



PLATFORM FOR INTERNATIONAL COOPERATION ON UNDOCUMENTED MIGRANTS

## PICUM Newsletter October 2008

*Finalized on 13 October, 2008*

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](http://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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**THANK YOU !**

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### **1. Death at the Border**

- A pregnant African woman died shortly after being rescued by a cargo ship in Maltese territorial waters on 31 July. The corpses of two other immigrant women were recovered from the sea. The cargo ship had alerted the Maltese authorities to the critical state of the woman and a helicopter was sent to have her transported to the hospital, but she died before arrival. (Migration News Sheet, September 2008, p. 27)
- A rubber boat believed to be carrying around 80 irregular migrants/asylum-seekers originating from Somalia, Eritrea and Sudan capsized in the Mediterranean Sea on 25 August after departing from

the Libyan coast four days earlier. A day later a Maltese fishing vessel rescued eight survivors. The others, including three pregnant women, are listed as missing, and are presumed dead. It would have been virtually impossible for them to survive after being swept away by the rough seas. (Migration News Sheet, September 2008, p. 21)

- Neither the Moroccan nor the Spanish authorities took any steps to locate the bodies of more than 20 irregular migrants who were on board a vessel that was rescued by a Spanish transport ship near to the island of Alboran on 25 August. The only hope left is that the bodies be washed up on a beach some day. (Migration News Sheet, September 2008, p. 15)
- 33 migrants perished on 8 September on the sea trying to reach the Canary Islands while the survivors were allegedly intercepted by Moroccan sea patrols and abandoned in the no man's land of Sahara desert. Sixteen migrants were rescued in deplorable conditions by the NGO Doctors of the World. The survivors described their ordeal as 'a journey in hell'. A team of NGOs accompanied by members of the Red Cross and Spanish Commission for the Assistance of Refugees later set out to search for survivors lost in the dangerously mined Western Saharan - Mauritanian border. [http://www.elpais.com/articulo/espana/Estan/perdidos/medio/desierto/zona/minada/elpepuesp/20080908elpepunac\\_13/Tes](http://www.elpais.com/articulo/espana/Estan/perdidos/medio/desierto/zona/minada/elpepuesp/20080908elpepunac_13/Tes)
- The UN refugee agency urged the Maltese authorities to provide medical care to eight African migrants rescued after their boat capsized on August 27 in the Mediterranean Sea off Malta. UNHCR also asked the Maltese to broaden the search for at least 70 people missing and feared dead. UNHCR's head of office in Malta found the survivors to be in poor physical and mental condition after their ordeal on the high seas and subsequent detention. The UN refugee agency believes that these deeply traumatized people, who may include refugees and asylum seekers, should not be held any longer. They should be released into medical care and given adequate support, including proper counselling. <http://www.unhcr.org/cgi-bin/texis/vtx/media?page=home&id=48b6bea14>

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

### **France**

- The announcement released by the French minister of the Immigration Brice Hortefeux on 11 July saying that the new immigration law would come into force starting January 1, 2009 has been denounced by many organisations who describe the news as 'a bomb shell'. Apart from restricting access to aid for migrants in so-called administrative retention centres, the new text foresees to constrain associations which help these migrants to a clause of neutrality and of confidentiality. The decision is not in concert with the views of the concerned organisations, like Cimade (Ecumenical Service of Mutual Aid) and SOS Support for Undocumented Migrants which see this decree as a step by the government to keep them quiet. <http://www.afrik.com/article15170.html>
- Undocumented workers who occupied the headquarters of the multinational cleaning firm ISS in Paris ended their occupation on 27 September following an agreement with management. The company's management has agreed to sign a memorandum of understanding with representatives of the trade union, under which it "is committed to open discussions on October 2008 with trade unions concerning the issue of employees holding false papers". In addition, the management ensured that "no employee present during the occupation of the headquarters of ISS will be dismissed for this reason". <http://quotidiensanspapiers.free.fr/w/spip.php?article1551>

## Spain

- While on a visit to Santo Domingo in the Dominican Republic on 7 August, Deputy Prime Minister Fernandez de la Vega made the statement, assuring Latin Americans living in Spain that the EU Directive on common standards and procedures in member states for returning irregularly staying third-country nationals will “never” be applied to them. She explained that her government felt uncomfortable with the proposals adopted by the European Union and stressed that Spanish legislation offered “infinitely” more guarantees than EU laws. (Migration News Sheet, September 2008, p. 14)
- Spain, facing rapidly rising unemployment, will stop issuing visas to most migrant workers, the government said on 4 September. No more visas will be granted to low-skilled workers, such as those employed in restaurants and shops, a spokeswoman for the Labour and Immigration Ministry said. She said the government would also insist that companies prove they cannot fill posts in Spain before bringing in foreign workers. She did not say when the measures would take effect. The measure follows another decision to restrict family reunion visas, which the government had said would cut immigration by 40 percent. Unions said restricting work visas would only result in more irregular immigration. "They're trying to blame immigrants for the economic situation," said Almudena Fontecha of the UGT union. <http://www.financialexpress.com/news/Spain-to-slash-immigration-as-job-queues-grow/357379/>
- On 19 September, the Spanish government, which has been spurred on by the economic crisis and rising unemployment, approved a plan for voluntary return home on the part of immigrants, confirming a hardening in approach after years of an almost open-doors policy. The idea is to enable citizens of some countries to be able to receive all of their unemployment benefits in two installments in exchange for the promise to leave and not return within three years; 40% of the compensation will be delivered when they choose to leave, and 60% one month later in their home country. <http://www.la-moncloa.es/ActualidadHome/2008/190908-consejo.htm>
- The spokesman of the Spanish Socialist Party in the Congress, José Antonio Alonso, in a press released of the 18 September, affirmed that his party has finalized a proposal to give the right to vote to the migrants regularly present in the country for the 2011 municipal elections, and that its legislative approval will not be delayed by more than some months. [http://www.agendadeprensa.com/septiembre19/mundo\\_22.htm](http://www.agendadeprensa.com/septiembre19/mundo_22.htm)
- The Unified Union of Police (Sindicato Unificado de Policía ((SUP) stated in an official communication on 19 September that an “irregular” migrant is not a “criminal” and should not be arrested, detained and expelled "as an animal", although the union believes that the voluntary return of undocumented migrants should be encouraged. [http://www.elpais.com/articulo/espana/mayor/sindicato/policial/pide/expulse/papeles/elpepiesp/20080919elpepinac\\_14/Tes](http://www.elpais.com/articulo/espana/mayor/sindicato/policial/pide/expulse/papeles/elpepiesp/20080919elpepinac_14/Tes)

## Italy

- The Council of Europe’s Commissioner for Human Rights Thomas Hammarberg issued his report on Italy on 29 July, expressing his strong concerns at the so-called emergency measures introduced with the aim of combating irregular migration and crime, but targets, in fact, members of the nomadic ethnic group Roma. The report is based on observations made last June when Hammarberg paid a visit to Italy to evaluate the new security measures introduced by the government. (Migration News Sheet, September 2008, p. 13)

- Italy's plan to fingerprint Roma people has received a green light from the European Commission, with Brussels' experts suggesting that the controversial measures are not discriminatory or in breach of EU standards. A Commission spokesman told journalists on 4 September that the practice proposed by Italian authorities earlier this year is only aimed at identifying persons "who cannot be identified in any other way" and excludes the collection of "data relating to ethnic origin or the religion of people." The centre-right government of Silvio Berlusconi sparked protests from human rights' organisations and several in the European Parliament after announcing its plan to fingerprint Roma people - including children - as part of a census of Roma camps.  
<http://euobserver.com/22/26691>
- Silvio Berlusconi was accused on the 15 September of helping to create a "climate of racial hatred" after an Italian man of African origin was beaten to death in Milan for stealing biscuits. Abdul Salam Guibre, 19, originally from Burkina Faso, was murdered by a shopkeeper and his son after they caught him stealing packets of biscuits from their snack bar near Milan railway station. Witnesses said that they hurled racial abuse at him and then shouted "we'll kill you" as they repeatedly struck Mr Guibre with iron bars, leaving him lying in blood. Walter Veltroni, leader of the opposition, said that the right had come to power in April's elections by exploiting Italians' fears of street crime, gypsies and irregular immigrants. It had created "an atmosphere of hate and intolerance."  
<http://www.timesonline.co.uk/tol/news/world/europe/article4757643.ece>

## UK

- Incidences of self-harm in immigration detention centres rose 73 per cent in the first six months of this year, Home Office figures have revealed. The sharp increase has provoked calls for the Government to re-examine its policy of treating asylum-seekers as prisoners. The UK Border Agency has already been criticised for its detention of vulnerable migrants and for the extended stays that many are forced to endure. Contrary to UN recommendations, there is no legal limit to the length of time a person can be held in a UK immigration detention centres. Despite the latest figures, the Government is determined to expand the immigration detention capacity from 2,500 to 4,000. Dr Cornelius Katona, of the asylum charity Medical Justice, said: "There is an enormous body of evidence that says detaining asylum-seekers is bad for their mental health. These are people who are very vulnerable." <http://www.independent.co.uk/news/uk/home-news/alarmed-rise-in-selfharming-at-detention-centres-913909.html>
- During August, the English government announced plans to improve monitoring systems which protect vulnerable workers in the UK. A Fair Employment Enforcement Board will be established, aiming to promote collaboration between existing enforcement bodies. Trade unions and other not-for-profit organisations will also participate. In addition, a telephone helpline for vulnerable workers will be set-up, and a public campaign launched to encourage workers to report abuses. These measures are being taken as a result of the final report of the Vulnerable Worker Enforcement Forum, published in August. Migrant rights' organizations welcome a focus on addressing exploitation of workers through efficient cooperation between public and voluntary sector bodies, but it is not yet clear what the implications will be for migrant workers, especially for the most vulnerable workers such as undocumented migrants.  
<http://www.migrantsrights.org.uk/enews/2008/september.htm#upcomingevents>
- The Council of Europe Commissioner Thomas Hammarberg released on 18 September a human rights report on asylum-seekers and immigrants. Based on visits to the UK in February and April 2008, according to Hammarberg "Improvements must be introduced to strengthen effective respect for the rights of asylum-seekers and immigrants in the United Kingdom".

[https://wcd.coe.int/ViewDoc.jsp?Ref=PR639\(2008\)&Language=lanEnglish&Ver=original&Site=DC&BackColorInternet=F5CA75&BackColorIntranet=F5CA75&BackColorLogged=A9BACE](https://wcd.coe.int/ViewDoc.jsp?Ref=PR639(2008)&Language=lanEnglish&Ver=original&Site=DC&BackColorInternet=F5CA75&BackColorIntranet=F5CA75&BackColorLogged=A9BACE)

## Ireland

- Migrant Rights Centre Ireland (MRCI) has clarified with the Department of Enterprise, Trade and Employment (DETE) that migrant workers working on a permit may change employer, with certain limitations. The Department's guidelines ("Guide to Work Permits" of January 2008) have now been amended to clarify this. The updated guide is available on the website of the Department of Enterprise, Trade and Employment:  
<http://www.entemp.ie/publications/labour/2007/guideworkpermits.pdf>
- The Irish government is to set up a programme to regularise the status of undocumented migrant workers in Ireland who previously held work permits. Senior officials told unions and employers at social partnership talks last week that the scheme will be aimed at foreign national workers who have become undocumented through "no fault of their own". The move appears to be a significant U-turn by the Government, which previously signalled that any such move could provide an incentive for illegal immigration.  
<http://www.december18.net/web/papers/view.php?paperID=6928&menuID=41&lang=EN>

## Belgium

- The Forum for Asylum and Migration (FAM), a platform of 120 organizations who fight for an alternative policy of asylum and migration, called upon the government on 10 September to come forward rapidly with a new circular on regularisation of undocumented migrants. FAM's spokesperson urged the government not to wait any longer and create more chaos on the issue. For the forum, the expected circular should include benefiting undocumented migrants who have lived without authorisation but who have built veritable ties to Belgium. Any new policy which does not take into account this fact would not meet its objective, according to the spokesperson.  
<http://www.december18.net/web/papers/view.php?paperID=6887&menuID=41&lang=FR>
- The tenth anniversary of the death of Samira Adamu was commemorated on 20 September with a demonstration in front of the Foreigners' Office in Brussels and with a renewed call for protecting undocumented migrants. Samira, a 20-year-old Nigerian asylum seeker, died on September 22, 1998, while being forcibly repatriated when two policemen smothered her with a pillow to keep her quiet while awaiting takeoff on a Belgian Sabena airline flight to Lome, the capital of Togo.  
<http://campagneetmanif.canalblog.com/>
- Starting in October, undocumented families awaiting deportation will no longer be confined and will be housed in former compounds of the police. Five houses will accommodate an average of 120 families per year, according to the Minister of Immigration and asylum Annemie Turtelboom. To date, nine families remain in the Merksplas detention center. Families living in these houses will be closely supervised by coaches who "will conclude a contract of trust with these people" and prepare them for a humane return home, further clarified the minister. They depend for their assistance on the Aliens Office. The families will not receive cash, but they will have hot meals and access to health care. The proposed system was based on the Australian and Swedish experiments.  
<http://www.7sur7.be/7s7/fr/1502/Belgique/article/detail/413332/2008/09/12/Fin-de-la-detention-des-familles-immigrees-illegales.shtml>
- Mean while, the announcement by the Minister of Immigration and Asylum about the end of families awaiting deportation in detention centers drew mixed reactions from NGOs that provide access to

these families. In a joint statement, released by CIRE (Coordination and Initiatives for Refugees and Strangers), these NGOs are wondering whether the measure takes into account all families in detention. Two Belgian political Parties, the PS and the cdH, also welcomed the decision. The PS, which now wants the principle of non-confinement to be inserted in law, said "it is gratifying that the MR and the Open VLD finally accept what has long been called for." It is a significant step forward in the fight for an asylum policy which is more just and more humane", the statement adds. For the President of PS, Elio Di Rupo, every child, regardless of where s/he was born, has rights which must be respected. "It is inhumane to confine children simply because their parents are staying irregularly in our country," he said.

- <http://www.7sur7.be/7s7/fr/1502/Belgique/article/detail/413332/2008/09/12/Fin-de-la-detention-des-familles-immigrees-illegales.dhtml>. Belgian organizations Children without papers (Kinderen zonder papieren), Service droit des jeunes and the Jesuit Refugee Service call for a more humane, child friendly and clear asylum- and migration policy, and reiterate that the measure is not a favor, but a right derived from the Convention of the Right of the Child. Further they question some practical aspects of this measure: what will happen to children of parents who make an asylum claim on the border or who are detained in respect to the Dublin-treaty (which is 50-70% of children detained)? What will happen to children whose parents do not co-operate? Furthermore, a large share of the children who are detained for expulsion match the criteria for regularisation that the minister denounced in the forming of the new government, but is unclear until now. <http://www.kzp.be/wordpress/?p=86>
- In a study carried out by the Centre for Social Policies of the University of Amsterdam on a sample of 120 of the some 50,000 irregular migrants in Belgium who were granted residence permits in 2000, the researchers found that around two thirds had secured employment and were paying taxes. The issuing of residence permits to these migrants has considerably improved their quality of life and standard of living. A third of the sample had even bought their own homes, especially those residing in Flanders. (Migration News Sheet, September 2008, p. 10)
- In an interview with "La Dernière Heure" of 29 August, the President of the French-speaking Socialist Party De Rupo, warned the Minister for Immigration and Asylum Turtelboom, that she could have death on her conscience. This is in reference to the desperate actions, including hunger strikes, taken by irregular migrants and rejected asylum-seekers to protest against Turtelboom's failure to implement a regularisation programme or amnesty even though the coalition partners have already agreed to have one. (Migration News Sheet, September 2008, p. 10)

## Netherlands

- The Ministry of Justice announced on 1 August a series of proposed measures aimed at granting more protection to immigrant women who are victims of domestic violence. The Ministry is also proposing that confirmation by a women's shelter or an aid worker that an immigrant woman has been beaten by her husband be enough as proof of her status as victim of domestic violence. (Migration News Sheet, September 2008, p. 7)
- A joint initiative of groups stressing the importance of regularization of marginal cases, people falling out of the General Pardon for rejected asylum seekers (see earlier PICUM newsletters) because they don't meet all criteria, organized a bus tour to raise attention. Most of the so called "grens gevallen" ("borderliners") left The Netherlands for a short while during their stay. Some people only for short visit, some to claim asylum in another country. With this bus tour, the organizing committee gained support of politicians of several Dutch city councils. A petition was

handed to members of the Lower House (Tweede Kamer). More information on [www.grensgevalen.com](http://www.grensgevalen.com) or [askv@dds.nl](mailto:askv@dds.nl)

- The employer of an undocumented person who worked for him voluntarily nevertheless received a fine of 5,500 Euros for employing someone without an employment permit. The fact that the man did not receive payment for his work was no reason for the The Hague court to let off the penalty. Full judgement on <http://zoeken.rechtspraak.nl> , Rechtbank 's-Gravenhage , AWB 07/8590

## Germany

- On 27 August the German federal government approved a draft bill aimed at easing the rules of entry for skilled labour. Business leaders have long urged the government to lower the annual income threshold for highly qualified foreign workers and they have at least received some satisfaction. It is hoped that this will remedy the chronic shortage of skilled labour in some sectors of the economy. The proposal, which still requires parliamentary approval, is expected to become law and be applied next year. (Migration News Sheet, September 2008, p. 5)

## Hungary

- An international project was launched on 17 September 2008 in Budapest aiming to review and develop the quality of asylum status decisions in eight European Union countries. The countries participating in this project – Bulgaria, Hungary, Poland, Romania, Slovakia and Slovenia, joined by Austria and Germany – have set themselves the goal of reviewing and enhancing the quality of their refugee status determination systems. The findings and results of the project are expected to help the harmonization of EU asylum legislation with a view to creating a common European asylum system by 2012. As a result of missing elements in the pre-hearing and hearing phases, asylum decisions may be very poorly done, and therefore, can lead to rejections and appeals. Source: Andrea Szobolits, "How good are refugee status decisions in Central and Eastern Europe?", 17-09-2008, UNHCR Budapest, [http://www.unhcr-budapest.org/index.php?option=com\\_content&task=view&id=176&Itemid=2](http://www.unhcr-budapest.org/index.php?option=com_content&task=view&id=176&Itemid=2)

## Switzerland

- About 2,000 people demonstrated in Bern on 13 September for the rights of undocumented migrants. The demonstration, called under the banner: "the right to remain for all" called for a collective regularization and a halt to deportations. The protesters also claim for the implementation of articles on cases of labour exploitation and the right to family reunification. Meanwhile, the National Platform for Medical Care to Undocumented Migrants, managed by the Swiss Red Cross, called at a conference in Bern for standards of care for people without authorised stay. The platform said that the majority of undocumented migrants, from 80 to 90%, do not have health insurance. [http://www.romandie.com/infos/ats/display2.asp?page=20080913181517629172194810700\\_brf043.xml](http://www.romandie.com/infos/ats/display2.asp?page=20080913181517629172194810700_brf043.xml)
- From 8 – 14 September 2008, the campaign "ohne uns geht nichts - woche der migrant\_innen" (It won't work without Us – Week of Migrants) took place. In addition to various other activities, a demonstration took place in the city of Bern on September 13. Nearly 3,000 people, many of them undocumented migrants, demonstrated for a collective regularisation of undocumented migrants, an immediate hold on deportations, the implementation of the law on hardships and the right to family reunification. <http://www.tagblatt.ch/aktuell/schweiz/schweiz/art622,661741>

## USA

- While, as the *International Herald Tribune* reports, the numbers of Polish immigrants in the US have already begun to dwindle as more and more immigrant Poles have been deciding to return to their home country lured by the more vibrant economy in Poland, the American immigration authorities have also introduced a new pilot programme aimed, amongst others, also at Polish irregular migrants and encouraging them to return voluntarily to the country of origin. The aim of this programme is to encourage Polish irregular migrants to self-deport in order to avoid detention. The American authorities are also offering the irregular migrants free flights back to Poland. Polish immigrants could volunteer in the first instance to take part in this programme until August 22 and on condition that they are not in conflict with the law. *International Herald Tribune*, 21-09-2008, <http://www.iht.com/articles/2008/09/21/america/poles.php>; “Nielegalni imigranci będą mogli wrócić z USA za darmo” (“Illegal immigrants can return from the U.S. for free”), 13-08-2008, *Gazeta.pl*.
- Undocumented immigrants along the hurricane-ravaged Gulf Coast have resisted mandatory evacuation orders out of fear they could be arrested and deported at checkpoints. The climate of fear around deportation has worsened as the Immigration and Customs Enforcement Agency, or ICE, continues to step up its raids across the country, with two of the largest raids in US history taking place in the last five months. [http://www.democracynow.org/2008/9/12/increased\\_raids\\_and\\_checkpoint\\_arrests\\_endanger](http://www.democracynow.org/2008/9/12/increased_raids_and_checkpoint_arrests_endanger)
- A federal government program that pays Arizona hospitals more than \$30 million a year to offset unpaid bills for emergency care provided to undocumented immigrants likely will end next week. Hospitals in Arizona and other border states have turned to the program to defray the costs of providing emergency care to undocumented migrants. But the program expires at the end of September 2008, and lawmakers say there is little chance that more funding will be added. Though the program expires at the end of the month, there will still be about \$77 million available to Arizona hospitals and doctors, according to the Arizona Hospital and Healthcare Association. <http://www.azcentral.com/arizonarepublic/business/articles/2008/09/21/20080921biz-hospital0921.html>

## **3. European Policy Developments**

### **General**

- The final report of the High Level Advisory Group on the Future of the European Home Affairs Policy (“Future Group”) has been made public online. The “Future Group” consists of the Interior Ministers from the previous and current Trio EU Presidencies (Germany, Portugal, Slovenia, France, Czech Republic and Sweden), representatives from the future Trio-Presidency as well as the Justice and Home Affairs Commissioner and the President of the European Parliament’s LIBE Committee (Committee on Civil Liberties, Justice and Home Affairs). The group’s aim is to put forward recommendations for the future European Home Affairs policy after the “Hague Programme”, which currently sets out the goals for JHA policy from 2005 until 2010. The group’s final report was presented at the informal JHA Council in Cannes on 7 and 8 July. ECRAN Weekly Update 12 September 2008 [www.ecre.org](http://www.ecre.org)
- The Migration Information and Management Centre (CIGEM) will be inaugurated on 6 October in Bamako, Mali, in the presence of Louis Michel, European Commissioner for Development and Humanitarian Aid, and Badara Aliou MACALOU, Minister for Malians Abroad and African

Integration, and many other African and European politicians. The aim of the centre is to help Mali to define a Malian migration policy in response to the concerns of potential migrants, returning migrants and migrants residing outside Mali. It will serve as a single information and guidance office for all migrants. The start-up of the CIGEM has been financed by the European Commission as a pilot project designed to enhance Mali's capacity to deal with migration issues in partnership with neighboring countries and with Europe. The centre will seek to promote the mutual benefits of legal migration, to deter would-be undocumented migrants, to highlight the financial contributions and transfer of knowledge of the diaspora and to obtain a better understanding of the migration phenomenon in order to be able to formulate an appropriate policy. The project is a 'pilot' in that it is the first time the European Union is offering its support to a country in sub-Saharan Africa for tackling and preventing the problems generated by irregular and legal migration in the shape of an initiative addressing all the aspects of the migration phenomenon.

<http://europa.eu/rapid/pressReleasesAction.do?reference=AGENDA/08/31&format=HTML&aged=0&language=EN&guiLanguage=en>

- Increased EU patrols of the Mediterranean and Aegean are failing to prevent an “alarming” increase in undocumented migrants reaching Italy, Malta and Greece by sea, according to the head of Frontex, the EU's border management agency. Frontex chief Ilkka Laitinen told European Voice that arrivals on the Italian island of Lampedusa had increased by 190% in the first six months of 2008, compared to the equivalent period in 2007. Malta, the other main target for criminal organizations trafficking people across the central Mediterranean, is also under increasing pressure. Laitinen said that one reason for the increase could, perversely, be Frontex's increased presence in the area. Traffickers force migrants to sink the boats they are sailing in, so that they will be rescued by Frontex vessels. <http://www.europeanvoice.com/article/imported/frontex-chief-warns-about-failure-to-reduce-migration/62224.aspx>

## 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. One of the European Union's core objectives is to provide its citizens with an area of freedom, security and justice without internal borders. Many elements come into play in this important effort: the respect of fundamental rights, citizenship including, for example, participation in local and European elections, the free movement of persons, data protection, judicial cooperation in civil and criminal matters, the fight against drugs, police cooperation, the fight against terrorism and organized crime, legal and irregular immigration, integration, asylum and visa policies, and questions related to the EU's external borders. [http://ec.europa.eu:8082/justice\\_home/news/consulting\\_public/news\\_consulting\\_public\\_en.htm](http://ec.europa.eu:8082/justice_home/news/consulting_public/news_consulting_public_en.htm)
- The European Commission's draft directive on minimum rules for criminal sanctions against employers and inspections to be made in the sectors of activity most open to abuse is likely to be shelved or so heavily watered down that it would have no more than a symbolic value. The proposal provides for a minimum harmonisation of administrative, financial and criminal sanctions against employers of unlawfully staying third-country nationals. At the Justice and Home Affairs Council meeting on 24 and 25 July, the French Immigration minister Hortefeux noted that the division on the issue was so wide that it would be difficult to reach an agreement on a compromise text. (Migration News Sheet, September 2008, p. 9).
- The Council has reached an agreement on the European pact on immigration and asylum. The Pact will now be submitted for adoption to the European Council of October 2008. The Council recognised the support of all the delegations for the draft Directive on the conditions of entry and

residence of third-country nationals for the purposes of highly qualified employment (the so-called "Blue Card" Directive). The Council has charged the Coreper with finalising the text of the Directive. [http://www.ue2008.fr/PFUE/lang/en/accueil/PFUE-09\\_2008/PFUE-25.09.2008/Resultats\\_JAI\\_250908](http://www.ue2008.fr/PFUE/lang/en/accueil/PFUE-09_2008/PFUE-25.09.2008/Resultats_JAI_250908)

## European Parliament

- With welfare systems endangered by an ageing European population and a shortage of workers in some sectors, immigration should no longer be seen as a threat, argued European and national MPs in Brussels on 12 September. Migration should be regulated at EU level, they maintained. Most speakers also voiced support for the "pact on immigration" proposed by the Council Presidency. EPs and their counterparts from the Member States debated these issues at a two-day interparliamentary meeting organized jointly with the French National Assembly and Senate. They were split into three working parties (legal immigration, illegal immigration and asylum), with each group delivering its findings to a plenary session. More in particular, French MP Thierry Mariana, reporting for the working party on illegal immigration, explained that "the participants at our table came essentially from southern Europe", which shows that illegal immigration "is above all a problem for the Mediterranean basin". Their debate had shown that "a joint response and solidarity are urgently needed". Europe must devise "a credible immigration policy while respecting human rights and treating all immigrants with dignity".  
[http://www.europarl.europa.eu/news/expert/infopress\\_page/018-36588-252-09-37-902-20080908IPR36587-08-09-2008-2008-false/default\\_en.htm](http://www.europarl.europa.eu/news/expert/infopress_page/018-36588-252-09-37-902-20080908IPR36587-08-09-2008-2008-false/default_en.htm)
- An own-initiative report on a European Commission proposal to step up efforts to combat undeclared work was approved by a big majority in the EP Employment and Social Affairs Committee on 10 September. Undeclared work risks undermining the European social model and distorting competition on the single market. It also leads to social dumping, notes the report by Pier Antonio Panzeri (PES, IT). Furthermore, immigrants, particularly irregular ones, are more exposed to the risks of undeclared work. MEPs ask that Europe's efforts to combat be made more operational and more incisive, to prevent the modernization of labor law in Europe from remaining a mere theoretical construct. 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. They also call for the EU to play a greater role in promoting co-operation and co-ordination among labor inspectorates, by strengthening the economic and technological resources of inspection services. The report was adopted with 41 votes in favor, 2 against and 4 abstentions.  
[http://www.europarl.europa.eu/news/expert/infopress\\_page/048-36586-253-09-37-908-20080908IPR36585-09-09-2008-2008-false/default\\_en.htm](http://www.europarl.europa.eu/news/expert/infopress_page/048-36586-253-09-37-908-20080908IPR36585-09-09-2008-2008-false/default_en.htm)
- In an own-initiative report adopted by the European Parliament, MEPs call on the Commission to complement the Dublin system with measures in order to make it fairer for migrants, as well as member states by sharing the work of examining asylum applications and ensuring better rights for claimants. Detention should be used only as a last resort solution, MEPs say. MEPs adopted the own-initiative report by Jean LAMBERT (Greens/EFA, UK) by 609 votes in favor, 53 against and 30 abstentions. They ask the Commission to add a provision restricting the detention of Dublin claimants to a measure of last resort, thereby specifying the grounds on which detention may be employed and the procedural safeguards which should be provided for.  
[http://www.europarl.europa.eu/news/expert/infopress\\_page/019-35811-245-09-36-902-20080901IPR35809-01-09-2008-2008-false/default\\_en.htm](http://www.europarl.europa.eu/news/expert/infopress_page/019-35811-245-09-36-902-20080901IPR35809-01-09-2008-2008-false/default_en.htm)

- In adopting a resolution on the annual debate on the progress made in 2007 in the Area of Freedom, Security and Justice (AFSJ), the European Parliament calls on the European Council, the Council and the Commission to initiate the process of determining priorities for the forthcoming AFSJ multiannual programme for the period 2010-2014, on the basis of an ambitious and coherent approach and join the European Parliament in its dialogue with the national parliaments on the priorities for the period 2010-2014. MEPs stress that the new Treaty, once ratified, will recognize Parliament's role in the conclusion of international agreements concerning AFSJ policies. Parliament asks, in this context: to be consulted in good time on all agreements with third countries that will not have been concluded by 31 December 2008; and to receive regular updates on the negotiations under way. The resolution was adopted with 488 votes in favor, 88 against and 19 abstentions. [http://www.europarl.europa.eu/news/expert/infopress\\_page/019-38023-266-09-39-902-20080924IPR38022-22-09-2008-2008-false/default\\_en.htm](http://www.europarl.europa.eu/news/expert/infopress_page/019-38023-266-09-39-902-20080924IPR38022-22-09-2008-2008-false/default_en.htm)
- On 10 September the own-initiative report "Promoting social inclusion and combating poverty, including child poverty, in the European Union" was voted on by the European Parliament's Employment and Social Affairs Committee. The report defends and advocates for a holistic approach to eradicating poverty, which seeks to ensure adequate incomes, quality jobs and better access to social services and services of general interest. The social risks of child poverty and homelessness are given particular attention. [http://www.europarl.europa.eu/meetdocs/2004\\_2009/documents/pr/712/712471/712471en.pdf](http://www.europarl.europa.eu/meetdocs/2004_2009/documents/pr/712/712471/712471en.pdf)

### **European Court of Justice**

- Senior civil servants from the European Commission recently travelled to Copenhagen to consult the Danish government in the wake of a European Court of Justice (ECJ) ruling that could have a significant impact on Denmark's strict immigration laws. The ECJ overturned an Irish law in July that allowed non-EU spouses to obtain an Irish residence permit only if they had previously lived legally in another EU state, arguing that the 2004 directive on free movement gave every EU citizen the right to reside in another member state and that family members enjoyed the right to move together with the EU citizen. This presents a legislative dilemma for Denmark as it only grants residency to a non-EU spouse if both partners are over the age of 24, if the couple has a greater attachment to Denmark than to any other country and if the Danish partner puts down around €7,800 in collateral. Thousands of Danes with non-EU spouses have moved to neighboring countries such as Germany and Sweden as a result. There is an on-going "constructive" dialogue between Danish and Commission civil servants, but nothing has so far been decided. There are indications that several other EU countries support Denmark, including Ireland. <http://www.europeanvoice.com/article/denmark-pressed-to-ease-immigration-rule/62184.aspx>

### **4. Undocumented Children**

- As the first and until now only state in Germany, Hamburg implemented a central register for students in 2006. Recently happened, what critics of the register had warned off all along: through the register, an undocumented student, a 15-year-old girl from Bolivia and her mother, who had both been living in Hamburg for the past 11 years, were discovered by the Hamburg authorities. A hardship commission delayed their deportation until the summer of 2009, when the girl will have taken her final exams. It is feared that even more undocumented children will be denied school education, because their parents are afraid of their detection. For more information see <http://jungle-world.com/artikel/2008/36/22567.html> and <http://www.ndr903.de/schuelerregister102.html>

- Parallel to the German Conference of Interior Ministers, Jugendliche ohne Grenzen (Youth without Borders – JoG) will hold a counter-conference as well as a demonstration on 20 November 2008. The demonstration will take place on Universal Children's Day. JoG is demanding the complete implementation of the UN Convention on the Rights of the Child and a regularisation of undocumented migrants. <http://www.jogspace.net>, <http://www.hier.geblieben.net>
- The Dutch law on recognition of a child to gain Dutch nationality will be amended. Before, children had to be recognized by their parent with Dutch nationality before their birth. With this amendment, the recognition is also valid after the birth of the child, and extended to the age of 7 years. The acquisition regulation will also apply for all minors whose parents can prove that they are the biological parent. Date of commencement will probably be December 1<sup>st</sup> 2008. Source: *Staatsblad* – 27-06-'08 <http://www.eerstekamer.nl/9324000/d/305/w30584st.pdf>
- The UN Committee of Human Rights has sent a report to the Spanish Government of Zapatero denouncing the expulsion without the proper guarantees of undocumented migrants. Within the document, dated 7 August, the Committee affirmed to have some documents on the irregularities carried out by the Spanish government on repatriations of unaccompanied children. According to the Committee these children were repatriated after a long period of detention and without a judicial review. [http://www.lavozdegalicia.es/espana/2008/09/06/0003\\_7116354.htm](http://www.lavozdegalicia.es/espana/2008/09/06/0003_7116354.htm)
- Save The Children Italy expressed its concern on 20 August at the arrival of an increasing number of unaccompanied children on the island Lampedusa. Of the migrants who arrived by sea in the preceding three months, more than 775 were children and 82% were unaccompanied. The majority of the children were from former Italian colonies, such as Eritrea and Somalia, followed by Nigeria. A smaller number were from the Palestinian Territories, Ghana, Togo and Sudan. (Migration News Sheet, September 2008, p. 21).
- England's immigration minister Byrne defends detention for migrant children and their parents in a reaction to week two of the New Statesman's "No Place for Children" campaign: "Nobody wants to detain children. So, why does it happen? As a parent myself of three small children, I have a simple motive. I insist that we keep families together and not split them up." <http://www.newstatesman.com/uk-politics/2008/09/children-families-immigration>
- The Ombudsman for the Children of France has published the report of the conference "Unaccompanied Minors towards an harmonization in the best interest of the child" held on 20 June 2008. [http://doc.cerium.ca/serv1/actes\\_colloque\\_Mineurs\\_etrangers\\_isoles\\_juin\\_08\\_versini.pdf](http://doc.cerium.ca/serv1/actes_colloque_Mineurs_etrangers_isoles_juin_08_versini.pdf)
- "Young pupils and parents without papers: Regularization, how to use it," 3rd edition, Education Without Borders Network (RESF), June 2008. This guide aims to give minimal indications to those who do not know very well what to do when they discover that one of their students, one classmate of his son and his parents are threatened of being expelled because of the irregularity of their stay. [http://www.gisti.org/IMG/pdf/hc\\_guide-resf-3.pdf](http://www.gisti.org/IMG/pdf/hc_guide-resf-3.pdf)
- "Independent Child Migration: Introducing Children's Perspectives", Development Research Centre on Migration, Globalisation & Poverty, Briefing N° 11 August 2008. The briefing by the Development Research Centre on Migration, Globalisation and Poverty (UK) highlights the important work that the Centre has done on child migration since 2003, drawing on the research findings of studies carried out in Burkina Faso, Ghana, Bangladesh and India. In the course of this research, the Migration DRC has identified a significant gap between how children see their own experiences of migration and the way that child migrants are often represented. In response to this, the Migration DRC has sought to highlight the views of migrant children in its work, in order to gain a better

understanding of why children migrate and what difficulties they face in relation to their migrant status. [http://www.migrationdrc.org/publications/briefing\\_papers/BP11.pdf](http://www.migrationdrc.org/publications/briefing_papers/BP11.pdf)

## **5. Upcoming Events**

- The European Women Lobby (EWL) will hold a seminar on 16 October at the European Parliament in connection with the EU Anti Trafficking Day: "What is being done to prevent trafficking in women and to assist victims?". The seminar will gather members of the Nordic Baltic Network, representatives of the EU institutions, NGOs, international agencies, and intergovernmental organizations. The concrete results of the Nordic Baltic project will be discussed as well as other regional cooperation initiatives. <http://www.womenlobby.org> and <http://www.nordicbaltic-assistwomen.net/>
- The "Global Forum on Migration and Development" (GFMD) will take place in Manila, Philippines from 27-30 October. See also <http://www.gfmd2008.org/> Prior to and during the GFMD, the "Peoples' Global Action on Migration, Development and Human Rights" (PGA) will be held from 22-30 October also in Manila. Find more information on the programme and registration forms on the newly launched website <http://www.mfasia.org/peoplesglobalaction/index.html>

## **6. Publications**

- Jeroen Doomernik, Michael Jandl, "*Modes of Migration Regulation and Control in Europe*", Amsterdam University Press, 2008. In Europe immigration is a politically burning issue, especially when it comes to the arrival of asylum seekers and irregular labour migrants. Governments want to keep them under control in order to limit their numbers. Yet, traditionally there were strong differences between European states in the extent to which they sought to do so and the instruments employed to that end. Currently, the contours become visible of a common approach towards – notably irregular – migration. This becomes clear from the country studies comprising this volume. [http://www.aup.nl/do.php?a=show\\_visitor\\_book&isbn=9789053566893](http://www.aup.nl/do.php?a=show_visitor_book&isbn=9789053566893)
- Marlou Schrover, Joanne van der Leun, Leo Lucassen and Chris Quispel "*Illegal migration: how gender makes a difference*", IMISCOE Policy Brief No. 10, August 2008. To understand a migrant's choice to migrate irregular and to remain irregular in the receiving country, his or her position prior to migration must be considered. Women often experience unfavourable circumstances in their country of origin and an institutionalised perception – of irregular migrant women being at risk and irregular migrant men as posing a threat – creates different circumstances for the men and women who try to migrate irregular. This policy brief specifically presents irregular migration in a gender-based analysis. <http://www.imiscoe.org/publications/policybriefs/documents/PB10-Illegalmigration-gender-schrover.pdf>
- Mary Hickman, Helen Crowley and Nick Mai, "*Immigration and social cohesion in the UK*", Joseph Rowntree Foundation, 2008. The findings of this new UK research on the effects of immigration on everyday lives contradict the popular belief that UK needs a fixed notion of "Britishness" and British values to ensure social cohesion. In fact, the report "Immigration and social cohesion in the UK" found that the key to achieving cohesion is actually about negotiating the right balance between difference and unity. The report, published by the Joseph Rowntree Foundation, argues that both deprivation and how people connect need to be addressed to ensure social cohesion. It

concludes that trying to get everyone to sign up to a fixed notion of "Britishness" is meaningless.  
<http://www.jrf.org.uk/bookshop/eBooks/2230-deprivation-cohesion-immigration.pdf>

- The European Commission has published the final report of the study "*Quality in and Equality of Access to Healthcare Services: HealthQUEST*". The objectives of the project were to: identify and analyse barriers of access to health care services which are faced by vulnerable groups in society; review the various policy initiatives taken by the Member States to reach the objective of access for all; highlight the most effective policy measures to ensure access to health care to the most disadvantaged; help determine the extent to which increased access to and quality of health care services can make to combating poverty and social exclusion and increasing social inclusion.  
[http://ec.europa.eu/employment\\_social/spsi/docs/social\\_inclusion/2008/healthquest\\_en.pdf](http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2008/healthquest_en.pdf)
- In "*Illegal People: How Globalization Creates Migration and Criminalizes Immigrants*" photo journalist and migrant rights activist David Bacon explores the human side of globalization, exposing the many ways it uproots people in Latin America and Asia, driving them to migrate. At the same time, U.S. immigration policy makes the labor of those displaced people a crime in the United States. The book explains why the American national policy produces even more displacement, more migration, more immigration raids, and a more divided, polarized society.  
<http://www.beacon.org/productdetails.cfm?PC=2002>
- Policymakers in migrant-receiving countries all over the world are exploring the concept of circular migration as a way to improve upon the discredited temporary worker programmes of the past. Despite the growing interest, the new report of Migration Policy Institute (MPI) finds that the concept of circular migration is not well understood and that the experience of circular programmes around the world remains thin. The study examines the track record of seasonal and other circular migration programmes including the United States, Canada, Germany, New Zealand, Spain and the United Kingdom. MPI, *Learning by Doing: Experiences of Circular Migration*, September 2008 (<http://www.migrationpolicy.org/pubs/Insight-IGC-Sept08.pdf>)
- A new book by the social scientist and member of the research network Transit Migration ([www.transitmigration.org](http://www.transitmigration.org)) Serhat Karakayali has been published by transcript Verlag. It is called *Gespenster der Migration (Specters of Migration)* and traces the genealogy of irregular migration to Germany. Based on state and discourse theory, it shows how new forms of migration and governing migration arise from conflicts around the topic of irregular migration. The study also deals with problems of subjectivation, e.g. the question why the representation of undocumented migrants as „victims“ is stressed in public discourse instead of a recognition of the actorship of migrants. For more information see <http://www.transcript-verlag.de/ts895/ts895.php>.

## **7. Miscellaneous**

- An exhibition on undocumented migrants will take place in Hannover and other German cities from 30 September on. The items shown are based on interviews with undocumented migrants, for the first time it will also be possible to listen to their oral histories. Find more information on [www.leben-im-verborgenen.de](http://www.leben-im-verborgenen.de)

- Call for Papers for an upcoming issue of UNESCO's *International Journal on Multicultural Societies* (IJMS), which will be devoted to the human rights of migrants. Migrants are entitled to fundamental human rights, just as any other persons, without discrimination. This issue of the journal intends to examine the human rights of migrants from a legal perspective, but it will also include an analysis of historical developments as well as consider the sociological, economic and political factors which affect the migrants' human rights situation. It is with the above aims in mind that this issue proposes to address various precisely targeted, complementary topics, with a view to clarifying how the human rights of migrants are currently protected in law and practice. For more information about the topics and to submit papers, see [http://portal.unesco.org/shs/en/ev.php-URL\\_ID=12063&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/shs/en/ev.php-URL_ID=12063&URL_DO=DO_TOPIC&URL_SECTION=201.html)
- Many of France's irregular immigrants have jobs and pay taxes but live in constant fear of deportation because they do not have the correct papers. In September, French photographer, Fabien Breuvert, will put together a unique series of images of anonymous 'sans-papiers', posing with sympathetic French citizens displaying their ID, in a powerful display of solidarity. What is the difference between the two people in the photograph? Only a piece of paper. <http://www.guardian.co.uk/world/gallery/2008/sep/01/france.illegal.immigrants?picture=337180360>

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