



PLATFORM FOR INTERNATIONAL COOPERATION ON UNDOCUMENTED MIGRANTS

PICUM Newsletter May 2008

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

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1. Death at the Border

- According to witnesses interviewed by UNHCR, four men drowned after a group of eighteen people was forced to cross a river by the Turkish police at Turkey's southeastern border with Iraq on 23 April 2008. The eyewitnesses alleged that the Turkish authorities had earlier attempted to forcibly deport 60 people of various nationalities to Iraq through the official border crossing. When the Iraqi border authorities refused to admit 18 Iranian and Syrian nationals, the Turkish police took these persons to a place where a river separates the two countries, and forced them to swim across. Four persons were swept away by the strong river current and drowned. Their bodies could not be

recovered. The surviving refugees are deeply traumatized by the experience, UNHCR staff reported. <http://www.unhcr.org/news/NEWS/4811e23c4.html>

- The Algerian coast guard rescued on 10 April the corpses of 13 migrants that set sail from the beach of Mers the Hedjadj, in the coast of Orán, in the direction of Spain. On board were 16 youths, from 17 to 25 years old, and after their shipwreck three of them were still missing. http://www.elpais.com/articulo/espana/argelinos/ahogan/travesia/Espana/elpepuesp/20080410elpepinac_23/Tes
- At least 26 migrants were reported to have died at the gates of Europe during the month of March, but dozens of people could be missing at sea in the same period, victims of different shipwrecks in Western Sahara, Turkey, Spain and Algeria. <http://fortresseurope.blogspot.com/2008/01/march-2008.html>
- An expert has calculated that, of each three canoes, one wrecks in the crossing that separates the Strait of Gibraltar and the Canary Islands from each of the Sub-Saharan coasts. These data are collected in a study on "Sub-Saharan Emigration: Morocco as space of transit" by Law Professor and president of the Moroccan Association of Studies and Investigations on Migration, Mohamed Khachani. http://www.diariosur.es/prensa/20070406/ceuta/ceuta-admite-muerte-irregulares_20070406.html
- The Spanish organization APDHA published its 2007 report on the migratory fluxes and violations of human rights at the southern border of Spain (see *PICUM Newsletter April 2008*). According to the data for 2007 presented by the Ministry of Interior, in Spain 55,938 migrants were repatriated (6% more than in 2006) while the migrant arrivals by boat stood at 18,057 (53.8% less than 2006). According to APDHA, the government uses these numbers to portray the migration debate as a - resolved - problem of law and order, presenting migrants as security issue. However this data forgets the unacceptable number of lives lost on the journey to Spain. Through this report APDHA attempts to analyse the Spanish experience at the European level, comparing it with Italy and Malta, to generate a comprehensive overview. <http://www.apdha.org/media/frontierSud2007.pdf>
- The peoples of Burma have been driven by persecution, conflict, state-sanctioned violence, and desperate poverty into neighboring countries. More than a million people reside in Thailand and Malaysia alone. As large numbers have not been able to secure official legal status – whether as migrant workers or refugees – they face tremendous risks working and living as an undocumented population. While their labor contributes to the economies of Thailand and Malaysia, they are seen as a threat to national security because of their irregular status. They are therefore under constant threat of arrest, detention, and deportation. In order to survive, they are forced to seek informal means of traveling and searching for work. This increases their vulnerability to exploitation. In Thailand, on 10 April 2008, 54 people from Burma died from suffocation while being smuggled in a truck on the way to Phuket for work. Information from the communities indicates that they are handed over to human smugglers at the Thai border and forced to pay money for their own release. Press release by Migrant Forum in Asia: www.mfasia.org; see also: <http://www.time.com/time/world/article/0,8599,1729598,00.html?xid=rss-topstories>

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

France

- Arrests of undocumented migrants are increasing in French prefectures. Requesting information on the status of one's record is becoming risky as arrests of foreigners at or in proximity of prefectures are increasing. Undocumented migrants presenting themselves at the counter in prefectures must initially submit their passport, after which they are arrested behind the counter to avoid any scandal, explained Nicole Garci from the communist party (PCF) in Hauts-de-Seine. The prefecture of Hauts-de-Seine confirmed that since the start of 2008, 14 foreigners have been arrested within the premises. <http://www.liberation.fr/actualite/societe/319430.FR.php>
- In their report for 2007, the French Office for the protection of the refugees and stateless (Ofpra) noted that for the third consecutive year asylum claims have been decreasing. From 59,221 in 2005, 39,332 in 2006 to 35,520 in 2007. On the EU level there was a slight increase in the number of applications although these were concentrated in the 12 new member states. The French NGO 'France Terre d'Asile', reported that the tensions which are exerted today on countries like Greece, Malta or Poland underline the absence of European solidarity, exacerbated by the Dublin system, which transfers the protection of the refugees towards the new Member States in the South and East. http://www.hns-info.net/article.php?id_article=13898
- Around 300 undocumented workers, most of them from Africa, from 20 different companies in the Parisian region went on strike on 15 April 2008 to request regularization. The strikers demand the application of the governmental measure of 7 January 2008 allowing the regularization of undocumented workers in sectors experiencing difficulties to hire, which according to the strikers has not been put in use yet. <http://www.romandie.com/infos/news2/080415190113.mm9k3qy7.asp> The trade union CGT and the organisation Droit Devant! demanded negotiations with the Ministry of Work on the regularisation of 150 professions with labour shortages, especially catering and construction, as foreseen in the circular of January 2008. The catering trade union (Union des metiers et de industries de l'hôtellerie, UMIH) insisted on the regularisation of 50,000 to 100,000 workers. <http://fr.reuters.com/article/topNews/idFRMAL13228020080421>
- Business owners want to create a lobby to regularise their employees. They recently discovered that some of their best workers have no residence permit, they were hired with forged identity documents. Since 1 July 2007, company managers have been required to ask the prefecture when they hire a foreigner, to verify the authenticity of their residence permit. The measure, taken to fight against the employment of undocumented migrants, is harming some businesses. Jean-Luc Quipert, whose cleaning company OUI, lost 10 of its 14 employees because they were undocumented, was revolted because he had to refuse contracts. Yohann le Goff, owner of Konex, is trying to bring together business owners to pressure the prefectures to regularise their workers. However the minister of Interior, Brice Hortefeux, excluded, on 5 May 2007, any general regularisation and would limit regularisation to a few hundred of the thousand applications submitted during the strike. http://www.lemonde.fr/economie/article/2008/04/15/des-patrons-veulent-un-lobby-pour-regulariser-leurs-employes_1034335_3234.html?xtor=RSS-823353 and http://www.lemonde.fr/societe/article/2008/05/05/les-regularisations-de-travailleurs-sans-papiers-limitees-a-quelques-centaines-pour-brice-hortefeux_1041460_3224.html#ens_id=1031066
- "There will be no massive regularisation operation" of irregular employees, French Immigration Minister Brice Hortefeux stated on 24 April. He pointed out that "there can only be a case-by-case

study according to the existence of a work contract, the type of employment and geographical location". He added that the government will continue its policy of "firmness, balance and justice". NGOs and trade unions supporting the strike movement of undocumented workers have put forward hundreds of applications asking for regularisation.

http://tempsreel.nouvelobs.com/actualites/social/20080424.OBS1029/hortefeux_aucune_regularisation_massive_des_salaries_s.html

- The organization GISTI has created a comprehensive 'Code of entry and stay of foreigners and asylum law' (Ceseda) regrouping both the legislation and regulation parts of this French law. http://www.gisti.org/IMG/pdf/ceseda_modif.pdf
- The latest issue of the magazine 'Plein Droit' by GISTI, examines the policies of the French Ministry of Home Affairs led by Brice Hortefeux in regard to family regrouping, integration, migrant workers, asylum procedures, etc. It also includes an appeal to president Sarkozy regarding Iraqi refugees, a call concerning detention centers, an analysis of the child protection reform and an examination of the regularisation procedure. <http://www.gisti.org/spip.php?article1113>
- The French NGO Cimade has published its annual report for 2007 focusing on the situation in detention centres, strongly denouncing the consequences of the expulsion quotas set by Sarkozy. The deteriorating conditions in detention centres have led to self mutilations, suicide attempts, beginnings of fires, hunger strikes, etc. by the detainees which were sometimes repressed violently by the police, as in Vincennes on the night of 11 to 12 February. According to Cimade the pressure of the quotas on the authorities led to a degradation in the fundamental rights of migrants and should therefore be abandoned. <http://www.cimade.org/publications/16>

Spain

- The Counselor of Social Action and Citizenship of Cataluña, Carme Capdeville, announced on 8 April that she will request the government to make two modifications in the immigration law: that immigrants who arrived through the family reunifications process can obtain work authorization and that in order to obtain the Spanish nationality the requirement of legal residence will be reduced from ten years to five years. Moreover Capdeville indicated that it is important that children of the regrouped immigrant families can access the labor market, even without being contracted in the country of origin, since the demand for foreign workers will continue being a reality. <http://www.tribunalatina.com/es/viewer.php?IDN=10198>
- On 12 April around 2,000 people marched under the motto "No to Detention Centers for Migrants. Let's Close our Guantánamos". The march ended in front of the detention center in Aluche (Madrid) where various migrants had started a hunger strike to denounce the arduous conditions they suffered. <http://estrecho.indymedia.org/malaga/newswire/display/73520/index.php> Nearly 100 NGOs presented on 15 April a request to to the General District Attorney's Office of the State for an investigation over possible "serious violations of human rights" suffered by migrants detained in the Aluche (Madrid) detention center. They demanded the District Attorney's Office to promote measures of "urgent" protection. In the formal accusation presented to the District Attorney's Office the signatories attribute the District Attorney's Office the responsibility of "any misfortune" that can happen to the people retained in this detention center, particularly for the five that have been on hunger strike since 10 April. <http://www.publico.es/071350/inmigrantes>
- On 18 April, during a conference organized by the Faculty of Health Care of the Basque Region (UPV-EHU) on "Medical responsibility on the fight against torture", Hans Draminsky, the vice president of the UN Sub-Committee on Prevention of Torture, made an intervention stating that the

instructions and quality of the work of the doctors that work in the Spanish detention centers for the detection of the torture is insufficient. <http://www.ecodiario.es/sociedad/noticias/486006/04/08/El-subcomite-de-la-ONU-para-la-prevencion-de-la-tortura-dice-que-la-prevencion-en-las-carceles-espanolas-es-insuficiente.html>

- The Immigrant Workers Union (SOI) has called for a "rebellion of the poor", a general strike of immigrant workers throughout Europe from 1-3 May in order to stop the "serious human rights violations" that these workers are suffering. Juan Noble, spokesman of the union, said that the idea of a general strike began to be forged "already two years ago" and during this time SOI has established networks with unions and immigrants representatives in the U.S. and in Europe that have contributed in the preparation of the strike.
http://www.tribunalatina.com/es/notices/convocan_a_una_huelga_general_de_inmigrantes_en_toda_europa_10135.php

Italy

- Silvio Berlusconi branded undocumented migrants an "army of evil" on 15 April in his first day in office after winning Italy's general election. Mr Berlusconi, who was re-elected to serve a third term as prime minister, said that he would "step up neighbourhood police, who can be an army of good, placing themselves between the Italian people and the army of evil". He vowed to deport non-European Union citizens who "do not have work or home and are forced into crime in order to live". His comments will have pleased his "post-fascist" allies and the Northern League, which declared four years ago that immigrants should be shot in their boats.
<http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2008/04/16/witaly116.xml>

Greece

- Doctors visiting a campsite near the port of Patras said that hundreds of Afghan migrants living in the camp were suffering from contagious skin diseases and breathing problems. According to the doctors, the ailments have been provoked or aggravated by the filthy conditions at the camp. While the Ministry of Health has heralded the opening of three hostels to provide shelter to some of the hundred migrants at the camp, it is yet unclear whether the authorities will help these migrants to apply for asylum in Greece or if they are just kept there temporarily before being deported.
http://www.ekathimerini.com/4dcgi/w_articles_politics_2_11/04/2008_95408
- After media reports on local fruit producers employing hundreds of migrants under poor working conditions, state labour inspectors raided several farms in the southern Peloponnese. According to the weekly magazine Epsilon, around 2,500 migrants were working as strawberry pickers for a pittance and forced to pay rent to their employers for living in shacks. Three farm owners were arrested following the raids.
http://www.ekathimerini.com/4dcgi/w_articles_politics_2_11/04/2008_95408
- Greece is facing growing pressure over the way it treats asylum seekers arriving to its territory, with a group of 63 refugee-assisting organisations urging all EU capitals to immediately suspend transfers of applicants to Greece. On 3 April, the European Council on Refugees and Exiles (ECRE) issued open letters to EU governments as well as the European Commission, calling for the red light until Greece fully complies with EU and international law. The letter cites "the unacceptable conditions for asylum claimants in Greece, the obstacles to accessing a fair determination procedure and the risk of other serious human rights violations" as reasons for the move.
<http://euobserver.com/9/25910/?rk=1>

- “Controlling Migration in Greece: Policies, Problems and Opportunities” by Anna Triandafyllidou, Hellenic Foundation for European and Foreign Policy and the Democritus University of Thrace (Greece), is a paper on Greek migration policy developments linked to migration control. Describing the current shortcomings, it also raises concerns about human rights violations, occurring in the context of border as well as internal controls and readmission agreements. The paper illustrates possible ways of dealing with migration, calling for a pro-active approach in order to manage migration more effectively inter alia by enhancing legal channels for labour migration.
http://www.realinstitutoelcano.org/wps/portal/riecano_eng/Content?WCM_GLOBAL_CONTEXT=/E/cano_in/Zonas_in/ARI35-2008

Malta

- The Maltese government has strongly rebutted allegations made in a report by the European Commission against Racism and Intolerance (ECRI) of the Council of Europe. The members of the commission visited Malta in July and a report of their visit has just been presented to the government. The Commission in its report said that Malta’s detention policy had resulted in negative consequences not only for the rights of the persons concerned but also on the perception of these people as criminals and the levels of racism and xenophobia among the general population. <http://www.timesofmalta.com/articles/view/20080423/local/government-disappointed-by-coe-report-on-racism-intolerance>

UK

- Ana Sumani, a 39-year old Ghanaian woman who was deported to Ghana in January 2008 despite her dependency on medical treatment in the UK, died on 19 March 2008. Even though Ms Sumani was due to be able to resume medical treatment in Ghana for a three-month period thanks to a US \$ 5,000 donation of a Dutch woman, vital drugs, which would have extended her life, were not available in Ghana. She died just two hours before a friend could inform her that enough funds had been raised for her to receive treatment in South Africa and that a British doctor had been found to provide her the required medical care. (Migration Fact Sheet, April 2008, page 5)
- The UK’s treatment of asylum seekers falls “seriously below” the standards of a civilised society, a recent report by the Independent Asylum Commission says. The Commission said the system denied sanctuary to some in need and failed to remove others who should go. It said the treatment of some asylum seekers was a shameful blemish on the UK’s international reputation. But the Border and Immigration Agency has rejected the report, claiming it operates a “firm but humane” system. The report praised immigration officials for recent reforms to how they manage asylum applications - but it warned that a “culture of disbelief” was leading to “perverse and unjust decisions”. The commissioners were also concerned over the detention of asylum seekers, including children, and the “hopelessly confused” public perception of asylum and its place in the immigration system. http://news.bbc.co.uk/2/hi/uk_news/7314710.stm
- The UK government acted unlawfully in changing immigration rules for highly skilled workers who want to stay in the UK, the High Court has ruled. In 2006, a new “points” system, based on education, previous salary and age, was introduced, changing the criteria for remaining in the country. Opponents say 44,000 people in the UK under old rules must leave - but the Home Office says 1,370 are affected. Judge Sir George Newman ruled that the original scheme should be honoured. The government is considering an appeal against the ruling. The Highly Skilled Migrants Programme Forum group brought the case against the government, arguing the new system was “grossly unfair” and “a clear case of breach of legitimate expectation”.
http://news.bbc.co.uk/1/hi/uk_politics/7336360.stm

Belgium

- The Centre for Equal Opportunities and Against Racism (Le Centre pour l'égalité des chances et la lutte contre le racisme, CECLR) has published its annual report on migration, including information about irregular migration, detention policy, forced expulsion, and regularisation in Belgium. Report in French at: http://www.diversite.be/diversiteit/files/File/publications/rapport_annuel/Migration%20Rapport%202007.pdf and Dutch at: http://www.diversite.be/diversiteit/files/File/publications/rapport_annuel/Jaarverslag%20migratie%202007_NL_def.pdf
- Around 100 inmates of a detention centre near Liege started a hunger strike on 2 March 2008, protesting against the conditions of their confinement and demanding their release. (Source: Migration News Sheet, April 2008, page 6)
- The policy plan of new Belgian Labour Minister Milquet contains several important provisions. It is stated that a new one-time regularisation for undocumented workers with stable legal labour prospects will be introduced in the coming months for people who can prove that they have been in the country since 31 March 2007, which confirms the Governmental Agreement of the end of March. Special attention will be paid to the tension between migration control and labour protection in trafficking and exploitation cases. Belgium will give special attention to labour rights for migrant workers in the EU discussions on new and adjusted Europe-wide migration measures. <http://www.dekamer.be/FLWB/pdf/52/0995/52K0995017.pdf>
- The Policy plan of Minister Turtelboom on regularisation, who is responsible for migration policy, has said that there will not be a general pardon or regularisation. In the individual requests for regulation on the ground of special circumstances or medical reasons, the minister follows the line of her predecessor. This means three situations can lead to legalisation: excessively long procedure, medical reasons or humanitarian circumstances. There will be a letter in line with the Governmental Agreement, specifying the exact circumstances. Source: Nieuwsbrief vluchtelingenteam 25/04/2008 Nr. 07/2008 vluchtelingenteam@de8.be Concerning the policy of deportation and closed centres the Minister will actively work towards sending more people back. The closed detention centres will remain, but they will be 'humanised'. In principle, the practice of detaining families with children will continue. The Minister argues that as long as families keep on fighting their return, detention is necessary, but the Minister wants to create special centres designed for families and children. Source: Juridische nieuwsbrief Foyer No 170 www.foyer.be.

Germany

- The Administrative Court of Frankfurt ruled that a Kurdish rejected asylum-seeker family who was expelled from Germany last year is authorized to return. The Kazan family was sent back to Turkey in February 2007 after having lived in Germany for 14 years. The Court considered the six integrated children (5 of whom were born in Germany) are de facto residents or inhabitants of the country even though they did not acquire a right of residence. The Court referred to article 8 of the European Convention of Human Rights granting the right to respect for private and family life. Sending the children back to Turkey was not reasonable since the country was alien and unknown to them. In view of the constitutional protection of the family, the Court stated that the mother was also eligible to obtain a residence permit so as not to be separated from her children. The father who has a criminal record in Germany is separated from the family. (Migration News Sheet, April 2008, page 9/10)

- Over the past few months, several taxi drivers from Schleswig-Holstein have been sentenced for aiding and abetting migrants attempting to enter Denmark irregularly. Another taxi driver is in remand in Sweden. According to the German federal government, taxi drivers have to take charge of assuring that they are not incurring a penalty by transporting a person across the border. Taxi firms should apply the same procedures as airline companies do and have the passengers show their travel documents before departure, the government says.
<http://www.proasyl.de/de/archiv/newsletter-ausgaben/nl-2006/newsletter-nr-133>
- The Antirassistische Initiative Berlin (ARI) has released the 15th edition of its report entitled "German asylum policy and its deadly consequences". It describes almost 5,000 single incidents of governmental and social racism for the people concerned. Since 1993, 370 refugees died as a result of measures taken by the German Federal Republic and 81 people died through racist attacks and fires in refugee accommodations. In 2007, five people died trying to elude impending deportation, and two people died after being deported. http://www.ari-berlin.org/PE_english_15.pdf
- In mid-February, the commissioner for integration of the Berlin senate and the General Secretariat of *Deutsches Rotes Kreuz* (German Red Cross) presented to the public their study on the implementation of the right to stay (for migrants with a temporary stay of execution of a deportation order). The study deals with, among others, the significant differences in the implementation of the regulations passed in November 2006 in the different German states (Bundesländer) and offers a list of „good practices“. http://www.berlin.de/imperia/md/content/lb-integration-migration/themen/fluechtlinge/expertise_imk_beschluss.pdf
- It is foreseeable that only few people that have been living with a temporary stay of execution of a deportation order for many years will be permitted to stay in Germany permanently. Most applicants receive a stay permit on probation only. The right to stay is bound to tight requirements that only few applicants can meet so far. Apparently, many potential applicants have refrained from filing for a right to stay because there is no reasonable chance for them to meet the requirement of holding a paid job. See Migration und Bevölkerung, Issue 3, April 2008, http://www.migration-info.de/migration_und_bevoelkerung/artikel/080305.htm

Sweden

- The Swedish government and the Green Party published a joint proposal on 27 March 2008, according to which third country nationals already present in Sweden with a concrete offer of employment will qualify for a residence and work permit and thus be protected against expulsion. Presumably rejected asylum seekers will be included if they can show a concrete job offer. The first work permit will be valid for two years and will be renewed for another two years if the holder is still in employment. After four years, the holder will be eligible for a permanent residence permit. (Migration Fact Sheet, April 2008, page 4)

Poland

- The Polish President Lech Kaczyński signed the new Protection of Aliens Act on 8 April 2008, which specifies the protection that aliens are entitled to on the territory of the Polish Republic. The aim of this new law is to implement two new asylum directives into Polish legislation: the so-called qualification directive stating the criteria according to which aliens are granted asylum status and additional protection in EU Member States and the procedural directive stating the minimal standards for its application. This newly passed law constitutes an amendment of the Protection of Aliens Act signed on 13 July 2003, in that it introduces a new form of additional protection available to aliens whose return to their countries of origin may put them in imminent danger of death penalty,

torture or any inhuman treatment, or in danger of personal injury on account of an armed conflict. One of the aims of the new law is to prevent migrants from filing multiple asylum applications in order to extend their access to social services. Migrants receiving the afore-mentioned additional protection will have the same access to integration programs as the current asylum seekers. In addition, based on this law, any alien granted a permit for tolerated stay in the Republic of Poland will automatically be entitled to this additional protection. Sources: *Migration Bulletin (Biuletyn Migracyjny)*, No. 17, March - April 2008, Centre for European Migration Research, University of Warsaw, and Centre for International Relations (CSM), p. 1.

<http://www.biuletynmigracyjny.uw.edu.pl/BiuletynMigracyjny17.pdf>, The Office for Foreigners in Poland (Urząd do Spraw Cudzoziemców)
<http://www.udsc.gov.pl/Prezydent,podpisał,ustawe,670.html>.

- The Polish daily *Gazeta Wyborcza* reported as early as February 2008 that Vietnamese security officers of Department A18 had interrogated several dozen Vietnamese nationals in Poland. This was made possible by the Polish government under an April 2004 agreement on mutual extradition. The Vietnamese security agents officially came to Poland as an 'expert delegation'. All those interrogated by the A18 were then deported to Vietnam. The procedure was extremely speedy. It looked like getting rid of witnesses, said Robert Krzysztoń, a defender of the Vietnamese community's rights in Poland. The A18's activities in Poland attracted the interest of Civic Platform (PO) deputy Dariusz Lipiński, who wrote an inquiring letter to Deputy Interior Minister Piotr Stachaczyk. The latter replied that Warsaw's cooperation with the Vietnamese security didn't expose the refugees to any danger, because the Polish government didn't tell the Vietnamese authorities that the given citizen had applied for political asylum or refugee status. The procedures concerning alien citizens were invariably carried out with respect for the law and their own dignity, and their sole purpose was that the law was obeyed, wrote Mr Stachaczyk. Deputy Lipiński asked also whether Vietnamese refugees were right in feeling that the Polish-Vietnamese extradition agreement was being used by the Vietnamese regime to persecute the opposition. And whether the Polish government had to use the help of Vietnamese government agents in its own territory. The Interior Ministry didn't reply. Source: "Vietnam Says, Poland Deports", *Gazeta Wyborcza*, 28-04-2008, <http://wyborcza.pl/1,86871,5161493.html>. (Full article available in English.) Amnesty International Poland published a statement on 1 March 2008, expressing its deep concern caused by the violation of the Vietnamese migrants' human rights as reported by *Gazeta Wyborcza* and by the deportation of these migrants back to Vietnam, which, according to the Amnesty International Report 2007, is still a country applying the death penalty, curtailing free speech and imposing bans on social gatherings. Source: Amnesty International Polska, <http://amnesty.org.pl/archiwum/aktualnosci-strona-artykulu/article/6018/214.html?cHash=8d9b6a5027>.

USA

- Federal immigration agents raided 'Pilgrim's Pride' (poultry processing factory) in five states on 16 April 2008 in a crackdown on an alleged scam to provide fake identification for undocumented immigrant workers, authorities said. More than 100 people were expected to be charged in the raids at the nation's largest chicken producer. The raids were part of a long-term investigation. The poultry raids were the largest of several immigration enforcement actions taken across the country that day. Agents arrived before dawn at a Houston doughnut plant and arrested almost 30 workers suspected of being in the country illegally. In Buffalo, federal law enforcement officials announced the arrest of a local businessman and nine associates accused of employing undocumented Mexican immigrants in seven restaurants in four states. Authorities also arrested 45 undocumented

immigrants during the early morning raids in western New York, Bradford, Pa.; Mentor, Ohio; Wheeling and New Martinsville, W.Va., and Georgia. <http://www.nelp.org/>

- In Arizona in January 2008 a controversial state law went into effect that harshly penalizes the 150,000 businesses that employ undocumented workers. First offenders face a 10-day suspension of their business license, and second offenders may have their licenses revoked permanently. The law has harsh critics. On 4 April 2008 Phoenix Mayor Phil Gordon asked the U.S. Department of Justice to investigate the sheriff for potential civil rights violations. Many undocumented workers are leaving the city and moving to other states or back across the border. While reliable statistics are impossible to come by, area businesses are starting to feel the resulting labour shortage. Both sides of the politically charged immigration issue see the Arizona law as a test case. Julie Pace, a Phoenix attorney for business groups, said the law encouraged businesses to use an unreliable federal database, called E-Verify, that wrongly passes some undocumented workers through the system, thus allowing them to work, while blocking other workers who actually have legal status. But the law's sponsor, state representative Russell Pearce, says the system is accurate and that the criticism is unwarranted. <http://www.newsweek.com/id/132231/page/2>
- The AFL-CIO and Enlace, a network of US and Mexico-based worker rights groups, have entered into an important new partnership agreement to promote and advance social and economic justice in both nations. Enlace, which means "link" in Spanish, is a network of 21 worker centres, unions and organizing groups in the U.S. and in Mexico representing approximately 300,000 low-wage workers. www.aflcio.org
- On May Day 2008 immigrants and their supporters marched through the streets of Oakland and San Francisco. Marchers protested a growing wave of raids and deportations, and efforts by the Federal government to force employers to fire workers for lack of immigration visas. They called for amnesty - permanent residence visas which would give the undocumented immediate legal status and rights - and equality - opposing second-class status as temporary workers. <http://dbacon.igc.org>

3. European Policy Developments

General

- Frontex missions in 2008 will be longer than those of 2007. Frontex's budget amounts this year to 70 million Euro and four missions will be organised: Hera (Canarias), Hermes (Mediterráneo Occidental), Nautilus (Malta) y Poseidón (Balcanes). More in particular, the Frontex mission Nautilus III is supposed to be the longest ever on the central Mediterranean route, lasting some 23 weeks and with a budget of more than 8 million Euro. Last year's mission lasted only two months and was interrupted during the peak of the season in August. For more information: <http://medios.mugak.eu/noticias/fuente/27> and <http://www.timesofmalta.com/articles/view/20080427/local/eu-patrols-on-hold-as-states-grapple-over-destination-of-rescued-illegal-immigrants/>

European Commission

- The European Commission is preparing a policy paper on how to manage migration. The paper was added to the Commission's work-programme in February. France has already signaled its intention to take up the matter during its presidency of the Council of Ministers, starting in July. Commission discussions of its plans with outside experts have disclosed concepts such as the creation of an integration contract that would set out rights and responsibilities for prospective

migrants entering the EU. The creation of 'European modules' for migrant integration also feature in the current outline. These would take the form of classes for migrants on issues seen as important for their integration, such as learning their host country's language. Another idea is to link security to integration. The Commission was also keen to gauge experts' opinions on what can be done to convince member states of the need to adopt labour-policy measures at European level. The Commission proposal for the creation of an 'EU Blue Card' for highly skilled migrants, adopted in October 2007, has run into strong resistance among member states, not least in Germany and Austria. According to the spokesperson's office of Jacques Barrot, the acting justice and home affairs commissioner, the communication is intended to contribute to the debate that France intends to have on the future of immigration policy during its presidency, which Sarkozy hopes will lead to a European pact on asylum and immigration. The pact has been touted by Sarkozy as a building block towards a common European immigration policy, which he sees as a necessary accompaniment to the freedom of movement granted to people in the Schengen area. Source: <http://www.europeanvoice.com/current/article.asp?id=30139>

European Parliament

- The European Parliament held a debate in Strasbourg on 23 April on "illegal immigration, the EU's external action" and the role of FRONTEX. MEPs raised concerns over the number of deaths at sea, the scope of FRONTEX's mandate, and the actual level of responsibility sharing between Member States. ALDE spokesperson on immigration policy, MEP Jeanine Hennis-Plasschaert (NL) stressed that FRONTEX was not a panacea to all the problems caused by irregular migration. Instead of putting all their efforts into keeping people out, they need a radical and responsible migration policy for Europe, she said. MEPs from all political groups called on the Member States to provide FRONTEX with sufficient resources to achieve its mission. Interim Commissioner for Justice Liberty and Security Jacques Barrot said that real border management was needed as well as strengthened solidarity: Human rights must be respected in the treatment of irregular migrants, he added. Sources: ECRAN Weekly Update 25 April www.ecre.org and http://www.alde.eu/index.php?id=42&no_cache=1&tx_ttnews%5Btt_news%5D=9472
- The Slovenian Presidency announced that a compromise had been found with the European Parliament on a text for the Return Directive, during the political trilogue on 23 April in Strasbourg. The trilogue discussions on a compromise text involved Slovenian Interior Minister Dragutin Mate, European Parliament's rapporteur for the Directive, Manfred Weber (EPP, Germany), MEPs representing the other political groups and representatives from the European Commission. Even if the Rapporteur Manfred Weber expressed his satisfaction, the Socialist Group had not agreed on the compromise during the Strasbourg meeting. The Greens expressed their disappointment on the outcomes of the discussions and probably they will not give their support in the Plenary vote in June. ALDE supports the agreement. A political agreement would allow a conclusion on the Return Directive at first reading under the co-decision procedure. The text would then have to be adopted formally by the Council of the EU and approved by the European Parliament in a plenary vote scheduled for June. Sources: ECRAN Weekly Update 25 April www.ecre.org and http://www.eu2008.si/en/News_and_Documents/Press_Releases/April/0423MNZepII.html The procedures set out in the directive provide for a period of "voluntary departure" of up to four weeks. If the undocumented immigrant does not leave voluntarily to his home country within this period, the national authorities can issue a "removal order". Such removal orders include a re-entry ban of a maximum of five years. When there are serious grounds to believe that the undocumented immigrants would hide, EU states have agreed upon a procedure to keep them under temporary

custody. Such an imprisonment should not exceed six months, the draft directive said.

http://www.enar-eu.org/Page_Generale.asp?DocID=15291&langue=EN

- The delegation of the European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE) is currently conducting a series of visits to detention centres in EU Member States to evaluate whether Community standards are being followed. The delegation, led by MEP Panayiotis Demetriou (EPP-ED, CY), had visited closed centres for asylum seekers and immigrants on 11 April in Denmark. Mr Demetriou said that living conditions in the centres were generally satisfactory compared with other EU Member States but was very concerned about the length of time asylum seekers are being held there: It was found that some had stayed in the Sandholm centre for more than eight (!) years. The MEPs raised special concerns about the psychological impact long detention periods can have on the detainees' children. Last year there were 466 children in asylum centres in Denmark and on average their wait will be 2.4 years before their case is resolved. The delegation will complete their series in May with a visit to Cyprus. Source: ECRAN Weekly Update 18 April 2008 www.ecre.org and http://www.europarl.europa.eu/news/expert/infopress_page/008-25983-102-04-15-901-20080407IPR25982-11-04-2008-2008-false/default_en.htm
- The GUE/NGL (European United Left / Nordic Green Left) has published "Towards a Europe of mixed identities". The publication is made up of their proposals to counter EU hypocrisies on immigration. Arranged in distinct sections and featuring contributions by external experts and GUE/NGL MEPs (Members of the Parliament), the brochure provides an overview of EU legislation in the field and highlights the contradictions and hypocrisies of current EU policies on migration. The launch of "Towards a Europe of mixed identities" took place at the same time as the demonstration against the so-called "Return directive" organised as part of the "No to the outrageous Directive!" campaign in Brussels on 7 May 2008. <http://www.guengl.eu/showPage.jsp>

Council of the European Union

- The Justice and Home Affairs Council discussed the proposal to amend the Long Term Residence (LTR) Directive to extend its scope to refugees and beneficiaries of subsidiary protection, but did not reach an agreement on the issue. Member States' opinions split especially over the scope of the proposal. While most Member States support including both refugees and beneficiaries of subsidiary protection, Italy, Spain, Austria and the Czech Republic want to limit the extension of the scope of the LTR Directive only to refugees and not to beneficiaries of subsidiary protection. The Presidency will prepare a report on the basis of the discussions as the proposal is subject to unanimity voting in the Council. Sources: ECRAN Weekly Update 25 April www.ecre.org and http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/99991.pdf

Council of Europe

- In order to better control immigration from sub-Saharan Africa into Europe, the Parliamentary Assembly of the Council of Europe (PACE) called on European governments for more and better information on how sub-Saharan migratory flows work, more humane and secure removals, improved provision for migrant students, closer harmonisation of European legislation, and stronger links with African countries, including development aid. European states were reminded that sub-Saharan migrants had the same rights and duties as others, and had the right to be treated humanely, said Jean-Guy Branger (France, PPE/DC), the author of the adopted text. Source: <http://assembly.coe.int/default.asp>

4. Undocumented Children

- *Child Poverty and Well-being in the EU: Current status and way forward*. Using commonly agreed indicators, this report, drafted by the EU Social Protection Committee, identifies predominant factors affecting child poverty in each country of the EU. The report also reviews the national monitoring and evaluation systems in place and draws 15 recommendations to better assess and monitor child poverty and the multiple dimensions of child well-being across the EU.
http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2008/child_poverty_en.pdf
- The Swiss Christian Democratic Party (PDC) has proposed in a motion deposited at the Grand Conseil on 9 April to open vocational classes also to undocumented children. This measure would concern only undocumented children who have carried out their schooling in Geneva. "Particularly those that, 15 or 16 years old, have already found an employer ready to engage them for an apprenticeship and are blocked because of their status", said the MP Anne-Marie von Arx Vernon, recalling that the undocumented children already have, on the other hand, access to professional school. <http://www.lecourrier.ch/index.php?name=NewsPaper&file=article&sid=439167>
- *La Chasse aux enfants* (The hunting of children) is a publication by Réseau Éducation Sans Frontières (RESF), written by Miguel Benasayag, Angélique del Rey. This publication, result of a national investigation with many testimonies, shows that the discriminatory policies against undocumented families with children enrolled at school in France, has traumatic effects on the entire French society and in particular on children.
<http://www.educationsansfrontieres.org/spip.php?article12800>
- A group of mothers held in the Yarl's Wood immigration centre have staged protests over the extended detention of children. They argue that locking up minors is cruel and say being kept in close confinement has caused outbreaks of viruses. Many of the women, who have been awaiting deportation from the Bedford immigration removal centre for months, stood naked in a corridor and have gone on hunger strike in a bid to make their demands heard.
<http://www.independent.co.uk/news/uk/home-news/mothers-detained-in-immigration-centre-hold-naked-protest-807802.html>
- "Some of the so-called problems in schooling of migrant pupils are indeed problems of the school in general". This is one of the findings of research carried out by the University of Granada published by the Revista de Educación, del Ministerio de Educación y Ciencia. This publication, dedicated since 1940 to the investigation on the educational system, has focused its recent edition on a monographic study on migrant children in the educational system. It offers an in-depth review on the integration of migrant pupils, the evolution of the politics in the educational institutions, the attitudes of students, parents and teachers, set against the new reality.
http://www.tribunalatina.com/es/noticias/las_escuelas_ya_tenian_problemas_antes_de_los_inmigrantes_10172.php
- In some particular cases it is possible for undocumented children to remain in Belgium to finish their school year. This was already announced years ago, but is only clarified now. The rule applies to children under 18 who are enrolled in primary or secondary education and who were told to leave Belgium in the current calendar year. Source: ODICE Nieuwsbrief nr. 4 – Jg. 8 April 2008
www.odice.be
- The faction of Christian Democratic and Christian Social Union (CDU/CSU) in the German federal parliament decided to push for a change in schools' obligations to inform the authorities of the undocumented status of their students, Reinhard Grindel, member of the Interior Committee for the

CDU/CSU faction, said at the annual conference on „Illegalität“ (Illegality) in early March. New regulations would have to assure that undocumented parents no longer keep their children at home for fear of detection. Even a perspective for a permanent stay could develop for those children, he added. Grindel's announcement marks a decisive turning away from the disputed position that supporting undocumented persons is never compatible with the legal system. http://www.migration-info.de/migration_und_bevoelkerung/artikel/080308.htm

5. Upcoming Events

- The Confederation Paysanne will hold a trade union training on the topic of “Seasonal workers in agriculture: Evaluation in Europe and means to organise the defense” on 23-24 May 2008, in Paris. http://www.confederationpaysanne.fr/travail_saisonnier_en_agriculture_etats_lie_19.php&actualite_id=1254
- The French National Association of Social Workers (Anas), GISTI and the Journal du droit des jeunes will hold a day of reflection on ‘Social Work and immigration control’ on 28 May 2008 in Paris. In the fight engaged by the government against irregular migration, the social sector is increasingly used as an instrument by the authorities. Social workers are worried, and wonder what their obligations are, their legal possibilities to resist, and how to ensure that no legal action is taken against themselves. <http://www.gisti.org/spip.php?article1130>
- Argos (Centre for art and media) will hold an exhibition on migration in Brussels called ‘No Place - Like Home: Perspectives on Migration in Europe’ from 15 April 2008 – 21 June 2008. The exhibition features eighteen Belgian and international artists. <http://www.argosarts.org>
- The EIUC Summer School will hold the fourth session on Cinema and Human Rights in Venice on 21 August - 10 September 2008. The primary objective is to explore the use of cinema as an instrument for enhancing human rights awareness. www.cinemahumanrights.org
- SOLIDAR is opening the call for nominations for the 2008 Silver Rose Awards. The awards were launched eight years ago to recognise the contributions made by people and organisations in the fight for social justice. This year there are two awards categories open for nominations – one for an organisation or individual working within the 27 EU Member States and one for an organisation or individual working in any country outside the European Union. For more information contact: silverrose@solidar.org or www.solidar.org.
- The Third World Social Forum on Migration (FSMM) will be held on 11 - 13 September 2008 in Madrid, Spain. Using the motto "Our voices, our rights. For a world without walls", representatives of social movements and migrants' associations will gather to demand that governments stop violating the rights of migrants all over the world. www.fsmm2008.org

6. Publications

- Fabrizio Gatti, journalist at the Italian daily L'Espresso, followed the journey of undocumented migrants from Senegal to Italy in his most recent book entitled *Bilal*. His book narrates the passage through hell along the ‘Path of the slaves’. He completes the endless journey from Dakar to Italy, through Mali, Niger, Libya and Tunisia. Disguised as a Kurd, Bilal, he is detained in Lampedusa, in the South of Italy. <http://ipsinternational.org/fr/note.asp?idnews=4036>
- The Churches' Commission for Migrants in Europe (CCME) has released a study entitled “Mapping Migration in Europe, Mapping Churches' Responses”. The study attempts to provide information on

actual immigration and emigration figures for 47 European countries, and seeks to identify the diversity of Christian presence. www.ccme.be

- The European Center for Constitutional and Human Rights (ECCHR) published a study entitled "Border Controls at Sea: Requirements under International Human Rights and Refugee Law". [http://www.proasyl.de/fileadmin/proasyl/fm_redakteure/Europa/Frontex/Pro Asyl ai FMR Border Controls at Sea Requirements under International Human Rights and Refu-gee Law.pdf](http://www.proasyl.de/fileadmin/proasyl/fm_redakteure/Europa/Frontex/Pro_Asyl_ai_FMR_Border_Controls_at_Sea_Requirements_under_International_Human_Rights_and_Refugee_Law.pdf)

7. PICUM News

- Migrants Rights International (MRI) published the first edition of its newsletter. Migrants Rights International is a non-governmental organization and federation of migrants' and migrants' rights organizations, trade unions and faith-based groups within the various global regions promoting and defending the human rights of migrants. PICUM serves on the Steering Committee of MRI. The first issue of Migrants Rights International News provides information on the Global Forum on Migration and Development, or GFMD, an important new inter-governmental forum in which governments have started to meet every year to discuss migration and development. It provides a background on the creation of the GFMD, civil society concerns surrounding the GFMD, previous forms of engagement, and discussions on preparations for the upcoming GFMD 2008 which is scheduled to take place in Manila, Philippines in October. <http://www.migrantwatch.org> To subscribe the newsletter contact: migrantsrightsinternational@gmail.com

8. Miscellaneous

- *D'un Mur l'Autre* (From One Wall, the Other) is a new documentary film by Patric Jean. From the old Berlin Wall to the new fence of Ceuta on African territory, this road-movie makes us cross Europe. From North to South, Patric Jean shows with humour and tenderness, the men and women who have migrated from the corners of the world and characterise this new society, participating in it with energy and generosity. <http://www.dunmurlautre.net/>
- The "Country of Return Information" (CRI) is a European NGO network that gives elaborate and practical information to people who want to return to the country of their origin. On the website (www.cri-project.eu) there are country reports and helpdesks for specific countries. For further information contact: stephan@vluchtelingenwerk.be

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

Dear colleagues,

Enclosed is the May 2008 edition of the PICUM newsletter, in Word document format.

Sincerely,

Stefanie Buesching
