



PLATFORM FOR INTERNATIONAL COOPERATION ON UNDOCUMENTED MIGRANTS

PICUM Newsletter November 2008

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

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1. Death at the Border

- Spanish authorities informed on 13 September that a total of four bodies had been washed ashore, along the coast of Vega Baja de Alicante, within a period of 24 hours. The bodies, which appeared to be those of irregular migrants aged between 25 and 30 years, were in a badly decomposed state and appeared to have been in the sea for several weeks. Source: Migration News Sheet, October 2008, p. 9
- Thirteen African immigrants were thrown overboard alive in September as they attempted to reach Italy by boat, a prosecutor on the island of Sicily said on October 13, 2008. Sicilian prosecutors had initially established that the would-be immigrants were already dead when they were thrown into the ocean before hearing testimony otherwise. "Statements from the foreigners have shown that the 13 disappeared immigrants had been thrown into the sea still alive," prosecutor Ugo Rossi said in a statement, adding the boat's skipper and four other passengers had been arrested. The victims were part of a group of 59 people from Nigeria, Niger and Ghana travelling by boat to Italy. There were 14 women and two young girls on board. http://www.news24.com/News24/Africa/News/0,,2-11-1447_2409203,00.html
- A 22-year-old woman and her three-month-old daughter drowned in a lagoon in southern Albania after a boat carrying 13 people capsized, Reuters reported on October 20. The group was trying to avoid a police checkpoint during an attempt to cross the border into Greece. Police said the accident happened while 20 to 25 people aboard two wooden boats were crossing the lagoon before walking to the village of Xarre near the Greek border. The woman's husband survived and was in hospital suffering from shock. Albania banned the use of speedboats three years ago to curb the trafficking of people and drugs across the Adriatic to Italy, and since then Albanians seeking a better life abroad have used overland routes to Greece. <http://www.abc.net.au/news/stories/2008/10/20/2395740.htm?section=justin>
- Eighteen people died and twenty-five were injured on October 29, 2008 due to a lack of oxygen in the truck they were in after a traffic accident in Tekirdag province in Turkey left them stranded. A light truck carrying 43 migrants from Istanbul to Canakkale veered off the road at the 55th kilometre of the Turkish-Greek highway after the driver lost control due to speeding. The migrants were left alone in the vehicle after the driver fled the scene. The injured migrants were sent to area hospitals. Autopsies carried out on the 18 victims revealed that they died from asphyxiation. A similar event took place last July, when 138 undocumented migrants from Pakistan and Myanmar were found in a trailer truck in Istanbul's Kucukcekmece district; 13 died of asphyxiation. <http://www.newstime7.com/haber/20081006/18-illegal-migrants-die-in-traffic-accident.php>

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

France

- The civil summit “Des Ponts Pas des Murs” (“Bridges, No Walls”) was organized in Paris on 17-18 October. During the summit a non-governmental conference, a festival market and a concert took place more than 200 civil society organizations discussed the measures that were going to be adopted with regard to the European Immigration Pact. The principle message of the organizations was to transform Europe as a fortress into a Europe with a more humane immigration and asylum policy. Source: <http://www.gisti.org/spip.php?article1254>
- Ten associations decided on 22 October to file an appeal before the state council against the decree of 22 August 2008 relating to the rights of foreigners in administrative detention centers. The decree prohibiting the implementation at national and local levels of joint actions of associations helping persons in detention, can seriously impose sanctions on the rights of migrants. This adds to the already unanimous opposition by civil society against the measures by the French government to reform conditions for the rights of foreigners in detention centers which also curbs the specific roles of NGOs in a country with a rule of law. <http://www.gisti.org/spip.php?article1268>

Spain

- The deputy Prime Minister, María Teresa Fernández de la Vega, felt the need to intervene on 5 September and tone down the remarks made by her Minister for Employment, Celestino Corbacho, who affirmed a day earlier that no more work permits would be issued to most immigrant workers. The Immigration Directorate of the Basque Government warned that Mr. Corbacho's plan to put an end to recruitment in the countries of origin of migrant workers would inevitably lead to “greater disorder in migration flows”. This would lead to more irregular immigration and trafficking of people. Further more, the Spanish Parliament rejected a legislative proposal put forward by the Partido Popular (PP) who requested that organizing an amnesty for irregular migrants be prohibited by law. Source: Migration News Sheet, October 2008, p. 7
- Spain's cabinet, alarmed by fast-rising unemployment, launched on 19 September a plan under which it will pay jobless immigrants their social security benefits in a lump sum provided they go home and promise not to return to Spain for three years. Most of those entitled to take up the offer are from Ecuador and Morocco. http://www.ft.com/cms/s/0/4604416c-8666-11dd-959e-0000779fd18c.html?nclick_check=1

- The Association Algeciras Acoge and the Association Pro Derechos Humanos de Andalucía (APDHA) with the support of the local authorities of Tarifa will hold a public event to commemorate the 20th anniversary of the first shipwreck known where some undocumented migrants died trying to reach the Spanish coast. The event will take place on the 1 November in Tarifa and is called "*Por un Mar Solidario. Actos en Tarifa tras 20 años de tragedia en el Estrecho*".
<http://www.diariodejerez.es/article/provincia/269109/silencio/para/recordar/la/primera/tragedia/la/inmigracion.html>

Italy

- The Minister of Interior, Roberto Maroni, announced on 23 September that the construction of ten new identification and holdings centres would begin immediately. The centres will be built in the ten Italian regions which do not yet have one. The need for these centres has become urgent in view of the influx of irregular migrants. Around 23,600 irregular migrants had been apprehended since the beginning of this year until mid-September, compared with 14,200 in the same period last year. Source: Migration News Sheet, October 2008, p. 10-11
- Italy drew the ire of the European Commission over its decree which would allow the automatic expulsion of other European Union citizens condemned to more than two years of jail there. The Commission on 23 September threatened Italy with legal action if it did not change the decree, which was part of a controversial package of measures against irregular immigrants and crime agreed by Italian Prime Minister Silvio Berlusconi's cabinet in May. The security package included making irregular immigration an offense carrying a prison sentence and making the use of minors to beg for money a crime punishable with up to three years in jail - a measure which appeared to be aimed at Roma people. <http://www.dw-world.de/dw/article/0,2144,3667107,00.html>
- The MEP Giusto Catania has denounced in an interpellation to the European Parliament the use of firearm from the side of the Frontex agents during the rescue operations. In a picture taken on 24 September in Lampedusa and published on the site of the MEP there is an army officer of the French Frigate Arago P675 with a machine gun pointed against a group of migrants on board the ship. The Frigate is utilized in the control and rescue operations of Nautilus III in the Sicily channel, made by the Frontex agency.
<http://fortresseurope.blogspot.com/2006/01/lampedusa-mitra-sulle-navi-francesi-di.html>
- The Italian Ministry of Interior Roberto Maroni announced on 16 October that the controversial crime of illegal immigration, which was introduced by the Berlusconi government, will not be punished by imprisonment. The original proposal called for a prison sentence of six months to 4 years. The minister explained that imprisonment will be replaced by a penal sanction which

would be the first step towards expulsion. <http://www.levif.be/belga/generale/78-6-70332/italie--la-prison-supprimee-pour-le-delit-d-immigration-clandestine.html>

- Thousands of people took to the streets of Rome on 4 October to protest against a spate of attacks on immigrants and recent ugly displays of anti-Semitism. Protesters marched amid fears that intolerance is on the rise in Italy as the country's president told the Pope he was concerned about "new manifestations of racism" domestically and across Europe. <http://www.telegraph.co.uk/news/worldnews/europe/italy/3141066/Protests-in-Italy-against-escalating-racism.html>

Greece

- According to estimations by the Greek authorities, thousands of migrants wait on the Turkish coast for an opportunity to cross the short distance by sea that separates them from Europe. While the influx of clandestine immigrants to Italy and Spain has diminished drastically, the islands of Leros and Patmos in the eastern Aegean Sea have become the new gate to a wave of irregular immigration from Asia and Africa. Greek authorities are swamped and demand a better Turkish alignment in regard to the Greek-Turkish agreement, which says that any person who enters the Greek territorial waters irregularly must be sent back to the Greco-Turkish border. In most cases the Turkish coast guards ignore the rules. <http://www.cafebabel.com/eng/article/26497/illegal-immigrants-greece-leros-patmos-turkey.html>
- The Ministry for Merchant Marine issued a statement on 8 September informing that a total of 8,880 irregular migrants had been detained so far this year, compared to 9,420 for the whole of 2007. The irregular migrants are smuggled into the country essentially via Turkey and Athens had criticized Ankara on a number of occasions for not doing enough to curb this irregular flow. An article published in the daily "Ethnos" (of 3 September 2008) claimed that a Turkish military craft had recently been spotted ferrying irregular migrants in the eastern Aegean to Greek islands. Source: Migration News Sheet, October 2008, p. 9-10
- The medical charity Médecins Sans Frontières (MSF) announced on 30 September that it had, with reluctance, decided to abandon a humanitarian project to assist irregular migrants arriving on the Greek island of Lesbos, because of a "complete lack of interest" on the part of the Greek authorities. "In many cases, we had to examine patients behind bars because the migrants were not allowed out of their detention cells", denounced the MSF project leader, George Karagiannis. Source: Migration News Sheet, October 2008, p. 10

UK

- The number of migrants coming into the UK must be curbed and subject to strict limitations because of the economic crisis, according to the immigration minister Phil Woolas. The

increasingly tough economic conditions and people losing their jobs made the immigration issue "extremely thorny", he said. "It's been too easy to get into this country in the past and it's going to get harder," Woolas said. A cap on immigration would be needed should numbers rise above a certain point, which would mean changes to the points-based system introduced to attract migrants considered valuable to the economy.

<http://www.guardian.co.uk/politics/2008/oct/18/immigrationpolicy-immigration>

- Three recent judgments handed down from the House of Lords have had an impact on the way the UK Border Agency must consider human rights claims under Article 8 of the European Convention on Human Rights (ECHR). The findings of the three cases are binding on the UK Border Agency. Therefore the policy in relation to the consideration of Article 8 claims is being revised. The House of Lords emphasised that cases should, where possible, be considered fully at the earliest stage. Applicants making Article 8 claims still need to demonstrate on the balance of probabilities that they enjoy private and/or family life in the UK and that there would be an interference with that private and/or family life if they were not allowed to remain in the UK. The UK Border Agency, if minded to reject the claim, then has to show that the interference is proportionate, having regard to all the facts of the case. Source: News Service National Coalition of Anti-Deportation Campaigns (NCADC), 25 September 2008
- From November 27, 2008 migrant domestic workers who work for diplomats and have a domestic worker (diplomat) visa will be included in Tier 5 of the Points Based System for immigration to the UK. Until that date, diplomatic domestic workers can make an application to renew their visa. They can apply for their visa to be extended for the amount of time until they are eligible for indefinite leave to remain (ILR). After this date the domestic workers will not be able to extend their visas. Some campaigning and support organizations of diplomatic domestic workers reacted negatively on the rule. Source: www.Kalayaan.org.uk

Ireland

- In its edition of 22 September 2008, the Irish Times reported that migrants who have found themselves in breach of immigration regulations through no fault of their own will soon have the possibility to regularize their situation. Welcoming the move, the Migrants Rights Centre reminded that it had been urging the Government for a number of years to deal with this problem. The Government insists that this is not an amnesty, having consistently been opposed to one because it feels that it would act as a pull factor for more irregular migrants to go to Ireland. Source: Migration News Sheet, October 2008, p. 10 and http://www.mrci.ie/policy_work/IrregMigrant_UndocuMigrant.htm

Belgium

- The Belgian Federal Ministry of Interior confirmed in early September 2008 that two undocumented migrants residing in Belgium may be entitled to signing a declaration of legal cohabitation. The registration will be done on the basis of a common 'living space', instead of on the basis of a common 'place of residence', and if necessary, a fictive identification number will be used for registration in the population register. Source: Newsletter Vluchtelingenteam No. 18/2008, 12-09-2008
- Undocumented migrants participated in an action to clean the streets of Roeselare and Izegem (Flanders) on 22 September, in order to publicly oppose to the prejudice that undocumented migrants do not want to work. The organizers 'Let our Friends Stay Here' (Laat Onze Vrienden Blijven), expressed that they are in favour of granting undocumented migrants the opportunity to work from the moment they demand for regularization to their actual regularization, so that they can sustain their own costs of living, and counteract irregular labour. <http://www.nieuwsblad.be/Article/Detail.aspx?ArticleID=FP20NJUH>
- A group of hunger strikers who had waged a strike for 73 days at the Universite Libre de Bruxelles (ULB) ceased their action on 23 September. They will receive a three months residence permit for medical reasons. The permanent regularisation that they were pleading for will not be granted. Somewhat further in the same quarter of Brussels, another group of activists are still continuing their hunger strike in the Latin-American House of Ixelles, asking for a residence and a work permit. Having started about four days earlier than the group in the ULB, some of the strikers are facing serious health problems by now. http://www.deredactie.be/cm/de.redactie/brussel/080923_Elsene_hongerstakers
- On 4 October dozens of protestors including undocumented migrants marched through the streets of Brussels at a ceremonial march to commemorate the memory of Semira Adamu, who died ten years ago in 1998. Semira Adamu, then aged 20, died at the 6th eviction attempt by Belgian gendarmes when she was smothered by a pillow on board a plane about to fly her to Nigeria. <http://www.camer.be/index1.php?art=3238>

Netherlands

- The country's highest administrative court, the Council of State, informed on 8 September that it had requested the junior Minister for Immigration, Nebahat Albayrak, to order the release of a Chinese national placed in detention for unauthorised stay in The Netherlands. There is not much chance of having this man expelled in the near future because China doesn't co-operate in the forced repatriation of any of its nationals. The decision affects many other irregular residing Chinese nationals in the same situation. Source: Migration News Sheet, October 2008,

p. 11

- Controls for undocumented migrants are going to be tightened up. Alien police is going to hold specific controls on locations where the possibility of the presence of a lot of undocumented is bigger, e.g. in prostitution. If no IDs can be shown, this can lead to arrest and detention. Justice Secretary of State Albayrak is also looking into the possibility of ID inspections during demonstrations. This led to protest of the left-wing opposition parties in Lower House, saying the suggested measure would harm freedom of demonstration and fearing a measure of a “police state”.
http://www.nrc.nl/binnenland/article2015511.ece/Mogelijk_identiteitscontrole_bij_betoging_illegalen
- In advance of an inquiry of the Human Rights Committee (HRC) of the UN in Geneva, fourteen Dutch NGOs led by the Dutch section of the International Commission of Jurists (NJCM) commented on the human rights situation in the Netherlands. In the report the NGOs criticize the lack of protection of children, the asylum procedure and discrimination on the basis of sexual preference, handicap or chronic illness. The HRC monitors the compliance with the International Covenant on Civil and Political Rights every five years. The report is presented to the HRC on 29 October and can be downloaded on
<http://www.njcm.nl/site/uploads/download/276>
- Secretary of State Albayrak will take measures for improvement of the immigrant detention regime, in reaction to reports of Amnesty International and the Administration of Criminal Justice and Protection of Juveniles (Raad voor Strafrechtstoepassing en Jeugdbescherming, RSJ) (see PICUM newsletters July and August 2008). Undocumented migrants awaiting expulsion will have the possibility to spend more time outside their cell, and accommodation for families is going to be more child-friendly. In a reaction, Amnesty International says it is pleased with the relaxation of the regime, but remains critical towards the use of detention for former asylum seekers and undocumented migrants and the implementation of the measure.
<http://www.justitie.nl/actueel/persberichten/archief-2008/80929verdere-verbetering-vreemdelingenbewaring.aspx?cp=34&cs=579>
- The new health care financing regime (see PICUM newsletter July 2008) will come to effect on January 1st 2009. The Senate (Eerste Kamer) approved of the proposed amendment on 28 October, on the condition that also dental care will be seen as necessary medical care. The principle remains that undocumented patients pay for their own care. When this is not possible one financial fund will cover the expenses. More information on www.lampion.info

Germany

- The Gemeinsames Analyse- und Strategiezentrum Illegale Migration (Joint Center for Analysis and Strategy concerning Illegal Migration - GASIM) of the German Federal Government, which is a co-operation project of Federal Criminal Police Office, Federal Police, Federal Intelligence Service, Federal Customs Administration (Financial Control Illicit Employment), Foreign Ministry, Federal Office for the Protection of the Constitution and Federal Office for Migrants and Refugees, might be unconstitutional. Contrary to repeated statements of the Federal Government, GASIM collects and stores personal data, takes operative measures and breaches the maxim of separation between secret services and police. This allegation is supported by investigations of the news magazine Report Mainz, which also quotes from official accusations to that extent voiced by the Federal Criminal Police Office.
<http://www.swr.de/report/presse/-/id=1197424/nid=1197424/did=4025564/13o6j2v/index.html>
- The German trade union of service sector workers, ver.di, in co-operation with NGOs, established the first contact point for undocumented workers in Hamburg in May 2008. Until today, they have already had some success in supporting undocumented migrants legally in their battles to enforce the payment of outstanding wages.
<http://www.taz.de/regional/nord/nord-aktuell/artikel/1/50000-euro-zu-wenig-verdient>. For more information on the contact point, see:
http://hamburg.verdi.de/presse_hh/pressemitteilungen/showNews?id=b4cf753e-1a97-11dd-54ed-0019b9e321e1.
- The Protestant state church of Hanover has established an emergency fund for undocumented migrants. They also call for an exception from obligation to report concerning children visiting schools and for an exemption from punishment for people who give humanitarian aid to undocumented migrants. <http://www.haz.de/newsroom/regional/art1065,697988>

Austria

- The Churches' Commission for Migrants in Europe (CCME) and the central committee of the Conference of European Churches (CEC) have expressed deep concern about the "thousands of migrants unjustly detained in Europe for not having the right documents". In a joint statement on October 13, 2008, they also declared that legal provisions for regularisation in Austria should be based on human rights legislation, that those who have been in Austria for five years should be allowed to stay, and called for a change in migration policy. <http://www.cec-kek.org/content/pr-cq0857e.shtml>

Switzerland

- A dozen pro-migrant rights associations in Canton Vaud are forming a common forum and are

pushing for collective regularization of undocumented migrants. These advocates of migrants' rights hope their actions will help revive the cases of people who have lived and integrated well for more than five years in the canton and with no regular status. "They could benefit from Article 14 of the asylum and humanitarian permit act" said Alain Simon, Spokesman for the forum. The associations are speaking up against the inhumane living and working conditions of an estimated 12,000-15,000 people in the canton of Vaud only who work irregularly.
<http://cscps-10.blogspot.com/2008/10/echos-de-lats-pour-les-3me-etats-gnraux.html>

USA

- Border Patrol agents are stepping up surprise inspections on domestic trains, buses and ferries, nabbing irregular immigrants far from the border. In Vermont, Washington, Louisiana, New York and elsewhere, the agents, who have the authority to search any mode of transportation within 100 miles of the border, are working routes that don't cross into Canada or Mexico. Immigrant and civil liberties advocates argue that the agents focus more on certain passengers based on skin colour and accent. For more information, see <http://www.usatoday.com/news/nation/2008-09-30-bord>
- The Department of Homeland Security (DHS) issued on 23 October a Supplemental Final Rule that provides additional background and analysis for the department's No-Match Rule. The DHS regulation clarifies what steps responsible employers can take to resolve discrepancies identified in "no-match" letters issued by the Social Security Administration (SSA). It also provides guidance to help businesses comply with legal requirements intended to reduce the irregular employment of unauthorized workers. According to HS Secretary Michael Chertoff, "the No-Match Rule, along with E-Verify [a voluntary federal system that allows employers to check the information provided by newly hired workers; recently extended for five years, thus until 31 October 2013], will increasingly make the pleas of ignorance from businesses that seek to exploit irregular labour ring hollow, and equip their responsible competitors with the tools they need to hire and maintain a legal workforce." In contrary, according to a coalition of civil rights organizations, the No-Match Rule will put the livelihoods of authorized workers at risk, have a devastating impact on the already suffering US economy and lead to widespread discrimination in the workforce. The finalized rule is available online at: www.aclu.org/immigrants/workplace/373491gl20081023.html Sources: Office of the Press Secretary and National Immigration Law Centre, 23 October 2008.

3. European Policy Developments

European Commission

- Jacques Barrot, Vice-President of the European Commission responsible for freedom, security and justice, has decided to launch a wide-ranging public consultation as part of the discussions that will result in the definition of priorities for the period beginning in 2010. "The creation of an area of freedom, security and justice is still under way, and it is crucial that citizens be consulted to help define what that area should look like" explained Vice-President Barrot. One of the European Union's core objectives is to provide its citizens with an area of freedom, security and justice without internal borders, an area that requires concerted management of immigration and asylum. The impetus has been provided by two successive multi-annual programmes that set out detailed priorities and initiatives to be taken in the various sectors. The second programme – "The Hague Programme" – will be more or less completed in 2009. The Commission has decided to launch this wide-ranging public consultation as part of the discussions that will result in the definition of priorities for the period from 2010-2014. Contributions must be submitted by 20 November 2008.
<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/1405&format=PDF&aged=0&language=EN&guiLanguage=en>
- The Migration Information and Management Centre (CIGEM) was inaugurated on 6th October in Bamako, Mali, in the presence of Louis Michel, the European Commissioner for Development and Humanitarian Aid, Amadou Toumani Touré, the President of the Republic of Mali, and Brice Hortefeux, the French Minister for Immigration, Integration, National Identity and Cooperative Development. The centre, which is financed by the EU as part of its development cooperation with Mali, is a pilot project that is to be copied in other West African countries. The CIGEM is the result of cooperation between the Government of Mali and the European Commission for the purpose of providing a response to the migration phenomenon. It aims to help Mali come up with a migration policy that addresses the concerns of potential migrants, returning migrants and Malians residing abroad. Mali and the European Commission are working together through this project to realise Africa-EU partnership commitments on migration, mobility and employment adopted at the EU-Africa Summit of December 2007.
<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/1463&format=HTML&aged=0&language=EN&guiLanguage=en>
- The Commission adopted new initiatives to reinforce the EU's comprehensive approach to migration. It includes a Communication on "Strengthening the global approach to migration: increasing coordination, coherence and synergies", a Report to the 2008 Ministerial Conference on Integration on "Strengthening actions and tools to meet integration challenges" and a Communication reporting on the application of Directive 2003/86 on the right to family

reunification. These documents build on the principles suggested in the recent Communication on A Common Immigration Policy for Europe and provide the first building blocks for the actions proposed in this communication and in the European Pact on Immigration and Asylum, to be adopted by the European Council on mid-October. The Communication on the Global Approach suggests to strengthen the means of reaching the Union's strategic objectives: to address all migration and asylum issues in a comprehensive and balanced manner, to fully integrate migration into the European Union's other external policies, and to manage the EU's external dimension of the migration policy through genuine partnership with third countries. The Report to the 2008 Ministerial Conference on Integration, to be held under on 3/4 November in Vichy, comes in response to June 2007 Council Conclusions stressing the need to consider approaches to integration that involve society as a whole. The report on family reunification analyses national legislation implementing the Directive 2003/86/EC on the right of legally residing third-country nationals to be joined by their non-EU family members.

http://europa.eu/rapid/pressReleasesAction.do?reference=AGENDA/08/34&format=HTML&age_d=0&language=EN&guiLanguage=en

European Parliament

- The European Parliament adopted an own-initiative report on a European Commission proposal to step up efforts to combat undeclared work. MEPs call on the Commission to consider establishing a database on the various approaches and methodologies used to measure undeclared work in the Member States so as to promote the sharing of good practice and knowledge transfer in this area. The report was adopted with 479 votes in favour, 50 against and 40 abstentions. Undeclared work, which in some Member States accounts of 20% of GDP, is a worrying feature of Europe's labor markets, say MEPs. Undeclared work risks undermining the European social model and distorting competition on the single market. It also leads to social dumping, notes the report. Furthermore, immigrants, particularly irregular ones, are more exposed to the risks of undeclared work. The House asks Member States to consider improving incentives to declare work and to impose tough sanctions on employers who, despite benefiting from incentive measures, continue to employ undeclared workers.

http://www.europarl.europa.eu/news/expert/infopress_page/048-39029-282-10-41-908-20081008IPR39028-08-10-2008-2008-false/default_en.htm

- On 17 October, the European Parliament awarded for the first time the EP prize for journalism. The winner in the category 'internet' is Pete Pakarinen from Finland for his online article "A thousand bucks for a hazardous sea voyage - Europe facing a wave of immigration", addressing the issue of irregular immigration in the EU. The article describes a migrant's journey from Africa to Malta. It highlights all the obstacles migrants and asylum seekers have to face to reach Europe. Sources: Ecre Weekly Bulletin, 24 October 2008 www.ecre.org

- On 7 October, the Committee on Budgets of the European Parliament adopted an amendment to the European Refugee Fund creating a "Solidarity Mechanism" to enable burden-sharing on immigration among EU Member States. This 'Solidarity Mechanism' would aim to facilitate the voluntary reallocation of refugees and other beneficiaries of international protection from EU Member States facing severe migratory pressure to other Member States. The amendment, proposed by Maltese MEP Simon Busuttil (EPP-ED), foresees the allocation of an additional €5 million to the European Refugee Fund so that the operation of the burden-sharing mechanism could start. Sources: Ecre Weekly Bulletin 10 October 2008 www.ecre.org

Council of the European Union

- The European Council adopted on 16 October the European Pact on Immigration and Asylum. According to the Council, this Pact is aimed at "forming the basis [...] of a common immigration and asylum policy", and it is "guided by a spirit of solidarity between Member States and cooperation with third countries". The Council calls for the immediate implementation of the Pact's leading principles at both European and national level. These five principles -namely organizing legal migration, controlling irregular immigration, reinforcing border control, creating comprehensive partnerships with countries of origin and building a Europe of asylum- should also be included in the 2009 Commission's proposal for the future work programme of the European Union, to be adopted under the Swedish Presidency of the EU.
http://www.ue2008.fr/PFUE/lang/en/accueil/PFUE-10_2008/PFUE-16.10.2008/conclusions_conseil_europeen

4. Undocumented Children

- The Belgian Minister for Asylum and Integration Annemie Turtelboom (Open Vld) declared on 12 September 2008 that undocumented families with children will no longer be detained in closed centers. Instead, whilst waiting for a decision on their status, they will be placed in specifically dedicated open housing facilities. Families waiting for expatriation will however have to sign a contract with the government, stating that they will not flee. In the past years, hundreds of children in Belgium have been kept in closed centers for long periods, in absence of any pedagogical support. Source: De Standaard, 12-09-2008
- The European Committee for Social Rights has allowed the appeal of Defence for Children – supported by UNICEF, LOS and NJCM – against Dutch government concerning the right to housing for undocumented children. Because of the exclusion of undocumented families from social services and shelter, they are out on the street. This, according to the complaint, affects human dignity. More information: www.defenceforchildren.nl and

http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/Complaints_en.asp, case no. 47/2008

- Some trade unions in the educational sector and several NGOs have denounced that in French Guyana many children are “de facto” excluded from the educational system because of many discriminatory obstacles. The unions and NGOs have denounced to the Ombudsman for the rights of the child and to the High authority for the fight against discrimination and for legality (Haute autorité de lutte contre les discriminations et pour l'égalité) many infractions at the right to education and among them a strong discrimination against migrant pupils. In fact many obstacles have been reported for the registration in the pre-primary and primary school for the newcomers. <http://www.gisti.org/spip.php?article1241>
- On 29 September, the French Cour d'appel de Rennes revoked for a second time the order of administrative detention for an irregular family with a child on the basis of article 3 of the European Convention on Human Rights which prohibits any form of inhuman and degrading treatment. <http://www.educationsansfrontieres.org/?article15641>
- A controversial scheme to create special classes for immigrant children was approved by the lower house of Italy's parliament on 14 October. The measure, proposed by the right-wing Northern League Party, would require foreign children to pass a special test before being admitted into schools. The league says the proposal will help integration, but opposition leaders have denounced it as xenophobic. The measure still has to be approved by the Senate before it becomes law. Under the proposal, the children of immigrants would have to sit tests on citizenship and would be placed in "bridge classes" if they failed, where they would study Italian language, law and culture until they could pass the test. <http://news.bbc.co.uk/2/hi/europe/7672805.stm>
- Associations for the protection of the rights of undocumented migrants worry about a new milestone in the French government's stance against irregular immigration. A woman in an irregular situation was denounced by the city hall of the 5th arrondissement of Paris, where she enrolled her son to school in July. The document of the Police Commissariat, (see: http://www.educationsansfrontieres.org/IMG/fckeditor/UserFiles/Convocation_29_10_08.pdf) posted Monday 27 October by Education Without Borders Network (RESF) mentions the reason for the police convocation as "following the enrollment of your child to school while in irregular situation in France". Bertrand Delanoë, the Paris mayor, said that "the enrollment of children is not subject to the regularity of the situation of parents and that the data collected from them must in no case include any reference to the regularity of stay which does not fall within the procedure of school enrollment." The mayor added that "an administrative investigation will be conducted to establish the precise responsibilities in the conduct of the case." This kind of practice is not unique, ensures Brigitte Wieser, spokesman for a rights group

RESF, and recalls that "complaints of this kind are fairly common in provincial towns ... We have seen examples of undocumented migrants detained while being discharged from the hospital!" <http://www.liberation.fr/societe/0101165724-une-sans-papiers-denoncee-par-une-mairie-parisienne>

- The European Forum on the Rights of the Child is a permanent group chaired by the European Commission aiming to promote children's rights in EU internal and external action. In order to ensure effective representation of civil society at the Forum, Civil society organisations have launched a call for interest. NGOs can submit their application until 14 November 2008. The European Commission has agreed to host the call for interest on its website but is not involved in the selection process. http://ec.europa.eu/justice_home/news/intro/news_intro_en.htm

5. Upcoming Events

- For the third year, Cimade will hold "Migrant'Scène" from 15-30 November in fifteen different cities in France. The main goal of the festival is to celebrate migration. By means of debates and art Cimade tries to bring back a humane dimension to migration. This year's theme will be "women in migration". The total programme is available on www.migrantscene.org as well as the possibility for registration.
- *European Seminar for the Promotion of Sexual and Reproductive Health and Rights of Refugees and Asylum Seekers in Europe and Beyond*, seminar held by the International Centre for Reproductive Health of Ghent University and the European Network EN-HERA! The seminar will be held on the 21 November at Monastery Poortackere at the Oude Houtlei 56 in Ghent. <http://www.icrh.org/node/790>
- Aleidis Devillé will present the results of her doctorate research '*Schuilen in de Schaduw*' (*Hiding in the Shadows*) on 20 November. She investigated the impact of irregular status on undocumented migrants and how society, the media and the official health services treat these people. Furthermore, recent developments concerning irregular migration will be discussed. For more information, see http://soc.kuleuven.be/ceso/onderzoek/9/pdf/Mail_Uitnod_ALL_Doctoraat_Schuilen_LoRes.pdf

6. Publications

- OECD, *International Migration Outlook 2008*. OECD's publication says that while OECD countries continue to compete to attract high-skilled immigrants, many are wary of accepting

less-skilled immigrants, despite strong demand for such workers. OECD countries should adapt their labour migration policies more closely to likely future demand for workers in all areas of their economies, opening up to lower-skilled workers as well as to those with high skills, according to the report.

http://www.oecd.org/document/3/0,3343,en_2649_33931_41241219_1_1_1_37415,00.html

- *Returns at Any Cost. Spain's Push to Repatriate Unaccompanied Children in the Absence of Safeguards*, Human Rights Watch 2008. This report identifies a fundamental flaw in Spain's repatriation of unaccompanied migrant and refugee children: the government's failure to provide children with independent legal representation during repatriation procedures. This gap in protection leaves children unable to challenge decisions that fundamentally affect their lives and may result in children sent back to situations where their well-being is at risk. Adult migrants, in contrast, receive free legal assistance from lawyers in a deportation procedure.
<http://www.hrw.org/reports/2008/spain1008/>
- December 18 released its latest publication: *The UN Treaty Monitoring Bodies and Migrant Workers: a Samizdat*. The paper covers the work of six Treaty Monitoring Bodies between the period 1994 and 2007. The research shows that just over half of the TMB conclusions and recommendations over that period cover the rights of migrants. There remain, however, significant gaps and shortcomings because the vulnerability of migrants, and the complexity and diversity of their situation, are not properly addressed. The paper is available (in English only) on the website of December 18 or by clicking below:
<http://www.december18.net/web/docpapers/doc7039.pdf>
- EPC Policy brief: "*The EU Immigration Pact - from Hague to Stockholm, via Paris*". This policy brief by Elizabeth Collett of the European Policy Centre (EPC) analyses the European Immigration Pact's content and what the changes made to the initial French Presidency draft tell us about the current state of the EU immigration debate. It argues that while the pact is unlikely to have much direct impact on EU policy, it does reflect a significant political shift in the direction of 'control first' policies.
<http://www.epc.eu/en/pub.asp?TYP=TEWN&LV=187&see=y&t=&PG=TEWN/EN/detailpub&l=12&AI=943>
- Rodier C. and Terray E. (et al), *Immigration: fantasmes et réalités. Pour une alternative à la fermeture des frontières*, Paris: Gisti, 2008. The idea for this book was born from a double observation. From one side the reference to respect for human rights isn't enough (anymore) to call migration policies in question. From the other side, many falsehoods appear around the question of migration with statements such as "Immigration heavily affects the national budget" and "The fight against clandestine immigration promotes the integration of migrants". The book is principally about these misconceptions that show an ignorance of reality of migration policy in

France since the 1970s and in Europe since the 2000s.

<http://www.editionsladecouverte.fr/catalogue/index.php?ean13=9782707156358>

- *Illegal Migration and Gender in a Global and Historical Perspective*, Edited by Marlou Schrover, Joanne van der Leun, Leo Lucassen and Chris Quispel, the book addresses questions such as: How can differences between male and female migrants in the context of illegal migration be explained? How do mechanisms of inclusion and exclusion work out differently for men and women? The studies span the nineteenth and twentieth centuries and cover a breadth of geography including Germany, the Netherlands, the UK, the US, Mexico, Malaysia, the Middle East, the Horn of Africa, the former Soviet Union and Pakistan.
http://www.aup.nl/do.php?a=show_visitor_book&isbn=9789089640475
- Akoka K. and Clochard O. (red.), *La loi des « jungles »*, Coordination Française pour le Droit d'Asile (CFDA), 2008. From May until July 2008, the CFDA did a research on the situation of marginalized and rejected asylum seekers close to the Channel and the coast of the North Sea. The CFDA released a report highlighting a number of recommendations aimed to put an end to violations of the rights of a large number of migrants. The recommendations relate mainly to asylum, reception conditions, protection of vulnerable persons, harassment and police brutality and rights of persons held in detention centres.
http://www.cimade.org/uploads/File/admin/loi_des_jungles1209.pdf
- Van Meeteren M., Van San M. and Engbersen G. *Zonder Papier, over de positie van irreguliere migranten en de rol van het vreemdelingenbeleid in België (Without Papers, about the position of irregular migrants and the role of aliens policy in Belgium)*, Acco, Leuven, 2008. The authors give a systematic insight in the resources organized by irregular migrants to improve their situation or simply to survive, with a focus on the practices and dilemmas of institutions that support undocumented migrants.
http://www.acco.be/acco_publishing/book/book_detail.php?qs_book_id=121768

7. Miscellaneous

- The second meeting of the Global Forum on Migration and Development (GFMD) took place on 27-30 October 2008 in Manila, Philippines. The GFMD is a new initiative of the international community to address the migration and development interconnections in practical and action-oriented ways. It marks the culmination of more than a decade of international discussion on the growing importance of these linkages, and the progressive acknowledgement of the need to address the policy implications and responses in a multilateral framework. The Manila GFMD's central theme was "Protecting and Empowering Migrants for Development".

http://government.gfmd2008.org/forum_info/gfmd_philippines2008.html

- The film *Come Un Uomo Sulla Terra (Like A Man On Earth)* goes into the Euro Mediterranean migration flows. Since 2003 Italy and Europe have asked Libya to stop the influx of African migrants. What are the Libyan police really doing? How do thousands of African men and women suffer? And why does everybody pretend they do not know about it? More information about the film by Asinitas Onlus is available on <http://comeunuomosullaterra.blogspot.com/2008/01/since-2003-italy-and-europe-have-asked.html>
- During the film festival “On the Move”, from October 2008 until May 2009, films about migration will be shown in several cinemas in The Netherlands. *Welcome Europe* is about irregular immigrants seeking for a better life in Europe. In *Licu's holidays* the adaption problems of a Bengal immigrant in Italy are discussed. *All white in Barking* is about the immigrant flows in a London neighbourhood. In *Chicagoblok* stories are told from an elevator in a flat where people from 35 nationalities live. *Salah, an African Toubab* is about the willingness to be independent in Mali. Find more information on www.onthemovefilms.nl

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