EU immigration policy? by Florian Geyer, 9 February 2007, Centre for European policy studies. On 16-17 November 2006, the sixteen German Länder ministers of interior adopted a decision allowing for regularisation of irregular residents in Germany. In this commentary, CEPS researcher Florian Geyer assesses the German regularisation both for its effects on foreign residents living in Germany and for its ramifications in relation to a common European immigration policy. http://shop.ceps.be/BookDetail.php?item_id=1461

Illegally Resident Third Country Nationals in EU Member States: State approaches towards them, their profile and social situation, by the European Migration Network. This synthesis report aims to summarise and compare, within a European perspective, the findings from nine national contact points (Austria, Belgium, Germany, Greece, Ireland, Italy, Sweden, The Netherlands and the United Kingdom). The synthesis report and the country study reports upon which it is based are available on the EMN website: <http://www.european-migration-network.org>

Paroles d'exil – récits et témoignages de migrants entre l'Afrique et l'Europe, a collective work of more than 550 pages, will be published on 8 March 2007 at Editions Biliki/Le Chant des Rues. The book comprises almost 200 testimonies and reports on the lives of Sub-Saharan African, Moroccan and Algerian migrants. Collectives have reunited in Morocco, Senegal, Cameroon, Mali and Belgium and have put together these testimonies, written in first person, in order to show all facets of the contemporary drama that is migration between Africa and Europe, but also the courage, the hopes, the battles of these women and men whose "crime" is their poverty and their origin. <http://www.biliki.com/>

Turbulente Ränder. Neue Perspektiven auf Migration an den Grenzen Europas (Turbulent Fringes. New Perspectives on Migration at the Borders of Europe) by TRANSIT MIGRATION. This research team has studied migration activity in southeast Europe and presents theses about a region that has increasingly become a focal point for the entry, exit, remigration and passage of migrants. <http://www.transitmigration.org/buch/buch.html>

6. PICUM News

- PICUM and MRI (Migrants Rights International) will hold a workshop entitled "**Undocumented Migrants Have Rights! Workshop on Protection and Gaps Under the International Human Rights Framework**" in Brussels on 30 March 2007, 12:00 p.m. – 6:00 p.m. The aim of the

workshop is to provide an opportunity to share experiences of how the international human rights framework is challenged by the context on the ground, one in which undocumented migrants' human rights are systematically violated. Program and registration form available at: www.picum.org

- PICUM has released its comments on the **Communication from the Commission on “Policy priorities in the fight against illegal immigration of third-country nationals” COM (2006) 402 final**. In the comments, granting access to health care for undocumented migrants is highlighted as a way of preventing social exclusion. In the area of fair labor conditions, the comments elaborate on: employer sanctions and the role of labor inspection; undocumented workers' protection in labor laws: theory versus practice; and collecting information from workers in cooperation with NGOs. These comments were finalized with input from PICUM members active in the area of defending undocumented workers' labor rights. Some PICUM members also suggested forming a working group on fair labor conditions for undocumented workers within PICUM and this will be discussed during PICUM's General Assembly on March 30-31, 2007.
- **PICUM's Concerns About the Fundamental Rights of Undocumented Migrants in Europe in 2006**. This report is based upon issues that were highlighted in PICUM's newsletters in 2006, including the increasing numbers of deaths at EU borders, the various barriers undocumented migrants face in accessing health care services, the erosion of the right to fair working conditions, and the lack of protection for undocumented children. The report gives examples of measures that have resulted in a worsening of human rights standards for undocumented migrants in Europe and points out some of the different initiatives undertaken by EU member states and/or EU institutions that seem to move in this direction. The report is available in pdf format at www.picum.org.

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

- **“Solidar Seminar on Migrant Workers,”** 13 February, Brussels, organized by Solidar. PICUM director Michele LeVoy made a presentation on “The exploitation of undocumented migrant workers in Europe.”
- **“The Right to Live with Dignity in Europe: AI Europe's contribution to the Human Dignity Campaign,”** 26 February, London, organized by Amnesty International. PICUM director Michele LeVoy made a presentation on “Undocumented migrants' access to health care and linkages between poverty, social exclusion, and human rights” at this meeting which aimed to discuss Amnesty Europe's contribution to the Global Campaign on economical, social and cultural rights (Human Dignity Campaign).
- **“Realizing Integration: ENAR Policy seminar on migration, integration, social inclusion and anti-discrimination,”** 1-2 March, Brussels, organized by the European Network Against Racism (ENAR). Leonida Beligon Ambrocio, member of the Filipino migrants' organization Samahan (an affiliated member of PICUM) gave a testimony in a session entitled “What is the reality for those who directly affected”? Michele LeVoy, PICUM director, made a presentation on “Promoting the social inclusion of undocumented migrants and advocating respect for human rights” in a workshop on “The Human Rights Approach.”
- **Committee on Migration, Refugees and Population, Parliamentary Assembly of the Council of Europe,** 1-2 March, Brussels. Michele LeVoy, PICUM director, made a presentation on the “Situation of Irregular Migrants” in the EU, focusing on: human rights abuses on EU's borders, examples of the lack of clarity of social and economic rights concerning undocumented migrants in

the area of housing, education, health care, and fair working conditions; and general policy recommendations, also in the area of regularization.

7. Miscellaneous

- The second national meeting for the rights of immigrants (2^o Encuentro Estatal por los Derechos de los Inmigrantes) took place in Malaga, Spain from 10-11 February. The various NGOs that participated in the first national meeting and that are part of the national network for the rights of migrants (Red Estatal por los Derechos de los Inmigrantes - REDI), met in Malaga to discuss the situation of immigrants in Spain. At the end of the meeting a manifesto on migrants' rights was signed and presented. <http://deletetheborder.org/node/1948>
- "Bright sides & Dark sides of immigration – European perspectives", was the title of an event organised by Den Sociale Højskole i København, Denmark together with Roskilde Universitetscenter, Denmark, Oldenburg University, Germany, and the European Commission on 22 February 2007 in Frederiksberg, Denmark. One part of the programme focused on the challenges of undeclared work. http://www.dsh-k.dk/fileadmin/pdf/Konference/Konferende_feb.07_Marco/Bright_sides_and_dark_sides_og_immigration.doc
- The Institute for the Study of International Migration at Georgetown University and the Harvard University Committee on Human Rights Studies presented its two-year study "Seeking Asylum Alone: Unaccompanied and Separated Children in Europe" on 5 March 2007 in Brussels. The research project included extensive data collection, statistics, interviews and observation of asylum proceedings. The study's goal was to document the circumstances of unaccompanied and separated child asylum seekers in the UK, the US and Australia and to widely disseminate the project's findings with a view to stimulating discussion among senior policy makers about possible improvements within the child asylum determination systems. <http://www.december18.net/web/calendar/view.php?callID=1507&menuID=49&lang=EN>
- The short film *Peut-on enfermer des enfants ? Je vous le demande, peut-on enfermer des enfants?* (*Can we detain children? I'm asking you, can we detain children?*) won the first prize at the Caen Mémorial festival 2007. The film tells the story of a six-year old undocumented child detained for 82 days in a detention center. http://www.memorial-caen.fr/fr/concours_2007/index.php?option=com_content&task=view&id=21&Itemid=27

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