



PLATFORM FOR INTERNATIONAL COOPERATION ON UNDOCUMENTED MIGRANTS

PICUM Newsletter September 2006

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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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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

- Since 1988, there have been 5,001 documented deaths, including 1,593 missing at sea, among irregular immigrants who were trying to make their way across the borders of the European continent in search of a better life. These figures were gathered by Fortress Europe, a press review that has been analysing the main news sources across the European continent since 1988. The tragic loss of lives was mainly due to shipwrecks, with the Mediterranean Sea claiming the life of over two-thirds of the immigrants. Fortress Europe said that a further 134 stowaways lost their lives hidden in a cabin or in a container aboard cargo ships through suffocation or drowning.
<http://www.di-ve.com/dive/portal/portal.jhtml?id=243480>
<http://fortresseurope.blogspot.com>

- At least 14 undocumented migrants died and 179 were rescued on 26 August off the coast of Mauritania. The undocumented migrants had left in two boats from Senegal on 18 and 19 August and were trying to reach the Canary Islands. They were stranded at sea several days before being rescued. <http://www.cridem.org/modules.php?name=News&file=article&sid=4877>
- On 21 August 2006 BBC News published photos produced by the police of two young Asian men who died from heat exhaustion in what appears to have been an attempt to enter the United Kingdom in the back of a vehicle. The men were found by the roadside near Witham, Essex (UK) in June. <http://news.bbc.co.uk/1/hi/england/essex/5272530.stm> 21 August 2006
- A boat sunk off the coast of the Italian island of Lampedusa on 18 August, resulting in the drowning of 50 of the 120 undocumented migrants on board. Only 10 bodies were found in the waters. A couple of hours later, a small boat also sunk in the same area, leaving 10 survivors and 30 people disappeared at sea. <http://listes.rezo.net/archives/migreurop/2006-08/msg00086.html>
- On 24 July 2006, a vessel carrying 50 undocumented migrants, including two who had already died of hypothermia, arrived at the port of Arguineguin of the island of Gran Canaria (Spain). Among the survivors, three had to be hospitalised, two in a serious situation and the third in a very grave state. Three days earlier, another vessel arrived on the island of Tenerife. Of the 40 passengers one was already dead. Two others who were hospitalised in a serious condition died the following day. (*Migration Policy Group, Migration News Sheet N° 281, p. 11*)

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

France

- Hundreds of undocumented migrants with children in French schools were rushing to meet a 13 August deadline to apply for residency papers, as rights groups called for the date to be pushed back by a month. Campaigners — who are asking the government to grant a blanket amnesty to such families, rather than on a case by case basis — filed a bulk application on behalf of hundreds of people in Paris. http://www.enar-eu.org/en/wmail/WM56_EN.doc
- Demonstrations were held on 30 August to protest against the forced evacuation of 1,000 people who had occupied an abandoned university residence in Cachan (a southern suburb of Paris) for the past three years. Most of them are migrants and approximately 600 are undocumented. The mayor of Cachan offered them temporary shelter in a gymnasium. According to the French NGO Cimade, 70 undocumented migrants have been arrested and sent to deportation centers. Moreover, on 26 August a national demonstration was held to support the regularization of undocumented migrants on the occasion of the 10-year anniversary of the first church occupied by the “sans papiers” in 1996. For more information see: <http://www.gisti.org/doc/actions/2006/cachan/expulses2.html>
<http://www.gisti.org/doc/actions/2006/sanspapiers/st-bernard-X.html>

Spain

- Massive arrivals of undocumented migrants to the Canary Islands:
 - More than 11,000 undocumented migrants have been transferred from the Canary Islands to the peninsula – mainly to the regions of Madrid, Andalucía, Comunidad Valenciana and

Cataluña - since the beginning of 2006.

www.elmundo.es/elmundo/2006/08/22/espana/1156213770.html

- After the recent arrival of almost 1,800 undocumented migrants in a period of only three days, the Spanish government stated that it will react firmly against new arrivals of undocumented migrants. The Spanish government has also stressed that “those who irregularly entered the country will be expelled sooner or later”. In addition, the government is asking the EU to take a more pro-active approach in the fight against irregular migration at the Spanish border. www.elmundo.es/elmundo/2006/09/04/espana/1157359821.html).
- Official data shows that there are 1,010,409 undocumented migrants currently living in Spain. This figure was recently published by the National Institute for Statistics (INE) on 25 July 2006. The opposition party ‘Partido Popular’ has rejected this estimation saying that the real number of irregular migrants is around 1.6 million. According to the INE, the main countries of origin of undocumented migrants residing in Spain are Romania (189,866) and Bolivia (81,662). There has been a decrease in the number of undocumented migrants arriving from Morocco due to the implementation by Morocco of the repatriation agreements. (For more details, see http://www.elpais.es/articulo/espana/padron/municipal/revela/existencia/millon/extranjeros/situacion/irregular/elpepiesp/20060726elpepinac_2/Tes/ and Migration News Sheet, August 2006).
- Six young women - four Ukrainians, a Brazilian and a Moroccan - alleged that they were sexually abused while held in the remand centre for irregular migrants (CIE) in Malaga. There are nine policemen involved in the scandal. Three of the abused women have already been expelled by the Spanish authorities to their countries of origin. (For details: <http://www.elmundo.es/elmundo/2006/07/23/espana/1153653951.html>; <http://www.elmundo.es/elmundo/2006/08/10/espana/1155212899.html> and Migration News Sheet, August 2006).
- According to a report issued by the Spanish Saving Bank “Caixa Catalunya”, the phenomenon of migration is the element that has contributed to the greatest extent to the sustained economic growth in Spain during the last decade. (For details, see <http://www.migrar.org/noticias/noticia/?id=401&t=0> and <http://www.caixacat.es/caixacat/es/ccpublic/particulars/default.htm>).

Italy

- The European Commission has issued a warning to Italy that it could face EU sanctions if its move to legalise up to 350,000 immigrants breaches union law. Justice Commissioner Frattini said that the Italian authorities would have to check each one of the thousands of applications for regularisation to make sure they comply with EU law. http://www.enar-eu.org/en/wmail/WM54_EN.doc and www.euobserver.com
- The landings of undocumented migrants on the Italian island of Lampedusa, as well as the shipwrecks, has created a polemic in Italy. Italian opposition political parties are criticizing the appeal to arrive in Italy created by the announcement of mass regularisations. Within the government, the very restrictive Bossi-Fini law was said to be responsible for new undocumented migrants. Outside Italy’s borders, undocumented migration is constituting a leverage for Libya. <http://listes.rezo.net/archives/migreurop/2006-08/msg00086.html>
- Contrarily to public opinion, the majority of immigrants do not arrive in Italy by sea. A mere 10 per cent of Italy’s annual intake of undocumented migrants arrive by sea. About 15 per cent enter by

crossing land frontiers, whilst the remaining 75 per cent, or about 100,000 people, are foreigners who overstay their visas but have, in many cases, found low-paid jobs in service industries and agriculture. <http://www.ft.com/cms/s/67a718cc-261d-11db-afa1-0000779e2340.html>

- A demonstration was held in Lampedusa on 10 September. Various Italian organizations demanded the closure of the Lampedusa detention centre, for greater respect of migrants' human rights and for the immediate regularization of all undocumented migrants in Italy. To sign the petition visit: nocptlampedusa@libero.it or ras@autistici.org. For more information see: <http://listes.rezo.net/archives/migreurop/2006-08/msg00104.html>
- Italian Foreign Affairs Minister Massimo D'Alema had a meeting with the Libyan Vice-Minister Al Obeidi on 3 August to discuss irregular migration. This meeting was a very important step in the rebuilding of the diplomatic relations between the two countries, after the Benghazi accident occurred last February. A protest was held in the Libyan town of Benghazi in February after an Italian minister was shown on television wearing a t-shirt with a caricature of the prophet Mohammed. The police shot at demonstrators as they tried to attack the Italian consulate and eleven people were killed. www.lemonde.fr/web/article/0,1-0@2-3214,36-801017@51-775737,0.html
- The Moroccan Foreign Affairs Vice Minister, Nouzha Chekrouni, and the Italian Vice-President of Foreign Affairs, Ugo Intini, met in Rabat to discuss deeper cooperation on migration. Mr. Intini underlined the importance of adopting a different view of migration that should include not only the security aspect but also development in countries of origin. He declared that he is favourable to the creation of a partnership with Morocco. <http://listes.rezo.net/archives/migreurop/2006-08/msg00095.html>

Greece

- In practice the implementation of the provisions regarding separated children is problematic. Usually the police do not inform the Public Prosecutor, there is insufficient reception infrastructure, and there are gaps in Greek legislation regarding the identification of separated children and the appointment of a legal guardian. (*Metexelixa magazine, July-August 2006*)
- A young undocumented Iranian man threatened to burn himself alive in the office of the High Commissioner for Refugees (UNHCR) in Athens on 4 August in order to obtain a residence permit. The young man had applied for asylum in Greece, had left for London and was expelled from London to Athens. The UNHCR reported that according to the Greek legislation, the asylum procedure stops when the applicant leaves the country, and that the man was desperate and cannot return to his country. The UNHCR has required on several occasions to the Greek State to revise this regulation because there are many similar cases. (*nouvelobs.com, 4 August 2006* <http://permanent.nouvelobs.com/europe/20060804.OBS7362.html>)

UK

- On 11 July 2006, the "No Place for A Child" campaign made public a report criticising the government's continuing practice of keeping asylum-seeking children inside detention centres. The report claimed that holding children in detention centres was contrary to standards set by the UN. As is has so many times in the past, the Home Office responded by saying that detention "is used only where necessary and this is especially true for families with children". Earlier this year, the "No

Place for a Child” campaign issued a report affirming that more than 2,000 children were locked up in UK detention centres every year. (*Migration Policy Group, Migration News Sheet N° 281, p. 23*)

- The Council of Europe's Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT) has published reports on its visits to the United Kingdom in July and November 2005. During the July 2005 visit, the CPT's delegation examined the treatment of persons detained at Campsfield House Immigration Removal Centre. The November 2005 visit was focused on the treatment of certain persons recently detained under the Immigration Act 1971, with a view to being deported. Particular attention was given to the mental health of the individuals concerned. (<http://www.cpt.coe.int/en/states/gbr.htm> and <http://www.migreurop.org/>, 10 August 2006)
- Damian Green (Tories), the shadow immigration minister, has demanded an independent inquiry into conditions at Colnbrook detention centre after it emerged that 49 detainees had received medical treatment for self-harm in the first half of this year. (<http://society.guardian.co.uk/asylumseekers/story/0,,1854787,00.html>, 23 August 2006)
- On 18 July 2006, the Home Secretary John Reid, informed MPs that the backlog of rejected asylum-seekers would be cleared within five years. Mr Reid's optimism is in stark contrast with a report issued earlier this year by the Public Accounts Committee (PAC) of the House of Commons, which affirmed that it would take between 10 to 18 years to clear the backlog. (*Migration Policy Group, Migration News Sheet N° 281, p. 22-23*)
- On 11 July 2006, the junior Minister for Immigration, Liam Byrne, who sparked off considerable debates in June when he refused to rule out having an amnesty for undocumented migrants/rejected asylum-seekers (see PICUM Newsletter August 2006), informed that he was against legalising the immigration status of up to 570,000 people. After having contributed to a situation of raising hopes for undocumented migrants still in the country, which have now proven to have been in vain, Mr Byrne will soon have to address the question of what to do with all these people leading clandestine lives in the UK. It is totally unrealistic to assume that it would be possible to repatriate even a quarter of them. (*Migration Policy Group, Migration News Sheet N° 281, p. 12*)
- On 22 August 2006 the Home Office published their statistics concerning Control of Immigration in the United Kingdom 2005. The number of persons who were removed or departed voluntarily (either as a result of enforcement action or under Assisted Voluntary Return Programmes) from the United Kingdom (UK) in 2005 was 58,215, a decrease of 5 per cent on 2004 (61,160). *Home Office Research, Development and Statistics (RDS)* (<http://www.homeoffice.gov.uk/rds/> and <http://www.ncadc.org.uk/>, 23 August 2006)
- The Joint Committee on Human Rights (JCHR) has decided to conduct an inquiry into the human rights issues raised by the treatment of asylum seekers in the UK. The inquiry will consider any significant human rights concerns relating to the conditions of life for asylum seekers and failed asylum seekers in the UK, focusing in particular on those relating to: (i) access to accommodation and financial support; (ii) the provision of healthcare; (iii) treatment of children; (iv) the use of detention and conditions of detention and methods of removal of failed asylum seekers; (v) treatment by the media. *For contact details and more information* (<http://www.parliament.uk/jchr> or jchr@parliament.uk. (<http://www.ncadc.org.uk/>, 02 August 2006)

Belgium

- New modalities have been added to the basic relief regulations for undocumented families with children under the age of 18 by the Royal Decree of July 1 2006. According to the new decree, relief can now also be granted to undocumented children that are not accompanied by their parents, though they have to be accompanied by someone that assumes parental authority. Help that can be provided includes housing in a community setting, nourishment, social and medical support, help with voluntary return and a right to education. (Sources: Newsletters of De Acht (18 August 2006), NG-ODiCe nieuwsbrief : 8-6, augustus). More info : <http://www.vmc.be/vreemdelingenrecht>
- Undocumented migrants that have been regularised following Article 9.3 in Belgian law and want to be listed in the Foreigners' Register to receive the accompanying proof of registration, have to provide a valid proof of identity. As of late, an increasing number of municipalities are only accepting valid passports from the countries of origin. This trend will cause major problems because many applicants are afraid to contact their embassies, the passports can be very expensive and sometimes are not even delivered by the embassies. (Source: Newsletter De Acht, July 14 - vluchtelingenteam@de8.be)
- A number of organisations in Ghent have set up a working group to protest the housing situation of undocumented migrants and to point out that just like health and education, housing should be a basic right, even for undocumented migrants. The full text and suggestions of the working group can be found at www.ingent.be
- In three different rulings, the Brussels' Court of Labour claims that parents of a Belgian child cannot be considered undocumented residents as defined in article 57§2 of the law on the OCMW (Public Centre for Social Well Being). The Court follows the European Court of Justice in a ruling that when a young child has a residency permit in a country, the child can only fully enjoy this right when his/her parents can keep him/her company in that country. Secondly it claims that as these people have no right to legal work, they must be supported by public funds or they would be forced to find jobs on the black market. (Source: Brussels Court of First Appeal www.sdj.be)
- The Brussels' judge of summary proceedings has ruled a decision by the Service for Foreigners' Affairs (Dienst Vreemdelingenzaken – DVZ) to be illegal. The undocumented parents of a Belgian child had received a temporary residence permit by their municipality, and this file was either to be accepted or to be denied by DVZ. DVZ decided "not to take the request in consideration". According to the judge of summary proceedings this would have deprived the parents of a right to appeal. In yet another case, this Court ruled that under aged stateless children, born in Belgium, should be given Belgian nationality. (Source: Brussels Court of First Appeal www.sdj.be)

Netherlands

- In the Netherlands undocumented migrants now have their own section (AbvaKabo) within the FNV trade union. Although workers could always join the trade union irrespective of their legal status, the trade union now made it possible for undocumented workers to join anonymously. To date, some 50 people have joined, and they are working on a collective labour agreement. (More info : <http://www.fnv.nl/bonden>
http://www.trouw.nl/hetnieuws/nederland/article391548.ece/Vakbond_verenigt_illegale_immigranten)
- On 17 July 2006, the daily "Volkskrant" reported that long-term health care for uninsured undocumented immigrants is becoming a growing problem. Referral to another facility than a

hospital such as rehabilitation centres and nursing homes is difficult because these institutions do not receive funds for health care for undocumented migrants. The problems started in 1998 with the implementation of the Koppelingswet ("Linking Act"), which made it impossible for undocumented migrants to take out medical insurance. A body was created for the reimbursement of costs incurred by institutions providing care. Nonetheless, the body only reimburses costs lasting less than six months. For mental health care institutions this time period is too short. (Migration Policy Group, Migration News Sheet N° 281, p. 26)

- In a case brought against the Dutch government by the RNO Bavo psychiatric hospital in Rotterdam, the court of Den Haag has ruled that the government ought to indemnify costs made for the mental health care of undocumented migrants. Two years ago, the Ministry of Health had stopped paying in cases like this, claiming that as undocumented migrants were supposed to leave the country, they were not entitled to this kind of help. In dialogue with the Ministry of Justice, the Ministry of Health is considering to lodge an appeal against the verdict. (Source : De Volkskrant, July 23 - [\(c\) de Volkskrant](#))

Germany

- In a decision made public on 10 July 2006, the High Administration Court (VGH) in Kassel ruled that a person may still be subjected to an expulsion order after years of "tolerated" stay in Germany and even if s/he considers himself/herself to be well integrated into German society (Az.: 7 UE 509/06). (Migration Policy Group, Migration News Sheet N° 281, p. 15)
- In an interview with the "Süddeutsche Zeitung" (22.07.2006), the Federal Minister of Interior, Wolfgang Schäuble, informed that the federal government was considering the possibility of issuing residence permits to the so-called old cases of asylum-seekers, many of whom have spent more than ten years in Germany, raised families and have had children born there. According to him, the most important and difficult thing to do is to arrive at a "reasonable" solution for these people (see PICUM Newsletter, August 2006). Mr Schäuble said that the time was right for a solution for these "old cases" numbering around 200,000 people because there was hardly any more immigration. (Migration Policy Group, Migration News Sheet N° 281, p. 16)
- The North-Rhine/Westphalian government plans to deprive the Aliens Department of the competence to issue judgments in cases of hardship and assign this competency solely to the Ministry of the Interior, according to a report released on 5 July 2006. Due to the present regulation the Aliens Department has to be theoretically ready to revise their own decisions in the cases of hardship. <http://www.proasyl.de/de/archiv/newsletter-ausgaben/nl-2006/newsletter-nr-114/index.html> July 2006).
- The Evangelist churches Westphalia and Rhineland-Palatinate claim a revision of the Zuwanderungsgesetz (Immigration Act) and of the Alt- bzw. Härtefallregelung (Regulation on Old Cases or Humanitarian Cases). The proposal made by the churches demands that "tolerated foreigners" earn their livelihood by working to be able to consolidate their stay. Therefore, "tolerated foreigners" should get a temporary residence permit to get the permission to work. <http://www.proasyl.de/de/archiv/newsletter-ausgaben/nl-2006/newsletter-nr-114/index.html> July 2006).
- In a decision made public on 10 July 2006, the High Administrative Court (OVG) of Saarland ruled that the intention to marry a German national did not automatically protect a person subjected to an expulsion order. The German constitution indeed guarantees married couples protection from

expulsion, but this protection is afforded only after the future spouses are effectively married in a solemn ceremony. (*Migration Policy Group, Migration News Sheet N° 281, p. 3*)

- On 17 July 2006 das Bundesministerium des Inneren BMI (Federal Ministry of Interior) published a press release to introduce a new and holistic approach on fighting undocumented migration. The approach is about cross linking the different Federal Offices under the name "GASIM: Gemeinsames Analyse- und Strategiezentrum illegale Migration" (Common Analysis and Strategy Centre on Undocumented Migration). Through this centre the Bundeskriminalamt (Federal Criminal Police Office), the Bundespolizei (Federal Police), the Bundesamt für Migration und Flüchtlinge (Federal Office for Migration and Refugees), the Finanzkontrolle Schwarzarbeit (German Custom Administration), the Bundesnachrichtendienst (Federal Intelligence Service), Bundesamt für Verfassungsschutz (Federal Office for the Protection of the Constitution) and the Auswärtige Amt (Foreign Office) shall cooperate with each other to combat undocumented migration. <http://www.proasyl.de/de/archiv/newsletter-ausgaben/nl-2006/newsletter-nr-114/index.html> July 2006).

Denmark

- On 13 July 2006, six NGOs, including the Danish Refugee Council (DRC), informed that they had requested the European Parliament to investigate conditions in reception centres for rejected asylum-seekers who cannot or do not want to return to their home countries. The DRC pointed to the miserable conditions there and said that it made no sense to exclude these people from the labour market when the country is facing a serious labour shortage. (*Migration Policy Group, Migration News Sheet N° 281, p. 27*)

Lithuania

- On 16 July 2006, the authorities reported that an asylum-seeking woman of Russian nationality had committed suicide at the Foreigners' Registration Centre in Pabrade where she had been detained for illegal entry since February. At the time of her suicide there were 95 other detainees at the centre, most of them being Russian nationals. (*Migration Policy Group, Migration News Sheet N° 281, p. 28*)

Malta

- On 4 July 2006, the Maltese Foreign Minister, Michael Frendo, said that his country "expects that FRONTEX (EU's border surveillance agency) should immediately launch joint sea patrols in the Central Mediterranean in an attempt to stem the flow of undocumented migrants and to transmit the message that concrete action is underway also in respect of this route". Essentially, Mr Frendo was accusing FRONTEX of devoting resources to combating irregular migration to the Spanish Canary, thus leaving the route to Italy and Malta more exposed. Apart from the logistics and co-ordination of Member States' participation, there is the essential question of the role of Libya whose co-operation and willingness to take back undocumented migrants apprehended at sea are essential to the success of such operations. The new Finnish presidency of the EU has promised to grant priority to the problem of influx of undocumented/asylum-seekers. (*Migration Policy Group, Migration News Sheet N° 281, p.18, 20*)
- The attitude of the Maltese authorities in refusing to allow the disembarkation of a group of 51 undocumented migrants (see PICUM Newsletter August 2006) appears to be in violation of the amendments to the 1974 International Convention for the Safety of Life at Sea, introduced by a

resolution adopted on 20 May 2004. These amendments came into force on 1 July 2006. Malta argued that the group of 51 migrants rescued in Libyan territorial waters were Libya's responsibility. Neither Libya nor Indonesia is party to the 1951 Convention on the Status of Refugees. In refusing to receive the rescued group of 51 undocumented migrants, the Maltese Foreign Minister stressed that his country was offering food and medical attention because they are "human beings after all". Apparently, the food supplies were such as that the captain had to make an urgent appeal to the Spanish Embassy in La Valetta on 18 July 2006, requesting that yoghurt, milk, fruits and sanitary napkins be sent. The captain stressed that they did not want to receive, like the last time, 20 kilos of rice and 10 kilos of spaghetti. With a total of 62 persons on board his vessel, under conditions of unbearable heat, only two toilets and having less than 50 square metres of living space among them, it would have taken considerable imagination to find a place where they could possibly cook the rice and spaghetti. (*Migration Policy Group, Migration News Sheet N° 281, p. 19*)

Switzerland

- As the date of the referendum on the new Aliens and Asylum Act approaches, more prominent people have voiced their concerns. One is on the amendments, which will render those assisting undocumented migrants more liable to criminal prosecution, all the more since the exemption of penalty for "honourable motives" has been removed from the law. Moreover, the maximum penalty for the offence has been increased from one to five years in the final, adopted version of the text. (*Migration Policy Group, Migration News Sheet N° 281, p. 22*)
- Considering that the new laws on asylum and on foreigners do not go far enough, the committee on political institutions of the Lower House adopted two proposals aimed at imposing even more restrictions on mixed marriages on 5 July 2006. The committee adopted a proposal by the anti-immigration party SVP/UDC to introduce into the civil code the obligation for the future foreign spouses to produce a valid residence permit or an entry visa. The aim of the proposal is to prevent rejected asylum-seekers and irregular migrants from avoiding expulsion by entering into a marriage of convenience. (*Migration Policy Group, Migration News Sheet N° 281, p. 3*)
- Markus Rauh, former chairman of Swisscom, who presides over a committee composed of 95 members of the upper echelons of Swiss society whose political affiliations are clearly to the right of the political arena, have denounced the "absurdities of the new law and its empty promises". Among the provisions of the new law, which he has criticised, is the one requiring undocumented asylum-seekers to present proof of identity within 48 hours of seeking protection or face having their application rejected as inadmissible. Another provision strongly condemned by this committee is the withdrawal of social welfare allowances from all rejected asylum-seekers. Also it expressed indignation against the measure which penalizes with up to five years' imprisonment and a fine of 500,000 SF any person caught helping rejected asylum-seekers, affirming that it puts in the same boat charitable organisations and criminal gangs. (*Migration Policy Group, Migration News Sheet N° 281, p. 21*)

United States

- The trade union confederation AFL-CIO announced on 9 August that it has formed a partnership with the National Day Labor Organizing Network (NDLON), an umbrella group for more than 40 worker centers in the United States that focus on the exploitation of temporary day laborers, many of whom are undocumented workers. Only four such worker centers existed 10 years ago. Today, there are more than 140 in 31 states in the United States. The AFL-CIO will assist the NDLON and other similar organizations by providing resources to push for stronger wage enforcement and

workplace safety measures, along with immigration reform that provides a path to citizenship for undocumented workers. The AFL-CIO said these worker centers will have nonvoting representatives on local AFL-CIO labor councils, but day laborers will not become union members or pay union dues.

http://www.kansascity.com/mld/kansascity/business/15439155.htm?source=rss&channel=kansascity_business

3. European Policy Developments

General

- The European Union granted 67 million Euros to Morocco for emergency help, in order to manage illegal immigration, to fight against human trafficking and to reinforce border control.
<http://listes.rezo.net/archives/migreurop/2006-08/msg00096.html> and
<http://listes.rezo.net/archives/migreurop/2006-08/msg00098.html>
- The Frontex agency started to deploy its control patrols off the coasts of Cape Verde and Mauritania. Negotiations with Senegal are still on to authorise these patrols off the Senegal coasts.
<http://listes.rezo.net/archives/migreurop/2006-08/msg00060.html>
- Restrictions on the free circulation of workers from Central and Eastern Europe are gradually being lifted. While the UK, Ireland and Sweden opened up their job markets as early as 2004, it wasn't until recently (30 April 2006) that Spain, Portugal, Finland and Greece followed suit. France, Luxembourg, Belgium and Italy seem more reserved and have opted for a gradual softening of restrictions. For the sectors in which labour needs are fierce, France, Luxembourg and Belgium have eased up on their restrictions. In Italy, the quota for foreign workers was raised to 170,000.
http://europa.eu/newsletter/index_en.htm#article-4
- EU common patrols to control maritime borders will be organised shortly in the south Mediterranean region, announced by Vice-President Franco Frattini on 3 August. The EU common patrols shall operate between the coasts of Northern Africa and Italy and will comprise boats from the naval authorities of Italy, Greece and Malta. Undocumented migrants intercepted trying to cross to Europe will be stopped and forced back to their point of departure. At least five countries have agreed to contribute to the EU border agency's mission in the Mediterranean. The main thrust of a working document agreed between the participants is to send those fleeing Africa back to their port of departure, which in most cases, is Libya. Frontex will make sure the boats being used by the immigrants are seaworthy to make the trip back. The proposal is however expected to meet resistance from Libya which has made it clear that ordering immigrants to perform a U-turn is not the solution. The EU officially launched its first joint border patrol mission off the coast of the Spanish Canary Islands in mid-August with an EU budget of 3.2 million Euros to be spent in the nine weeks of the operation. <http://www.timesofmalta.com/core/article.php?id=235391>
- The home affairs ministers of Libya, Malta and Italy will meet in Valletta, Malta, on September 6 to discuss immigration. Giuliano Amato, Italian Interior Minister, hopes to "reinforce the dialogue" with the Libyan government, that is against the operation "Jason" and the creation of the EU common patrols to control the Mediterranean sea. According to the sea law, undocumented migrants found in the Libyan sea should be recovered in Libya, while those found in the Maltese and Italian ones should be recovered respectively in Malta and in Italy. For more information see: Le monde, 31.08.06 and <http://www.lemonde.fr/web/article/0,1-0@2-3214,36-808176@51-775737,0.html>

European Commission

- The EU's ambition to achieve a common policy on immigration has been undermined by four of the largest member states signaling their readiness to regularise the status of undocumented migrants. Italy has announced that it will increase its quota for workers from outside the EU by 350,000 from an initial 170,000 quota set at the start of the year. The German government has said that it wished to regularise the status of people who have been living illegally in the country for long periods, estimated to number 150,000-200,000. The French government has said that it will give papers to 6,000 people who have been living in France for a long period without official status, out of an expected 20,000 applications. The European Commission is publicly opposed to amnesties for undocumented immigrants, as it believes they encourage immigrants to make often-dangerous journeys to the EU in the hope that they too will eventually be allowed to remain. Nonetheless, the EU has no powers to sanction member states that wish to regularise undocumented immigrants. <http://www.europeanvoice.com/current/article.asp?id=26015>
- Franco Frattini, European Commissioner for Freedom, Security and Justice announced on 30 August the setting up of a group which he will chair and which will be composed of five other relevant commissioners, to establish a common strategy on migration issues. A strategy proposal will be presented at the European Council in Tampere, on 21-22 September 2006. He also announced four new sources of funding from January 2007 for countries affected by the immigration influxes – the European Integration Fund, the European Return Fund, the European Refugee Fund and the European External Border Management Fund. Some 6 billion Euros was allocated last year to immigration, integration and border control funds for the period 2007-13, a spokesman said. (Sources: European Voice and www.lemonde.fr/web/depeches/0,14-0,39-28009312@7-60,0.html and Social Platform weekly mailing 278, 1-8 September 2006)
- The EU will build two centers in Morocco (in Tanger and Marrakesh) for minors expelled from Europe. The budget will be covered by the EU and the Madrid Community. Commissioner Benita Ferrero Waldner declared that the EU funds will be taken from the AENEAS Programme, created to support financially and technically the countries that face immigration and asylum control. In this way, it will be given as a solution to the problem of Moroccan undocumented minors, even if Spanish and European NGOs denounce the illegality of the act. <http://fr.allafrica.com/stories/200608020580.html>

European Parliament

- MEPs adopted two non-binding reports on asylum and immigration. The first report by Patrick GAUBERT (EPP-ED, FR) is on mutual information procedure in the areas of asylum and immigration and the second report is by Stavros LAMBRINIDIS (PES, EL) on strategies and means for the integration of immigrants in the European Union. Read more : http://www.europarl.europa.eu/news/expert/infopress_page/018-9479-187-07-27-902-20060628IPR09343-06-07-2006-2006-false/default_en.htm
- A European campaign to shut down all detention centers in Europe ("No Fortress Europe") has been launched by the GUE/NGL group. To sign the petition visit: <http://www.no-fortress-europe.eu> and for more information: <http://www.statewatch.org/news/2006/aug/eu-fortress-petition.pdf>

EU Court of Justice

- In a key judgement on the validity of three provisions of the Family Reunification Directive, the European Court of Justice (ECJ) ruled against the European Parliament finding that, on the merits of the case, the three provisions challenged did not violate human rights. The judgement, which establishes several important legal principles relevant to EC immigration and asylum legislation, states that a 'minimum standards' directive may not set standards below those required by human rights law and takes the ICCPR, the European Social Charter, the Convention on the Rights of the Child and the EU Charter into account as sources of human rights law additional to the European Convention on Human Rights. The judgement of the ECJ is now [available online](#) (Case C-540/03 European Parliament v Council). <http://curia.europa.eu/> and <http://www.enar-eu.org/en/wmail/index.shtml> Weekly mail 50
- EU countries can impose conditions on children over 12 trying to immigrate to countries within the EU in order to join their families, the EU's highest court ruled on 27 June. The European Parliament had brought a case to court claiming the legislation that allows these conditions to be imposed was contrary to fundamental human rights. The judges rejected the plea however, ruling that it is not discriminatory on the grounds of age when children over 12 years are treated differently from their parents and younger siblings. <http://euobserver.com/22/21975/?rk=1> and <http://www.enar-eu.org/en/wmail/index.shtml>, Weekly mail 50

4. Upcoming Events

- "International Seminar on Domestic Workers," organized by IRENE, 8-10 November, Amsterdam. Domestic workers are not normally considered as employees, their work is undervalued, and their working conditions remain, in essence, unregulated. In some countries they are denied the right to organise in trade unions. This of course leaves them vulnerable to abuse, especially considering the fact that most of these workers are migrant women or even children. Within the trade unions there is a growing attention for this group. This international seminar aims at better cooperation between NGOs, labour unions and the ILO on this matter. www.irene-network.nl/oncoming.htm

5. Publications

The Impact of Immigration on Native Workers: A Fresh Look at the Evidence by Julie Murray, Jeanne Batalova and Michael Fix, is a review of the extensive literature on how immigration affects U.S. wages and displacement of native workers. Their conclusion: despite the rhetoric of the current debate, the literature indicates that immigration does not have strong wage or employment effects on natives. http://www.migrationpolicy.org/ITFIAF/TF18_Murray.pdf

Europe and Its Immigrants in 21st Century: A New Deal or a Continuing Dialogue of the Deaf? by MPI (Migration Policy Institute) and the Luso-American Foundation. The volume brings together leading European thinkers to offer insightful counsel and, wherever possible, solutions to Europe's immigration challenges. http://www.migrationpolicy.org/pubs/Europe_Immigrants_21stCentury.php

El subdesarrollo social de España by Vicenç Navarro, is a publication edited by Anagrama that studies the reasons and analyses the consequences of the weak and insufficient Spanish social policy. <http://firgoa.usc.es/drupal/taxonomy/term/344>

Entre la represión y la protección: Menores extranjeros no acompañados en Andalucía (MENA) (Between Repression and Protection: Unaccompanied Minors en Andalusia (MENA)), June 2006, by Asociación Pro Derechos Humanos de Andalucía (APDHA). This report was partially released in March *Mineurs Etrangers Non Accompagnés en Andalousie (MENA): entre la répression et la protection* but

includes now an evaluation of the needs of unaccompanied minors and policy recommendations. The report is available at: www.apdha.org.

First do no harm: denying healthcare to people whose asylum claims have failed, is a report released by the British Refugee Council in June 2006. This report looks at the impact that the NHS Charging for Overseas Visitors Regulations has on failed asylum seekers who need hospital care. Patients denied treatment for cancer and pregnant women forced to give birth alone at home are among the cases highlighted in the report, which calls on the government to restore access to hospital care for asylum seekers whose claims have failed, and on the Health Select Committee to conduct an inquiry into the impact of the regulations across England and Wales.

<http://www.refugeecouncil.org.uk/policy/position/2006/healthcare.htm>

Recognizing rights, recognizing political realities: The case for regularizing irregular migrants, is a report released by the Joint Council for the Welfare of Immigrants (JCWI) in July 2006.

Out of the Shadows – Organising Domestic Workers, towards a protective regulatory framework for domestic work, a report of the international conference organized by the ETUC (European Trade Union Confederation), with the collaboration of PICUM and IRENE (International Restructuring Education Network Europe) in Brussels, 14-15 April 2005, is now available on the ETUC web site:

<http://www.etuc.org/a/2026>

The fourth edition of *Sans-papiers mais pas sans droits* (« Without papers but not without rights ») was released by the French NGO GISTI in June 2006. This booklet is intended for use by undocumented migrants and those who provide them assistance. Contrary to popular belief, undocumented migrants in France have fundamental rights. This booklet explains what these rights are.

<http://www.gisti.org/doc/publications/2006/sans-papiers/>

6. PICUM News

- PICUM chair Don Flynn made presentations on “**Undocumented migrants’ access to housing, health and education**,” and “**Organizing civil society cooperation on irregular migration**,” at a conference on irregular migration organized by UNITAR (United Nations Institute for Training and Research), held on 30 August in New York. The conference was part of UNITAR’s “Key Migration Issues Workshop Series” organised to support work around the UN High Level Dialogue on international migration and development.

7. Miscellaneous

- DVD “*Der Lagerkomplex*”: *Flüchtlinge, Bramsche-Hesepe und die Freiwillige Ausreise* (The detention centre: refugees, Bramsche Hesepe and the voluntary departure) is a film about the issue of issue of detention centres and voluntary departure in Germany. The topic is to reflect on detention centres as an internal border between Germans and foreigners and its consequences for society and detainees. More info: <http://www.kinoki-now.de/ankuendigung-dvd.pdf> and www.kinoki-now.de/kontakt.php. The film will be shown at the Unabhängige Filmfestival Osnabrück (Independent Film Festival Osnabrück), 11-15 October 2006. (<http://www.filmfest.os.de>). <http://www.proasyl.de/de/archiv/newsletter-ausgaben/nl-2006/newsletter-nr-114/index.html> July 2006.

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