



PLATFORM FOR INTERNATIONAL COOPERATION ON UNDOCUMENTED MIGRANTS

PICUM Newsletter January 2007

Finalized on 9 January 2007

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

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Index

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

1. Death at the Border

- Eleven bodies of Moroccans were discovered on 29 November off the coast of Boujdour, Morocco. Another 21 undocumented migrants, among them eight minors, were still missing. The immigrants were headed for the Canary Islands on two boats when their boats wrecked. Of the 24 migrants on one boat and 20 on the second one, only 13 miraculously survived.
<http://fr.allafrica.com/stories/200611300185.html>
- At least 100 undocumented migrants died when the boat they were traveling on wrecked near the town of Saint-Louis, Senegal, reported the Spanish daily El Pais on 18 December. Fishermen were

able to rescue 25 survivors. The survivors said that the majority of the victims drowned and the others died from hunger and thirst. They had been traveling for two weeks and were headed towards the Canary Islands.

http://www.elpais.com/articulo/espana/Desaparecen/papeles/navegaban/Senegal/Canarias/elpepunc/20061218elpepinac_18/Tes

- Migration Information Source has published its *Annual List of the Year's Top 10 Migration Issues*. One of the top ten issues is "All About the Border: The border between the US and Mexico and the water dividing Europe and North Africa continue to be the world's main fronts in the fight against illegal immigration." http://www.migrationinformation.org/top_ten2006.cfm
- *Cuentos Sin Papeles* is a book of stories and one poem (in Spanish) written by various authors to commemorate the third anniversary of the 25 October 2003 deaths of 37 undocumented migrants, who died when their "patera" (small boat) sunk off the Coast of Rota (Cadiz, Spain). For the third anniversary of that tragedy, a small group of writers and journalists have published this book as an act of solidarity for all the victims and as a reminder of these tragedies. The profits from the book will go towards the development of the village where the majority of the victims were from in Morocco. The book costs 6 euros (and mailing costs) and can be ordered at: puertobletin@ono.com
- The comic strip *Emigration clandestine, l'aventure mortelle* (Irregular migration, Lethal adventure) has been distributed in primary and secondary Senegalese secondary schools to help Senegalese children to understand the risks of irregular migration and to encourage them to remain in the country. The comic strip - produced by the Fondation Konrad Adenauer, l'Association sénégalaise de coopération décentralisée and l'Institut sénégalais d'étude et d'action pour le développement de l'éducation - is based on real events and aims to avoid the tragic stories of immigration, which are more and more frequent. <http://www.afrik.com/article10885.html>

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

UN

- On the occasion of Universal Children's Day (20 November), the International Detention Coalition (IDC) underlined the negative impact of imprisonment on undocumented children. "Detaining a child causes such suffering and has such long-term impacts on their physical and mental health and development that alternatives should always be found. Yet children in so many countries continue to be locked up for no reason other than their immigration status" said Anna Gallagher, IDC coordinator. On 20 November 1989, the international community adopted the Convention on the Rights of the Child (CRC). The IDC calls on states to respect without reservation all the rights of children laid out in the CRC. It reminds states that they have a specific duty of care towards children within their jurisdiction and that they are obliged to seek alternatives to detention, such as child-friendly reception centres and foster families, before more young lives are harmed. www.idcoalition.org
- UN Special Rapporteur on Adequate Housing, Miloon Kothari, visited Spain from 20 November to 1 December 2006 in order to examine and report on the status of realization of the right to adequate housing and other related rights in the country. Kothari declared on 7 December that the crisis in relation to adequate housing in Spain is much worse than he had imagined and that the current situation is a violation of article 47 of the Spanish constitution and international human rights instruments. Miloon Kothari's report will be presented to the UN Human Rights Council in 2007. <http://www.feantsa.org/code/en/pg.asp?Page=676>

- International Migrants Day – 18 December
 - On 18 December, UN Secretary General Kofi Annan urged all countries to sign and ratify the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. Mr. Annan said evidence of migration's potential benefits is mounting, but unfortunately, the experience of migrants has evolved in less positive ways. "Rising number of migrants are being exploited and abused by smugglers and traffickers. Others suffer discrimination, xenophobia or racism, while in some instances they are demonized as a burden on their host societies even when objective assessments suggest otherwise," he said. <http://www.thedailystar.net/2006/12/18/d61218060671.htm>
 - UN High Commissioner of Human Rights, Louise Arbour, warmly supported the first Worldwide Radio Marathon (Radio 18-12) celebrating International Migrants Day on 18 December. She said: "I would like to congratulate this extremely necessary initiative. Radio and mass media in general should be encouraged to underline the positive contribution brought by migrants in the societies of reception and to counter the general tendency of speaking about migration only in sensationalists or alarmist terms." www.radio18-12.net
- More than a million Indonesian migrant workers in Malaysia face serious abuses from beatings and rape to forced labor – half of them undocumented migrants, and the bulk of them women and children, said Jorge Bustamante, UN Special Rapporteur on the Human Rights of Migrants on 20 December. Wrapping up a weeklong trip to Indonesia that included interviews with families at a Malaysia border crossing, Mr. Bustamante said women recruited as domestic workers were "virtually sold to their employers." "A chain of vulnerability for migrants leads to very serious violations of human rights such as women being beaten and raped and migrants being whipped in prison," he told reporters in Jakarta. <http://labourcentre.org/modules.php?op=modload&name=News&file=article&sid=561&mode=thread&order=0&thold=0>

France

- In the Official Journal of 21 October, the Ministry of Interior published the decree of 20 October governing the setting up of the National Committee on Exceptional Leave to Remain as stipulated in the Aliens Act. As provided by the law, the committee will meet at least twice a year and every time that it is called on by the Minister of Interior to give its opinion on the case of a person challenging a decision to deny him/her exceptional leave to remain. (*Migration Policy Group, Migration News Sheet December 2006, p. 12*)
- The Supreme Administrative Court (Conseil d'Etat) rejected an application on 8 November by an anti-discrimination association, SOS Racisme, which requested the withdrawal of a decree establishing the storage of personal data on undocumented migrants. Known by its acronym, the ELIO, the new data system will store information on unlawfully residing migrants for three years. The Conseil d'Etat rejected the application because the new database is not yet operational and therefore there is no urgency to act. The merits of the complaint concerning the legality of the database will, however, be examined within the next four months. (*Migration Policy Group, Migration News Sheet December 2006, p. 8*)
- The National Commission on Human Rights (Commission Nationale Consultative des Droits de l'Homme – CNCDH) underlined the risks in merging asylum and immigration in a report published on 28 November. "The security concerns on one hand, and the economic concerns on the other hand, have acted more and more often as pretexts in recent years to throw suspicion on asylum

applicants,” determined Stephane Hessel, president of the CNCDH. He said that the right of asylum is more broadly acquired in other parts of world than in France and in Europe, where “economic and demographic conditions should entail the least amount of obstacles to exercising this right.”

<http://www.lemonde.fr/web/article/0,1-0@2-3224,36-848091,0.html?xtor=RSS-3208>

- An inquiry published by Médecins du Monde (Doctors of the World) on 8 December showed that 40% of doctors in France refuse to treat beneficiaries of state health care for undocumented migrants (Aide Médicale d'Etat – AME). The public health codes of conduct are unambiguous: nothing can justify such discrimination. The Observatory for Foreigners' Right to Health (l'Observatoire du Droit à la Santé des Etrangers – ODSE) asks the High Authority Against Discrimination and for Equality (Haute Autorité de Lutte contre les Discriminations et pour l'Égalité - HALDE) to condemn these refusals. <http://www.actupparis.org/article2799.html>
- Making an assessment of the immigration policies which he has led since 2002 and underlining that "a lot has to be done," Nicolas Sarkozy expressed his desire to have "the nomination of a Minister in charge of the migration policies which will be at the head of all the administrations responsible for this file," during a press conference on 11 December. Moreover he indicated that the number of expulsions of undocumented migrants had doubled in three years, from 10,000 in 2002 to 20,000 in 2005. <http://fr.news.yahoo.com/11122006/202/nicolas-sarkozy-souhaite-la-nomination-d-un-ministre-de-l.html>
- RUSF, the Academics Without Borders Network (*Réseau universitaires sans frontières*), expressed regret and concern for the expulsion of Daim Sidibé, a student union activist at the University of Toulouse who was deported to Mali on 7 December after being detained for three weeks in a detention center. RUSF calls on all students, teachers and university personnel to actively express their solidarity towards their foreign friends and calls on the Conference of the Presidents of Universities to publicly condemn the expulsion of Daim Sidibé and all other undocumented students enrolled in universities. <http://www.gisti.org/doc/actions/2006/rusf/index2.html>
- Approximately 1,000 undocumented migrants in the Parisian suburb Cachan who were expelled from an occupied building last summer (see *PICUM Newsletters September and October 2006*), have been dispersed to 50 temporary accommodation facilities within the region. Many are living in inhumane conditions. Even though their requests for a residence permit should be dealt with by middle of January, they are afraid that this promise won't be kept. <http://www.proasyl.de/de/archiv/newsletter-ausgaben/nl-2006/newsletter-nr-117-kopie-1/index.html#c3516>

Spain

- The Spanish government announced in December that it would regularize all Romanian undocumented migrants already residing in Spain before January 2007 provided that they have a work contract. This measure will therefore not affect Romanians arriving to Spain after this date. Spain will restrict the entry of nationals from this new EU Member State during the next two years. (Source: El Mundo 17.12.2006).
- The regional government of the Canary Islands has accused the Moroccan authorities of inciting children to enter Spain irregularly (Source: El País: 16.12.2006 http://www.elpais.com/articulo/espana/Canarias/acusa/Marruecos/incitar/emigrar/menores/elpepuesp/20061216elpepinac_18/Tes).

- Twenty-nine experts from seven European countries have assisted the Spanish Security Forces in the identification of the country of origin and routes taken by 19,000 undocumented migrants who have recently arrived to the Canary Islands (Source: El País: 18.12.2006 http://www.elpais.com/articulo/espana/29/expertos/paises/europeos/ayudan/identificar/19000/inmigrantes/Canarias/elpepunac/20061218elpepinac_17/Tes).
- Between 1 December 2006 and 15 January 2007, the Spanish government will exceptionally allow entry into Spanish territory of those undocumented migrants who had asked for the renewal of their residence permits before leaving Spain. (Source: El País, 20.12.2006: http://www.elpais.com/articulo/espana/Interior/permite/entrar/extranjeros/permiso/residencia/caducado/elpepiesp/20061220elpepinac_24/Tes/).
- In 2006, approximately 31,000 undocumented migrants entered Spain via the Canary Islands. This figure is very close to the number of undocumented migrants who arrived to these islands during the three-year period from 2002 to 2005. (Source: El País, 27.12.2006: http://www.elpais.com/articulo/espana/Canarias/recibe/31000/irregulares/mismos/anos/elpepuesp/20061227elpepinac_12/Tes).
- The umbrella organization “Harresiak Apurtuz” will claim before the Spanish Parliament the regularization of the 60 undocumented migrants who were swindled out of approximately 1,000 euros by some employers during the regularization campaign in 2005. This organization denounces the passivity of the Spanish central government and the courts concerning the enforcement of this right which is recognized by the Spanish Alien Act. (For details: El País, 29.12.2006: http://www.elpais.com/articulo/pais/vasco/inmigrantes/denunciaron/estafa/siguen/regularizar/elpepuesspvs/20061229elpvas_8/Tes).
- The “Sindicato Unificado de Policía” police union has informed that approximately 1,000 Bolivian undocumented migrants enter Spain through the Madrid airport. According to data provided by this union, 55% of the total of undocumented migrants enter Spain through the Madrid airport, 25% enter through the Barcelona airport, 15% by road and only 5% cross the border in “pateras” or “cayucos”. (Source: El País : 04.01.2007 http://www.elpais.com/articulo/espana/millar/inmigrantes/bolivianos/entran/diariamente/aeropuerto/Barajas/elpepuint/20070104elpepinac_16/Tes).
- 15% of the undocumented migrants who were legalized in the last regularization campaign in 2005 have not obtained a renewal. According to the Lawyers’ General Council (“Consejo General de la Abogacía”) the conditions applied by the authorities to grant the renewal are very restrictive. Undocumented migrants must prove that they have been working in the same economic sector or even in the same position within the sector during six months a year. (Source: El Mundo: www.elmundo.es/papel/2006/12/20/espana/2063567.html).
- According to police statistics, 75% of the undocumented migrants who arrived in Ceuta over the past 12 months are from the Indian sub-continent (India, Pakistan and Bangladesh). (Source: *Migration News Sheet December 2006*).
- A new fence 1,300 meters long and 4 meters high is being installed in the port of Ceuta with the aim of preventing undocumented migrants from getting into boats and cargos. (For more information: www.elmundo.es/papel/2006/12/23/espana/2064936.html).

- A number of sub-Saharan undocumented migrants made several attempts to cross the border fence at Melilla on Christmas Eve. Forty were arrested by the Moroccan authorities. (For details: <http://www.elmundo.es/elmundo/2006/12/25/espana/1167060811.html>).
- After the arrival of nine Algerian undocumented migrants in Majorca on 1 January 2007, the Balearic Islands' authorities have expressed their intention to reinforce control measures. They fear that an increasing number of immigrants will start arriving from Algeria to these islands. (<http://medios.mugak.eu/noticias/noticia/84514>).

Italy

- The government approved a bill on 17 November that introduces tougher penalties for those found guilty of exploiting workers. The bill introduces the new offence of slavery that is characterized by a series of criminal behaviour, ranging from the use of violence on workers, threats and serious exploitation. (*Migration Policy Group, Migration News Sheet December 2006, p. 8*)
- Paolo Ferrero, Minister of Social Solidarity, who has regularly criticized the current immigration law which his government has inherited from the previous legislature, has come up yet with another idea to remedy this situation. On 28 November, he proposed that would-be immigrants who are willing and able to pay a fee of 2,000 euros to the Italian State should be granted entry. His reasoning is based on the assumption that such migrants are willing to pay traffickers to gain entry illegally into Italy. If they are in possession of such a sum and are willing to spend it to go to Italy, than it would be more beneficial that the money ends up in the Italian State Treasury than in the hands of organized criminal gangs involved in trafficking of human beings. (*Migration Policy Group, Migration News Sheet December 2006, p. 4*)
- The case of Cap Anamur, whose crew rescued 37 undocumented migrants in distress at sea in June 2004, is currently being debated. The *Italian Refugee Council CIR* and the German organization *PRO ASYL* stressed in a press release on 24 November 2006 that the accusation of assistance for illegal entry never should have been brought in. Both the *Federal Working Committee "Asylum in Church"* and *PRO ASYL* have raised a call that "humanitarian aid can't be a criminal offence". Signatories of the call blame "failed European asylum and migration policies that create sea cemeteries growing bigger from day to day" for this situation. <http://www.proasyl.de/de/archiv/newsletter-ausgaben/nl-2006/newsletter-nr-117-kopie-1/index.html#c3524>

Greece

- Some 60 Afghan minors have "mysteriously" disappeared from a refugee camp in Patras during the past two months. The Afghans, who were from 8 to 16 years old, had applied for asylum and had expressed their wish to stay and work in Greece. According to the police, all minors were unaccompanied and they "disappeared" when returning from the Aliens Division to the camp. There are fears that the children have fallen victim to human traffickers. (Source: *Espresso*, 27 November, summary by Stella Nanou NANOOU@unhcr.org).
- The Inner Cabinet approved a proposal by Interior Minister Prokopis Pavlopoulos on 28 November to amend an existing immigration law in order to facilitate the process for tens of thousands of irregular immigrants seeking legal status in Greece. The proposed amendment is expected to result in the legalization of around 100,000 irregular immigrants who have until April 30 to make their applications. These 100,000 migrants are in addition to the 180,000 migrants who applied for legal

status under the 2005 law. According to the proposed provisions, immigrants will be granted legal status if they submit an official document certifying that they have been residing in Greece since 31 December 2004. (*Kathimerini, Kerdos, Imerissia, Ethnos, 29 November / Athens News, 1 December, etc*, summary by Stella Nanou NANOOU@unhcr.org).

- The Council of Europe Anti-Torture Committee published on 20 December the report of the Council of Europe's Committee for the Prevention of Torture (CPT) on its fourth periodic visit to Greece in August/September 2005, together with the authorities' response. In the course of the 2005 visit, conditions in the detention facilities for undocumented migrants in Athens, in the Evros region and on the islands of Chios and Mytilini were of particular concern to the committee. Most of the facilities visited were in a poor state of repair, unhygienic and lacking in basic amenities.
<http://www.cpt.coe.int/documents/grc/2006-41-inf-eng.htm>

UK

- On 29 November, only a day after a report described it as having the worst conditions, the Harmondsworth detention center was in the news again as a result of riots. Inmates set fire to all four wings of the detention center. The purpose was clearly to attract the attention of the media to their situation. Around 50 inmates gathered in the courtyard and, with the use of bed sheets, spelt out the words "help" and "SOS Freedom". (*Migration Policy Group, Migration News Sheet December 2006, p. 16*)
- Ministers have been accused by a number of charities of condemning failed asylum-seekers who are HIV-positive to death by deporting them to Africa. The charities Crusaid and the National Aids Trust called for a package of action to enable HIV-positive asylum seekers to escape poverty, reported *The Independent* on 1 December, World Aids Day. Lisa Power, head of policy at the Terrence Higgins Trust HIV charity, told the Independent that ministers seemed more concerned with being tough on immigration than acting humanely in a handful of cases. Anna Reisenberger, acting Chief Executive of the Refugee Council said: "No-one should be returned to a situation where their life is in danger. That includes people who are HIV positive being removed to places where they are unable to access treatment. Most people with HIV do not know they have the virus until after they arrive in the UK. The government already refuses asylum seekers whose claims have been rejected treatment for HIV/AIDS. This approach seems to totally contradict the government's commitment to tackling HIV at a national and global level."
<http://www.refugeecouncil.org.uk/news/press/2006/december/20061204.htm>
http://news.independent.co.uk/uk/this_britain/article2029293.ece
- Two undocumented migrants are set to win thousands of pounds in damages after the High Court ruled on 14 December that both were unlawfully detained by the Home Office pending deportation. Vasyi Vovk, a Ukrainian national who has since returned home, and Bironjit Kumar Datta, from Bangladesh, who is now free on bail in the UK, both served short prison sentences for using false documents and were recommended at their trials for deportation. But the Home Office authorities failed to make prompt decisions on whether they should continue to be held pending deportation once they had served their prison sentences.
<http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2006/12/13/udetention113.xml>

Ireland

- Migrant Rights Center Ireland (MRCI) has launched a report entitled *Accessing Redress for Workplace Exploitation: The Experience of Migrant Workers*. The purpose of this report is to present an analysis of the experience of 89 migrant workers who came to MRCI in seeking redress for

workplace exploitation; to identify the barriers and issues for migrant workers in seeking redress; and to formulate recommendations to improve protections from workplace exploitation and access to redress mechanisms for migrant workers. http://www.mrci.ie/news_events/index.htm#launch

Belgium

- A 21 November 2006 law proposal contains changes concerning the obtainment of Belgian nationality. Art. 10 of the Foreigners' Law stipulates that Belgian nationality is granted to 'each child that is born on the Belgian territory and that would be stateless without this nationality'. In the new law proposal, an addition to Article 10 states that 'the article is not employed when the parents can obtain their own nationality for their child by fulfilling an administrative formality at the representative of their country'. This modification results in the fact that certain undocumented children will be without a nationality if their parents don't wish to register them or have difficulties in registering them at their country's embassy. In such cases these children will remain stateless. (Source: www.foyer.be).

Netherlands

- After a motion of no-confidence of the newly installed Lower Chamber (Tweede Kamer), Immigration Minister Rita Verdonk surrendered her portfolio on 13 December 2006. Verdonk earlier vetoed the motion for a general pardon for the group known as "26.000", asylum seekers falling under the old immigration law. After not being willing to adopt a second motion, in which an end to deportations was asked until a new government is installed, parliament gave up confidence in the immigration minister. Because resignation of Verdonk would lead to the fall of the already outgoing cabinet, Christen Democratic Minister of Justice Hirsch Ballin took over Immigration. Deportation of the "26.000" is stopped until a new cabinet is formed. In the formation of a new cabinet, amnesty of the failed asylum seekers thus remains a strong point.
http://www.novatv.nl/index.cfm?ln=nl&fuseaction=videoaudio.details&reportage_id=4792 /
http://www.novatv.nl/index.cfm?ln=nl&fuseaction=artikelen.details&achtergrond_id=9132

Germany

- The first decrees on the regulation for the right for residence of the German federal states are available. The Refugee Councils of the states, which to some extent held conversations with representatives of the federal Ministries of the Interior on the issue of interpretation, can inform about annotations from the federal states. <http://www.proasyl.de/de/archiv/newsletter-ausgaben/nl-2006/newsletter-nr-117-kopie-1/index.html#c3543>
 - Reinhard Pohl of the *Gesellschaft für politische Bildung* (Association for political education) in Kiel has presented a first overview on the new German regulation on the right for residence and its obscurities. His draft paper "Right for residence for tolerated migrants" poses numerous questions about the ambiguous new regulation. The *Refugee Council of Berlin* has published another handout by Georg Classen about the regulation on the right for residence. <http://www.proasyl.de/de/archiv/newsletter-ausgaben/nl-2006/newsletter-nr-117-kopie-1/index.html#c3543>
 - Auxiliary Bishop Voss, president of the Migration Commission of the German Bishops Conference, has considered the Ministers of the Interiors' regulation on the right for residence for migrants who were tolerated in Germany for many years disappointing. According to Voss, humanitarian aspects are not sufficiently considered and the resolution doesn't fulfil the expectations of the Catholic Church. Voss particularly criticized the linking

of the right for residence to permanent employment – an expectation that even cannot be met by German nationals.

http://www.kirchensite.de/index.php?menuid=288&myELEMENT=124981&search_highlight=bleiberecht

- During a youth congress that was held in Nürnberg at the same time as the conference of the Ministers of the Interior, Günther Beckstein (Bavarian Minister of the Interior) was elected “Deportation Minister 2006”. In a press release of 16 November 2006, Minister Beckstein interprets this action as an “award for consistent application of the law”.
<http://www.proasyl.de/de/archiv/newsletter-ausgaben/nl-2006/newsletter-nr-117-kopie-1/index.html#c3543>
- On 24 November 2006, the synod of the *Protestant Church of Hessen and Nassau* unanimously adopted a resolution on the situation of undocumented migrants in Germany. The synod argues for access to basic health care and in-patient care in cases of emergency to everybody and proposes a fund model for the financing. Religious-funded hospitals are supposed to open the door for the treatment of undocumented migrants. Moreover, the synod affirms the right to education and advancement for all children, independent of their legal status. The synod asks the various regional Ministries of Education to rework decrees, to allow undocumented children the right to attend school without the fear of being detected. The synod also encourages Protestant day-care centres and schools to admit undocumented children. At the same time, the synod proposes ways that undocumented workers can claim their salaries if they are withheld by the employer. Further proposals regard better protection of victims of trafficking and the decriminalisation of assistance for humanitarian reasons. <http://www.proasyl.de/de/archiv/newsletter-ausgaben/nl-2006/newsletter-nr-117-kopie-1/index.html#c3531>

Russia

- On 15 November, President Vladimir Putin instructed his Prime Minister, Mikhail Fradkov, to extend the ban on foreigners working in the retail trade beyond 2007. Mr. Putin who affirmed that “there isn’t a sector of the economy where we have a labour deficit; we have enough of labour force of our own here.” This view is probably not shared by Vyacheslav Postavnin, Deputy Director of Federal Migration services, who conceded in front of reporters on 20 November 2006 that the Russian economy cannot sustain its vigorous growth without foreign labour. (*Migration Policy Group, Migration News Sheet December 2006, p. 4*)
- The Council of Europe Secretary General Terry Davis expressed her concern on the death of a Georgian woman awaiting deportation from Russia in a press release on 5 December: “The investigation of the circumstances in which 51-year old Manana Jabelia died on 2 December in a Moscow detention centre is ongoing, and we shall be looking closely at the results, especially with regard to medical treatment provided to Ms. Jabelia who reportedly suffered from diabetes. The surge in deportations of Georgian citizens which followed the recent deterioration of bilateral relations between the two countries is also a cause for concern. Ordinary citizens should not pay for disagreements between governments. While the Russian authorities are fully entitled to enforce their immigration rules, they should make sure that the laws comply with the Council of Europe standards and are not applied in an arbitrary or inhumane manner.”
<https://wcd.coe.int/ViewDoc.jsp?id=1070895&BackColorInternet=F5CA75&BackColorIntranet=F5CA75&BackColorLogged=A9BACE>

Switzerland

- In a decision made public on 16 November, the Swiss Refugee Appeal Board (CRA) has upheld the right of a rejected asylum seeker in Germany to have his claims examined in Switzerland. The CRA ruled that this man retained the possibility of having an opportunity to refute the presumption that he was not entitled to refugee status if he was able to present sustained, well-founded arguments to the contrary. The case concerned a Turkish national of Kurdish origin who traveled to Switzerland after being denied protection by the German authorities in 2003. Switzerland is not party to the EU's Dublin Regulation. Had this been the case, it would have been able to send this asylum seeker back to Germany. (*Migration Policy Group, Migration News Sheet December 2006, p. 14*)
- On 7 November the Parliamentary Committee on Administrative Management criticized the fact that too many minor children were being held in detention in view of their expulsion from the country. The Committee presented a report based on an inquiry carried out last year on measures of force used to expelled people without a valid authorization of stay. The report noted that between 2002 and 2004, a total of 355 minor children aged between 15 and 17 years were held in detention pending their expulsion. (*Migration Policy Group, Migration News Sheet December 2006, p. 14*)

USA

- The Texan economy would have been almost \$18 billion poorer in the last fiscal year without undocumented migrants who added to state coffers but were a drain on local government, says a report by the state comptroller. The report is reportedly the first detailed look by a state at the impact of undocumented immigrants on its budget. The Pew Hispanic Center estimates that the United States had 11.1 million undocumented immigrants in 2005. Of these it said Texas accounted for between 1.4 million and 1.6 million. "The absence of the estimated 1.4 million undocumented immigrants in Texas in fiscal 2005 would have been a loss to our gross state product of \$17.7 billion," said Texas Comptroller Carole Keeton Strayhorn. The report says that would be a loss of 2.1 percent to the state's gross domestic product, which is the broadest measure of all goods and services produced in the state.
http://news.yahoo.com/s/nm/20061208/us_nm/texas_illegalimmigrants_economy_dc
- *Immigrants And The Cost Of Medical Care*, by Dana P. Goldman, James P. Smith, and Neeraj Sood, Health Affairs, 25, No. 6, 2006. Foreign-born adults in Los Angeles County, California, USA, constituted 45 percent of the county's population ages 18-64 but accounted for 33 percent of health spending in 2000. Similarly, the undocumented constituted 12 percent of the non-elderly adult population but accounted for only 6 percent of spending. Extrapolating to the nation, total spending by the undocumented is \$6.4 billion, of which only 17 percent (\$1.1 billion) is paid for by public sources. The foreign-born (especially the undocumented) use disproportionately fewer medical services and contribute less to health care costs in relation to their population share, likely because of their better relative health and lack of health insurance.
<http://content.healthaffairs.org/cgi/content/abstract/25/6/1700>
- *Undocumented Immigration by Congressional District*, by Rob Paral, AILF Immigration Policy Brief, October 23, 2006. Over the past year, the U.S. Congress has debated major changes to immigration law as a response to undocumented immigration. While this debate has relied heavily upon estimates of undocumented immigration at the national level, less attention has been paid to the number of undocumented immigrants in local areas and almost no analyses have considered the size and scope of undocumented immigration in each of the 435 congressional districts. Yet the size of the undocumented population in each congressional district is an important consideration in gauging whether or not a representative's stance on a particular immigration policy or initiative has

a basis in the actual, local impact of undocumented immigration.
http://www.aif.org/ipc/policybrief/policybrief_2006_101806.shtml

3. European Policy Developments

General

- Spanish Prime Minister Jose Zapatero and Senegalese President Abdoulaye Wade signed a joint agreement to call for a six-month extension of Frontex's HERA operation. The EU external borders agency announced on October 13 that it would prolong the mission "for several weeks", but has not yet provided an exact end date. Spain had also agreed to grant temporary work visas to 4,000 young Senegalese by the end of 2008 as part of a common programme to tackle irregular migration of Africans to Europe. Details on visa requirements and duration have not yet been released. In a massive repatriation move, Spain has sent some 5,000 migrants back to Senegal since the beginning of September. Mr Zapatero confirmed the promise made by Spain earlier this year to give 20 million euros to Senegal to fund programmes to increase job training and economic opportunities for youth in farming. Sources: http://www.iht.com/articles/ap/2006/12/05/africa/AF_GEN_Senegal_Spain.php and http://www.ecre.org/policy/eu_developments.shtml

European Commission

- The European Commission published a communication on 30 November on "Reinforcing the Management of the Southern Maritime External Borders of the EU," responding to calls from European Union (EU) member states for measures to strengthen their capacity to prevent and manage what they describe as "migration crisis situations." That communication recognises that asylum must be a key part of any measures to control migration, including along Europe's southern borders. The EC also issued a further communication entitled, "The Global Approach to Migration, One Year On." The paper, which summarises progress in 2006 in EU efforts to deal with migration challenges, also highlights the vital need for the EU to maintain asylum and protection as major elements in its collaboration with third countries on migration.
<http://www.unhcr.org/news/NEWS/456f087e2.html>
http://eur-lex.europa.eu/LexUriServ/site/en/com/2006/com2006_0735en01.pdf
<http://www.statewatch.org/news/2006/dec/eu-com-733-2006-southern-borders.pdf>
- A network of European job centers will be created across Africa under proposals to find a novel approach to combating irregular immigration. The offices, funded by the European Union, will tell hopeful migrants what skills they need to gain a visa. They will also offer EU-funded lessons in European languages and professional training. They will be set up in countries that agree to take back undocumented migrants, according to plans drawn up by Franco Frattini, the European Commissioner for Justice and Home Affairs. http://www.enar-eu.org/en/wmail/WM72_EN.doc

European Parliament

- Leaders of the European People's Party (EPP) called for a common framework on irregular immigration in the EU on 14 December 2006. Nine EU Prime Ministers and the Commission President José Manuel Barroso supported the adoption of the resolution on immigration. The resolution states that "plans for the regularisation of illegal immigrants must be previously discussed as they massively affect also other Member States". The EPP also called "for solidarity and cooperation among the Member States especially by reinforcing the capacities of FRONTEX and by a coordination of sea border controls", and supported "the creation of a uniform and automated system of border monitoring in the EU by using the means of biometrical technology in visa

procedures and identity documents". The EPP resolution urged EU Member States to sign agreements with countries of origin "which should facilitate the readmission of illegal immigrants".

<http://www.epp->

[ed.org/Press/showpr.asp?PRControlDocTypeID=1&PRControlID=5603&PRContentID=9960&PRContentLG=en](http://www.epp-ed.org/Press/showpr.asp?PRControlDocTypeID=1&PRControlID=5603&PRContentID=9960&PRContentLG=en)

- The LIBE Committee held a debate on 18 December on the draft report on the Rapid Border Intervention Teams (RABIT). These teams will be part of FRONTEX and the major aim of the draft legislation is to provide a legal basis in order to allow border control staff of other Member States to perform pre-border checks in the requesting Member States. The main task of RABITs will be to prevent people from "illegally crossing" the requesting Member States borders. The Parliament's draft report will propose amendments to the Commission's proposal in order to include references to respect for fundamental rights and to compliance with the Schengen Border Code. Rapporteur Gérard Deprez (ALDE, Belgium) will meet representatives of the German Presidency in January and expects to reach an agreement with the Council by the end of February. http://www.ecre.org/policy/eu_developments.shtml
- The European Parliament approved on 14 December 2006 a financial package worth over four billion Euros covering the period between 2007 and 2013 to ensure effectiveness and solidarity in the management of migratory flows. The Council of the EU will still have to give its assent. These funds, over 300 million euros in 2007 alone, will be spent on wide ranging migration issues including fighting irregular immigration, enhancing dialogue with third countries, addressing the root causes of migration, tapping the potential of migration and respecting citizens and migrants' fundamental rights. <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/06/1813&format=HTML&aged=0&language=EN&guiLanguage=en>

European Council

- EU leaders reaffirmed their commitment to developing a common European migration policy at the European Council in Brussels on 14-15 December. A set of practical steps were agreed to offer a balanced and coordinated response to the challenges of irregular immigration, external border management and integration of legal migrants. A substantial section of the Council Conclusions were devoted to a "comprehensive European Migration Policy". The Conclusions make reference to the recent EU-Africa Tripoli Conference in November, stating that there should be a strong follow-up to this initiative and the UN's High Level Dialogue on Migration. An EU-Africa Ministerial Conference on Migration is already planned in Lisbon for 2007, while Belgium will host the Global Forum on International Migration in July. EU missions will be sent to key Africa countries in 2007. http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/92202.pdf and http://www.ecre.org/policy/eu_developments.shtmlhttp://www.enar-eu.org/en/wmail/WM74_EN.doc and http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/92202.pdf
- As part of its presidency programme, Germany will focus on encouraging practical co-operation amongst EU Member States to tackle irregular immigration especially in police and visa matters and under the umbrella of Frontex. In an interview with European Voice, Germany's Interior Minister, Wolfgang Schäuble, said he planned to link economic help and possible labour quotas to the willingness of transit countries to co-operate with the EU in this area. He further stressed that "we can't accept [that] countries of origin won't take back illegal migrants". In November, Schäuble and

his French counterpart, Nicolas Sarkozy, proposed “serious sanctions” for third countries not cooperating on return issues. This Franco-German initiative on migration will soon be presented to justice and home affairs ministers. (The informal meeting of Justice and Home Affairs ministers under the German EU Presidency will be held in Dresden from 14 to 16 January 2007) Germany also envisages to shift the current focus on migration from Africa to immigration from Eastern Europe during its presidency, which started on 1 January 2007. Source: European Voice 14-20 December (www.europeanvoice.com) and http://www.ecre.org/policy/eu_developments.shtml

- Round-the-clock patrols of the European Union's southern borders should start by May, EU leaders decided at European Council held in Brussels last 15 December 2006. Under the plan, national coastal guards will be co-ordinated by FRONTEX in order to improve the management of the EU's external borders, as part of a general migration strategy agreed by the European Council on tackling migration. http://www.ecre.org/policy/eu_developments.shtml

Council of Europe

- At a meeting in Paris on 15th December 2006, the Committee on the Environment, Agriculture and Local and Regional Affairs of the Council of Europe Parliamentary Assembly (PACE) decided to urge the governments of the organisation's 46 member states to take action against modern-day enslavement and trafficking of seasonal agricultural workers. The Committee concluded that seasonal agricultural workers' conditions of employment have to be improved by ending the disparity in regulations and making conditions of employment in agriculture subject to a binding legal framework. Parliamentarians also stressed that seasonal agricultural workers must be able to organise for the defence of their rights, particularly with the assistance of national and European trade unions. http://assembly.coe.int/committeedocs/2006/20061215_AENA06_illegal-employment.pdf
- A hearing, organised by the Committee on Migration, Refugees and Population of the Parliamentary Assembly of the Council of Europe (PACE), was organized in Paris on 11 December to deal with the advantages and draw-backs of regularisation programmes for irregular migrants, taking into account the different experiences in Europe to date – Spain, Italy, France, Greece and Portugal. “Some 3, 5 million illegal immigrants have been regularised in these five countries over the last 25 years. At a conservative estimate, there are still between 3 million and 5 million, some say 8 million, irregular migrants in Europe. In view of the controversy over the use of regularisation programmes, PACE should establish guidelines on their future use by member states so as to contribute to a managed migration policy for Europe,” said PACE rapporteur John Greenway (United Kingdom, EDG), commenting on the purpose of the hearing. <http://assembly.coe.int/ASP/APFeaturesManager/defaultArtSiteView.asp?ArtId=578>
- Directors-General responsible for migration in the European Union and Asia gathered in Kuopio, Finland, on 11-12 December for the fifth time aiming “to find effective solutions to migration issues” in the framework of Asia Europe Meetings (ASEM). Discussions focused, inter alia, on legal and irregular immigration, combating human trafficking and enhancing ASEM cooperation at practical level. In order to prevent irregular migration, the directors stressed the importance of improved cooperation such as enhanced information exchange, a more effective and extensive use of technical equipment and the use of biometric data in travel documents. Well-organised and managed migration was in the interest of all parties, the directors concluded. EU representatives stressed once more that they considered an extensive dialogue with countries of origin, transit and destination of fundamental importance. The EU believes that increased attention should be paid to

factors generating migration, such as poverty and social disparity. http://www.ecre.org/policy/eu_developments.shtml

4. Upcoming Events

- A public seminar organized by the European Women's Lobby on "*Equal Rights, Equal Voices - Migrant Women in the European Union*", will be held on 19 January 2007 in Brussels. This seminar will gather migrant women leaders from across the European Union. EWL sees in this seminar an opportunity for migrant women to finally meet at European level, to organize themselves and to speak out in order to promote their rights with EU decision-makers. http://www.womenlobby.org/site/1abstract.asp?DocID=1843&v1ID=&RevID=&namePage=&pageParent=&DocID_sousmenu=&parentCat
- "*Policy Seminar on migration, integration, social inclusion and anti-discrimination*", Brussels, 1-2 March 2007. The purpose of the seminar, organized by the European Network Against Racism (ENAR), is to explore the intersections between the racism, anti discrimination, social inclusion and integration agendas from the perspective of migration, recognizing that these concepts are intrinsically linked. Contact: juliana@enar-eu.org
- "*Focus on Children in Migration - From a European Research and Method Perspective*", Warsaw, Poland, 20-21 March 2007. This conference, organized jointly by Save the Children Sweden, the European Network of Masters in Children's Rights and the Separated Children in Europe Programme, aims to stimulate discussions on the latest research findings on various aspects of children in migration in Europe, from a child rights perspective. Deadline for registration: 31 January 2007. Contact: LBR@redbarnet.dk.

5. Publications

The Right to Health is a Human Right: Ensuring Access to Health for People who are Homeless, the FEANTSA European Report 2006, is now available in its final version in English and French. <http://www.feantsa.org/code/en/theme.asp?ID=35>

Vivre dans l'ombre: les droits des migrants. The French version of the Amnesty International report "Living in the Shadows: a primer on the human rights of migrants" (See PICUM Newsletter November 2006) is now available at: <http://www.amnestyinternational.be/doc/article9656.html>

How to communicate: Strategic communications on migration and integration, by the King Baudouin Foundation (KBF). This manual is a result of training sessions organized by the KBF to improve the strategic communication on migration of NGOs, and contains a brief description of different steps in presentation of policies, methods and tips to work more effectively with the media. The publication also includes contributions from several communications experts who are specialized in strategic thinking and communication and who gave the training on the European and Belgian levels. Available online at: www.kbs-frb.be.

6. PICUM News

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

- Meeting of the **European Platform for Migrant Workers' Rights (EPMWR)**, 27-28 November, Brussels. This platform, of which PICUM is a member, brings together civil society organizations from across the European Union. The EPMWR aims to advocate for a better promotion and

protection of the human rights of all migrant workers and members of their families and work together at the national and EU-level for the ratification of the UN Migrant Workers' Convention by one or more EU member states.

- Joint meeting of the **Fourth World European Committee (Intergroup Fighting Against Poverty and Exclusion), and the Intergroup on Family and Protection of Childhood**, 13 December, European Parliament, Strasbourg. PICUM Director Michele LeVoy made a presentation on how civil society organizations in Europe defend undocumented migrants' rights to housing, education, fair working conditions, and health care.
- **"European and National Agencies Dealing with the Non-Accepted,"** 8th EUROFOR Marie-Curie Conference within the series: "From Immigration Politics to Migration Management – Changes in Migration Governance," 14-17 December, Berlin, Germany. PICUM's Director Michele LeVoy made a presentation on "Protection and Support Measures for the Non-Accepted."
- **"Trata con fines de explotación en España," (Trafficking for Labor Exploitation in Spain),** organized by ACCEM, 18 December, Madrid, Spain. PICUM's Director Michele LeVoy made a presentation entitled "¿Ayudar a los inmigrantes que sufren de la trata de personas – un papel para la sociedad civil?" (Aiding trafficked migrants – a role for civil society?).

7. Miscellaneous

- The European Policy Center and the King Baudouin Foundation held an expert workshop on 12 December on the theme "Migrant Workers' Rights: The Directive and the Convention". Participants discussed the EU's proposed framework directive, its objectives, scope and possible content, in light of the provisions set out in the UN Convention. For the workshop report see: <http://www.epc.eu>
- Jesuit Refugee Service Europe is carrying out a research project on destitute forced migrants in Europe. The results of the research are expected in March 2007. This research project aims to identify the social and legal situation of destitute forced migrants in 11 countries in Europe. The focus group of the research project is forced migrants who are one way or the other trapped in a situation whereby they have to leave their country of stay but cannot or do not want to return to their country of origin. In particular, this group includes failed asylum seekers and forced migrants who never applied for asylum. Further information at: www.jrseurope.org/EPIM/intro.htm

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