



PLATFORM FOR INTERNATIONAL COOPERATION ON UNDOCUMENTED MIGRANTS

## PICUM Newsletter September 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](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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## **1. Death at the Border**

- At least 158 migrants and asylum seekers lost their lives in July trying to reach Europe. Between Libya, Malta and Italy, there were at least 48 victims, including two children, two and four years old, and two pregnant women. On the way between Morocco and Spain, at least 48 migrants drowned, including five women and 11 children. While between Algeria and Sardinia - according to witnesses of the survivors reached by Fortress Europe - about 38 Algerians were missing after two boats capsized in the high seas. Another shipwreck off the coast of the French island of Mayotte, in the Indian Ocean, left six dead and many missing. Two men lost their lives near Calais, in France,

trying to reach the UK. Two other people were shot dead by the Egyptian police, on the border with Israel. And the corpse of an Iraqi refugee was found in a container in the port of Venice, in Italy. In Turkey, finally, the lifeless bodies of 13 asylum seekers were found in Istanbul, left on the road from the driver of the truck where they were hidden. They were travelling together with dozens of other people in the same lorry, heading from Turkey to Greece, on a route which is becoming increasingly important due to the restricted border controls in other parts of Europe (e.g. in Spain).

<http://fortresseurope.blogspot.com/2006/01/july-2008.html>

- A coast guard vessel intercepted a vessel of undocumented migrants from sub-Saharan Africa off the coast of Almeria, Spain on 9 July. The 34 passengers on board, including three pregnant women, reported that the 14 others who had been with them at the start of the journey perished at sea and their bodies were thrown overboard. One of the passengers, a woman, collapsed and died while being transferred to a Spanish port. According to survivors, the 14 migrants who died during the five day journey included nine children, aged between 12 months and four years. Source: Migration News Sheet, August 2008
- Sicilian authorities reported that they had recovered the bodies of three undocumented migrants on 14 July after they, together with around 70 other migrants, fell into the sea off the coast of Lampedusa, Italy, when they saw a military vessel approaching to rescue them. 48 of the migrants were rescued and an estimated 25 other are classified as missing, most likely drowned in the three-metre high waves. Source: Migration News Sheet, August 2008
- Up to 35 African undocumented migrants died off the coast of Spain during a boat crossing, according to survivors. The 25 remaining migrants on the boat were rescued on 25 August after a cargo ship crew spotted it drifting in the Mediterranean. The director of Spain's Red Cross office in Malaga, Francisco Roman, said the boat had set off with 50 to 60 people on board; according to sources between 20 and 35 people died of hunger, thirst or exposure and were thrown overboard. One woman reportedly lost her husband and three sons, including a baby, during the crossing. The rest of the migrants were, except for some symptoms of hypothermia, reportedly in good health. According to the Andalusian Human Rights Organisation ([Asociación Pro-Derechos Humanos de Andalucía](#)), a total of 921 undocumented immigrants died whilst trying to reach the Spanish coast in 2007. Source: <http://afp.google.com/article/ALeqM5jQQhuTgSjhMeUiU25HcsUT2H89lg> and <http://www.guardian.co.uk/world/2008/aug/26/spain>
- Around 70 migrants, of sub-Saharan African origins, disappeared off the coast of Malta after the shipwreck of the dinghy in which they were travelling. A Maltese trawler rescued the eight survivors about 90 kilometres south of the island. According to them, two days after leaving the port of Zuwara, Libya, their food and water had run out, and the boat's outboard engine had been torn off. This information, found out on 28 August, represents the most lethal accident to have occurred in the last few years in these waters. [http://www.elpais.com/articulo/internacional/inmigrantes/desaparecen/naufragio/Malta/elpepiint/20080828elpepiint\\_10/Tes](http://www.elpais.com/articulo/internacional/inmigrantes/desaparecen/naufragio/Malta/elpepiint/20080828elpepiint_10/Tes)
- The Head of the Organisation for Human Rights in Andalusia, Spain, Francisco Majuelos, blamed the tighter surveillance of the Mediterranean Sea for being the one of the main causes for the increase of the deaths of undocumented migrants at the Sea. Mr Majuelos mainly referred to the Comprehensive System of External Surveillance of Sive, which consists of radars and thermal cameras and has cost millions of euros. He argues that the new systems has merely forced undocumented migrants to take greater risks to cross over to Spain by using sea routes further east that are longer and more dangerous. Reacting to the criticism, the authorities claimed that thanks to

the Sive system, the number of migrants intercepted off or on the Canary islands has been falling sharply. Source: Migration News Sheet, August 2008

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

### **France**

- An Equatorian couple and their young daughter, who travelled from Belgium to France for their holidays on 25 July, were arrested in Cherbourg upon arrival and put in the Rennes detention centre for one week. Although they reside perfectly legally in Belgium, the family were told that they had no identity papers for their daughter and could not prove that they had been in France for less than three months. They were driven, as a result, to the police station. However, even when the girl's papers were confirmed to be in order, the family were kept in detention. Suntaxi Diaz, the mother of the family, says that they were treated like criminals and even made to undress for a search. Upon their release, the family was driven to the Belgian border but made to leave their car in France and told they would need a visa to reclaim it. Damien Nantes, a representative from Cimade, called the situation dramatic and absurd and came from the French fixation on the expulsion of undocumented migrants.  
[http://tempsreel.nouvelobs.com/actualites/societe/20080801.OBS5617/des\\_residents\\_belges\\_pass\\_entleurs\\_vacances\\_en\\_retention.html?idfx=RSS\\_notr](http://tempsreel.nouvelobs.com/actualites/societe/20080801.OBS5617/des_residents_belges_pass_entleurs_vacances_en_retention.html?idfx=RSS_notr)
- The French Minister of Immigration, Brice Hortefeux, has lodged a complaint against the association SOS Soutien aux Sans Papiers for have incited the revolt of detained foreigners at the detention centre of Mesnil-Amelot (Seine-et-Marne) on 2 August. Mr. Hortefeux's complaint leaned heavily on the fact that the organisation had called for the burning of these detention centres, a comment that was cited in *Le Parisien* but later denied by Rodolphe Nettiier, president of the association. According to the latter, Hortefeux is attempting to divert attention away from the conditions of the centres by concentrating on external factors and attempting to find a scapegoat. The accusation comes after the fire at the detention centre in Vincennes in June, when Frédéric Lefebvre, spokesperson of the UMP, accused the association RESF of having a moral responsibility for the incident. <http://www.liberation.fr/actualite/societe/343538.FR.php>
- The CGT, on 5 August, called attention to the fact that the UN Committee of Human Rights has released a report which highlighted its 'preoccupation' with such issues as France's treatment of foreigners. For the trade union, this report is all the more poignant because of France's current position as European president and Sarkozy's desire to take advantage of this to implement a new policy of immigration. The UN report was released on 22 July and also notes the fact that many asylum seekers and undocumented migrants in France are kept in inappropriate locations. [http://tempsreel.nouvelobs.com/actualites/societe/20080805.OBS6237/lonu\\_epingle\\_paris\\_sur\\_le\\_traitement\\_des\\_etrangers.html](http://tempsreel.nouvelobs.com/actualites/societe/20080805.OBS6237/lonu_epingle_paris_sur_le_traitement_des_etrangers.html). See paragraph 18 in the UN report (International Covenant on Civil and Political Rights, Human Rights Committee) for specific mention of France's treatment of undocumented migrants: <http://www.statewatch.org/news/2008/aug/france-un-hr-rep.pdf>

### **Italy**

- The Lower House approved the controversial bill aimed at combating irregular migration. According to this law irregular migration is an offence that can be punished by between six months and four years of imprisonment. It is almost certain that the new law will be approved by the Senate as the Government enjoys the majority. Furthermore, offences committed by undocumented migrants will be a subject of harder punishment than the ones committed by Italians or regular migrants. Finally,

the bill increases the detention period to up to 18 months in an effort to transpose the EU Return Directive into the national law. Source: Migration News Sheet, August 2008

- "Concern about security cannot be the only basis for immigration policy. Measures now being taken in Italy lack human rights and humanitarian principles and may spur further xenophobia". With these words, the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, published a report based on his special visit to Rome 19-20 June. Mr Hammarberg also criticised the decision to criminalise migrants' entry and irregular stay. He sees this as a worrying departure from established international law principles. "These measures may make it more difficult for refugees to ask for asylum and is likely to result in a further social stigmatisation and marginalisation of all migrants - including Roma". <http://www.statewatch.org/news/2008/jul/coe-report-italy-roma-prel.pdf>

## UK

- The House of Lords has increased the freedom to marry for undocumented migrants in the UK. Formerly, migrants were required to prove that their relationship was genuine if marrying someone with authorisation to say in the UK, but the House of Lords ruling has called the practise 'arbitrary and unjust'. Marriages were routinely forbidden under the old system between migrants and those authorised to stay in the UK if the marriage was to take place within three months of residence expiration. The newly recognised marriage freedom invokes Section 12 of the European Convention on Human Rights, the right to marry. [http://www.migrationexpert.com/UK/Visa/uk\\_immigration\\_news/2008/Aug/0/206/Newly\\_Married\\_Couples\\_Can\\_Live\\_in\\_the\\_UK\\_According\\_to\\_Court\\_Ruling](http://www.migrationexpert.com/UK/Visa/uk_immigration_news/2008/Aug/0/206/Newly_Married_Couples_Can_Live_in_the_UK_According_to_Court_Ruling)
- The draft Immigration and Citizenship Bill, presented on 14 July 2008, includes a requirement that immigrants pay 'bail' and wear electronic tracking devices in order to avoid detention while awaiting expulsion from the UK. Though the amount of the bail has not been announced, it is said only to be 'large'. Immigrant advocacy groups oppose this treatment of undocumented migrants as if they were criminals. Another provision will make it very difficult for those who are expelled to return after their re-entry ban has expired. Under this part of the bill, those expelled must pay the costs of their expulsion, amounting to between £11,000 and £13,000 per person. Source: Migration News Sheet, August 2008.
- 13 Kurdish-Iraqi detainees participated in a hunger strike from 9-17 August at the Campsfield immigration prison near Oxford. One hunger striker issued a statement claiming that he would rather die than return to Iraq and that Iraq is the most dangerous country in the world. Those participating in the strike were spurred on by news of Hussein Ali, who took his own life on 10 August two days after his forcible return to Erbil, Iraq by the UK government. Not only do the protesters object to forced repatriation for asylum seekers, they also oppose the detention conditions in which they are held. On 3 August Mohammad Hussain died of stomach cancer that went undetected and untreated in the Lindholme immigration prison near Doncaster. The Kurdish hunger strikers thanked the other detainees who had joined them in the strike, coming from Iran, Afghanistan, Zimbabwe and Congo. <http://www.indymedia.org.uk/en/2008/08/406975.html>

## Ireland

- The European Court of Justice (ECJ) has ruled against Ireland in a case where it refused residence permits to four African nationals married to Irish citizens, arguing that free movement and residence rights enjoyed by EU citizens must be granted to their spouses and families, irrespective of their nationality. The judgment, based on four cases brought before the High Court of Ireland, was issued on 25 July and could have far-reaching consequences for several countries' migration

legislation. The Court stressed that, while asserting the Union citizens' right to move and reside freely within the territory of member states, the Directive also provides that free movement be granted to their spouses and families, irrespective of their nationality. It adds that this right cannot be made conditional. The Court also stressed that free movement of people within the Union takes precedence over national measures on immigration. <http://www.euractiv.com/en/mobility/eu-court-secures-right-family-reunification/article-174659>

- A majority of funding will be cut by 2016 for many immigrant advocacy organisations, according to a recent report by Prospectus Consulting. The report found that both Atlantic Philanthropies and the One Foundation will withdraw support from many of the 190 migrant organisations in Ireland. The Irish Minister of Integration, Colin Lenihan, favours migrant- and minority-led organisations for funding by the State, as well as faith-based organisations, local authorities and political parties. Most NGOs would be excluded from these categories. With the loss of philanthropic and state funding, immigrant advocacy groups will be required to find new funding sources and may need to do so by 'mainstreaming' their services to represent the average voter's views. <http://www.irishtimes.com/newspaper/ireland/2008/0801/1217368811695.html>

## Belgium

- The Human Rights League and the association in defence of foreigner's rights informed that they had initiated legal action against Brussels Airlines which has prohibited a former passenger, Serge FOSSO, a Cameroon national from using its services because he protested against what he considered excessive and disproportionate force used to try and forcibly repatriate a rejected African asylum seeker. After the rejected asylum seeker was removed from the plane, several policemen returned to eject Mr FOSSO and two other passengers for having expressed their opposition to the expulsion procedure. Source: Migration News Sheet, August 2008
- On July 1 labour inspectors raided the luxurious Conrad Hotel in Brussels and found around 20 foreigners in a slave-like situation, providing 24 hours services to the widow of a diseased Emir and her four daughters. For the past eight months, the workers were held in captivity with their passports withheld. After being interviewed by the labour inspectors 13 of these exploited women accepted the status of victim of trafficking. However, six of them decided to return to work for their former employers. Source: Migration News Sheet, August 2008
- The Belgian minister in charge of Asylum Policy and Migration, Annemie Turtelboom, announced on 18 August that there would be no moratorium on the expulsion of undocumented migrants. This announcement came after the continued demands of other political parties and migrants themselves in anticipation of the publication of a circular which would permit the collective regularisation of foreigners in an irregular situation residing in Belgium. According to human rights NGOs, at least 16 undocumented migrants are expelled each day from Belgium, and 8700 are turned away at the borders. This announcement came as the undocumented migrants occupying a building of the Université Libre de Bruxelles reached, on 31 August, the 50<sup>th</sup> day of their hunger strike. Whilst their state of health was judged alarming, the strikers' demands for a nine-month residence permit and permission to work had still not been recognised by the Belgian government. The latter were criticised by the Ligue des Droits de l'Homme, who said that the Belgian government showed a lack of respect for international conventions such as that of Geneva. <http://www.afriquenligne.fr/belgique:-pas-de-moratoire-sur-les-expulsions-2008081911025.html> and <http://www.lesoir.be/actualite/belgique/sans-papiers-50-jours-de-2008-08-25-631428.shtml>
- On the night of 23 August, a riot broke out at the Steenokkerzeel detention centre 127bis. Certain occupants of the centre set fire to a bin in the toilets as well as the mattresses of six bedrooms. The

flames spread to two of the three wings of the hospital, meaning that many people have had to be transferred to other centres in Melsbroek, Bruges et Vottem. Whilst little information has been released by the Belgian authorities over what happened, it was reported that one asylum seeker was injured. Some sources also suggest a connection with the case of a 19-year-old Ecuadorian who is currently fighting deportation. In 2006 the Steenokkerzeel complex was already the centre of demonstrations against the treatment of women and children held there. Source: <http://www.euronews.net/en/article/24/08/2008/fire-at-asylum-seekers-detention-camp-near-brussels/>

## Netherlands

- ABVAKABO FNV, the largest Dutch union for the public sector and health and care workers, has created a brochure for migrant domestic workers. The publication is part of a union project to organize these precarious workers. The brochure explains their rights and discusses the situation of undocumented domestic workers. Together with the brochure goes a model contract, which the worker can use as an example of a private agreement. The brochure is available to download at: [http://www.abvakabofnv.nl/docs/bijlagen/200807/Your\\_rights\\_as\\_domestic\\_worker\\_in\\_a\\_private\\_household.pdf](http://www.abvakabofnv.nl/docs/bijlagen/200807/Your_rights_as_domestic_worker_in_a_private_household.pdf). BlinN has published a leaflet "Undocumented workers also have rights" with the rights of undocumented workers in the Netherlands. Download the brochure on <http://blinn.nl/docs/Undocumented%20workers%20also%20have%20rights!.pdf>
- Court decided to grant the refund of a stair lift for an undocumented handicapped child. Until this case, children only received "necessary medical care". This is a breakthrough in observing rights for all children derived from the International Convention of the Rights of the Child. Full judgment can be found on the website of the lawyer: <http://www.fischeradvocaten.nl/index.php?w=46>
- Undocumented Chinese more often are released from detention, because China refuses to take back citizens without a passport. Several courts have decided that it is therefore impossible to return to China. State Secretary of Justice Albayrak is convinced that expulsion is possible. Released Chinese therefore return to illegality. Source: Het Parool (newspaper), 1st of August 2008. <http://www.parool.nl/parool/nl/7/Misdaad/article/detail/25440/2008/08/01/Illegale-Chinezen-vaker-in-vrijheid.dhtml>

## Germany

- A Day Without Deportation (Tag ohne Abschiebung) took place in several German cities on 30 August 2008. August 30 was chosen as a symbolic day to commemorate the deaths of those people killed by German police during deportation, those who had killed themselves in detention for fear of being deported or who had been killed trying to escape. Activists joined together to draw attention to the legal system claiming these victims. <http://www.30august.org/>
- The Initiative für Globale Soziale Rechte (Initiative for Global Social Rights) was started by activists of attac, the metal-workers' union IG Metall, the anti-racist network „kein mensch is illegal“ (No one is illegal), the NGO medico international and Greenpeace who sought to combine the separate struggles of social movements, trade unions and NGOs in 2007. Common goal of the organisations making up the initiative is to „counteracting the globalisation of capital, markets and goods with that of social rights“. In the spring of 2008 they organised a tour through several German cities. View their platform text in English at: <http://www.globale-soziale-rechte.de/index.php?id=8>
- The Refugee organisation Pro Asyl has started a campaign protesting against the current European border policy entitled „Stoppt das Sterben!“ (End the Dying!). The public appeal can be viewed and

signed online at <http://www.stoppt-das-sterben.eu> The EU external borders as unlegislated areas are also the main topic of Pro Asyl's World Refugee Day brochure: <http://www.proasyl.de/>

- The Diakonie and the Protestant Church in Hesse and Nassau recently published the 28-page brochure "Menschen ohne Aufenthaltspapiere" (Undocumented People). With this brochure the organisations seek to strengthen people supporting undocumented migrants and encourage others to follow their example. It contains information about the situation of undocumented migrants and deals with legal questions while also offering recommendations on how to improve the situation of undocumented migrants. [http://www.nds-fluerat.org/wp-content/uploads/2008/07/menschen-ohne-aufenth\\_freigabe.pdf](http://www.nds-fluerat.org/wp-content/uploads/2008/07/menschen-ohne-aufenth_freigabe.pdf)

## Finland

- A Lutheran church in Petäväsi has been housing an undocumented Kurdish mother and daughter since 9 July 2008. Although the father has been residing in Finland for 13 years, the two face forced repatriation after the denial of their application for family reunification. The family has appealed to the Supreme Administrative Court after the immigration authorities found that family ties had been broken. Two other Finnish cases of church sanctuary have resulted in residence permits, one for a Sudanese woman and the other for a Kurdish woman. (Migration News Sheet, August 2008)

## Denmark

- The August 2008 PICUM newsletter reported on a ruling by the European Court of Justice in Ireland that may have broad implications for undocumented migrants in Denmark. According to its ruling, undocumented spouses of EU citizens must be granted permission to reside in the EU as well, by virtue of the right to move freely with one's family. The Danish centre-right government worries that this ruling will have implications for the 2,000 couples forced to settle in other EU member states, such as Sweden or Germany, due to strict Danish rules on the matter. Denmark has the toughest rules on the matter, requiring both members of the couple to be over age 24, requiring a greater attachment to Denmark than to any other member state, and requiring the Danish partner to put down €7,800 in collateral. Morten Messerschmidt, a top candidate for the Dansk Folkeparti in next year's European election, accuses the European Court of Justice of judicial activism as a non-elected body. Birthe Rønn Hornbach, the Danish immigration minister, was critical of the ruling, as well, and hopes to discuss the matter at the next EU summit. <http://www.europeanvoice.com/article/2008/08/denmark-feels-immigration-law-is-under-threat/61959.aspx>

## Poland

- On June 5-6 2008, activists from many different countries came to Warsaw to protest against the policies of Frontex, the EU agency which helps to coordinate and implement EU immigration policy on external borders. Frontex has its headquarters in Warsaw. The protestors demanded that Frontex be shut down and that freedom of movement be given to all, and also pleaded for an end to discrimination of all sorts against immigrants. Source: "Shut down Frontex - Protest at Frontex HQ in Warsaw", 08-08-2008, noborder network, <http://www.noborder.org/item.php?id=444>.

## Switzerland

- Having examined the Swiss report on their application of the International Convention for the Elimination of Racial Discrimination, the UN Committee on the Elimination of Racial discrimination (CERD) criticised the Swiss for their treatment of foreigners and minorities in its final

recommendations of 15 August, saying that the country could do better in their fight against racism. The criticism points especially to the Swiss treatment of foreigners by the police, noting their increase in excessive use of force. It also stated that little significant progress had been made since 2002 to combat racism against minorities, including travellers, migrants and asylum seekers. As a result, the CERD has suggested the creation of an independent national institution which serves to defend human rights. <http://www.tsr.ch/tsr/index.html?siteSect=200001&sid=9536390>

## USA

- In light of the 4,500 undocumented workers taken into ICE custody in the past nine months, an innovative new organisation has been created to assist these migrants in posting bond. Robert Hildreth of Boston is the public face of the National Immigrant Bond Fund, which has paid \$180,000 in bond since the spring of 2007 to facilitate the release of migrants caught in ICE raids in California, Massachusetts and Maryland. Hildreth saw footage of the March 2007 raid in New Bedford, Massachusetts, which removed suspects to Texas within 24 hours for expedited removal and created the fund in response. The fund secured the release of 40 workers from that incident, and a new campaign to receive public donations promises many more in the future. [http://www.chicagotribune.com/news/nationworld/chi-immig\\_wedaug13,0,271673.story](http://www.chicagotribune.com/news/nationworld/chi-immig_wedaug13,0,271673.story)
- An innovative social programme in Illinois for immigrants, both documented and undocumented alike, has not received the funding it hoped in the new state budget. Illinois Welcoming Centers were scheduled for construction and staffing around Illinois, offering English, legal, support and case management services to help new residents adjust easily and access services. With nearly \$1 billion in state budget cuts, Illinois has opened only one of the planned centres, and other states that intended to follow the example, such as Massachusetts, are now apprehensive about their own funding constraints. Despite budget constraints, support for undocumented migrants remains strong in Illinois with universal health care for undocumented children and in-state tuition for undocumented youth. [http://www.boston.com/news/local/articles/2008/08/13/welcomed\\_wearily/](http://www.boston.com/news/local/articles/2008/08/13/welcomed_wearily/)
- 595 workers were held by Immigration and Customs Enforcement on 25 August after another large-scale immigration raid of the Howard Industries, Inc. factory in Laurel, Mississippi making it the largest immigration raid in United States history. As of the afternoon of the raid, no criminal charges had been filed, as they had been in the now infamous Postville, Iowa raid. Representatives of the Mississippi Immigrants' Rights Alliance claimed that the raid violated the human rights of the workers. At least 50 of the detainees were released into the community, including those with medical conditions and mothers with children, rather than being taken to the immigration detention centre. [http://i3.democracynow.org/2008/8/27/600\\_arrested\\_at\\_louisiana\\_factory\\_in](http://i3.democracynow.org/2008/8/27/600_arrested_at_louisiana_factory_in)
- Masayoshi Kaji, the owner of a sushi restaurant in Los Angeles, has launched a novel counterattack against two of his undocumented workers. The two workers, Tranquilino Cruz Garcia and Rutilino Cruz Garcia, had been awarded more than \$35,000 in back wages and penalties for the exploitative conditions of their undocumented work, but Kaji has filed a class action suit based on their lack of immigration status. The precedent of the Hoffman Plastics Compounds case, which did not require payment of back wages for work not performed, would need to be expanded to the case at hand, in which the two workers did not receive wages for work that they did perform. Kaji and his lawyer believe that because the two workers were not authorised to work in California that they deserve no payment for the work they performed. Gladys Limon, an attorney with the Mexican American Legal Defence and Educational Fund, will represent the workers and believes that enforcement of labour laws is in keeping with the intentions of the Immigration Control and Reform Act cited by Kaji and his attorney. <http://www.workforce.com/section/00/article/25/67/14.php>

### **3. European Policy Developments**

#### **EU Parliament**

- 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 favour, 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)

### **4. Undocumented Children**

- The French National Committee for the Control of Detention Centers and Reception Zones published a report strongly criticizing the treatment of unaccompanied asylum-seeking children at airports. Placing unaccompanied asylum-seeking children in detention at airports has caused strong criticism from international bodies because it is a practice contrary to the principles of the International Convention on the Rights of the Child. The report informed that in 2006 almost 500 minor children were kept in a holding area for an average 3,5 days. From those minors 230 were sent back, 35 were given asylum while 85 were described as having attained the age of majority. Source: Migration News Sheet, August 2008
- Germany's capital Berlin is reportedly threatening to deport migrant teenagers to their native countries for dropping out of high school, according to the Berlin-based Der Tagesspiegel. The controversial move is aimed at 'motivating migrant youths to study' in a bid to cope with rising numbers of high school dropouts in Berlin. Around 20 percent of foreign teenagers leave high school annually without a degree. The new law which came into effect in March stipulates that all foreign teenagers over the age of 16 must either have a high school degree or must be in a vocational training program to have their residence permits extended. The decision will affect thousands of high school dropouts, coming from Turkey, the Arab countries and the Balkan region.  
[http://www.mathaba.net/0\\_index.shtml?x=603268](http://www.mathaba.net/0_index.shtml?x=603268)
- Students from outside the European Economic Area (EEA) who begin a third-level course in Ireland this autumn will be denied registration clearance by immigration authorities unless they can confirm they are not accompanied by children, according to rules published by the Department of Justice. This comes amid a tightening of regulations on student visa-holders from outside the EEA, which comprises the European Union's 27 member states as well as Iceland, Norway and Liechtenstein. In cases where the child has been attending a State school in Ireland for at least some of the last school year, however, that child will be allowed remain in education until the completion of the parent's course. According to the new rules, published on the website of the Irish Naturalisation and Immigration Service last week, first-time non-EEA students presenting for registration with the Garda National Immigration Bureau this autumn "will be asked to confirm that they are neither accompanied by children, nor do they intend to have their children join them later on".  
<http://www.irishtimes.com/newspaper/ireland/2008/0806/1217923985170.html>

- Children at the Yarl's Wood detention centre in the UK are suffering serious emotional damage according to an official report on 22 August. Along with wrongful detention of disabled children, records have been kept inaccurately. In one instance, a child who had been detained for a cumulative 275 days was reported to have been in the centre for only 14 to 17 days in full. Along with physical health concerns, the mental health concerns included depression, bedwetting, refusal to eat and insomnia with the conditions presenting themselves after arrival at Yarl's Wood for many detained children. The centre currently does not have a registered sick children's nurse, though they claim to have posted for the position, and there is no children's counsellor.  
<http://www.guardian.co.uk/uk/2008/aug/22/immigration.childprotection>
- A new study finds that unaccompanied children are being abandoned on the Mexican side of the US-Mexico border at an alarming pace. In the last seven months, U.S. authorities have deported at least 90,000 children to Mexico, according to a study by the Mexican Government's Commission on Population, Border and Immigration Affairs. At least 13,500 of these children ages 17 and under were deported to Mexican Border States but never reconnected with their parents or legal guardians. Many of these children have resorted to begging with the hopes of crossing into the United States again to be reunited with family members, according to the study. Other abandoned children are being cared for by churches and non-governmental organizations.  
<http://www.texasobserver.org/blog/index.php/2008/08/15/deported-children-abandoned-in-mexico/>

## **5. Upcoming Events**

- Upcoming UN conference to focus on Declaration of Human Right: Around 2000 civil society groups are slated to attend the upcoming annual United Nations Department of Public Information (DPI) conference on non-governmental organizations (NGOs), which will focus this year on the 60th anniversary of the Universal Declaration of Human Rights. Kiyotaka Akasaka, Under-Secretary General for Communications and Public Information, told a press briefing that the DPI-NGO conference will be held in Paris from 3 to 5 September, the first time the event is being staged outside New York since it was inaugurated 61 years ago. The theme of this year's conference will be "Reaffirming Human Rights for all - the Universal Declaration at 60". ENAR Newsletter-22 August 2008 <http://www.un.org/apps/news/story.asp?NewsID=27755&Cr=dpi&Cr1>
- REDI (Network for the Rights of Immigrants) will hold a meeting of organisations working for the full rights of migrants and their families on 11 September in Madrid. In conjunction with the third annual World Social Forum on Migration, the meeting with emphasise the fight for migrants' rights, will highlight action plans and will consolidate the network of organisations around Europe. Contact: Federico at [pachecofederico@yahoo.es](mailto:pachecofederico@yahoo.es), or tel. +34-690651046 or Spitou at 34-662376786.
- On September 13 2008 the annual conference of Netzwerke Asyl in der Kirche NRW (Network Churchasylum North Rhine-Westphalia), kein mensch ist illegal Köln (No one is illegal Cologne) and Medizinischen Flüchtlingshilfe Bochum (Medical Aid Group For Refugees Bochum) will take place in Schwerte under the topic „Globale Soziale Rechte – eine Perspektive für die Flüchtlingsunterstützung und die antirassistische Arbeit“ (Global Social Rights – A Perspective for Refugee Support and Anti-Racist Work). For more information, see: <http://www.kmii-koeln.de/index.php?id=86>
- "European Governance of Migration: The Political Management of Mobility, Economy and Security" will take place from 17-19 September 2008 in Berlin, Germany, organized by the Heinrich Böll Stiftung international. During the three day conference, participants will have the opportunity to

formulate concrete recommended actions for a European migration policy. [http://www.migration-boell.de/web/migration/46\\_1734.asp](http://www.migration-boell.de/web/migration/46_1734.asp)

- "Trends and Challenges in Border Control and Protection," September 26, 2008, Madrid, organized by the Editorial Board of The Refugee Law Reader and the Hungarian Helsinki Committee. [www.refugeelawreader.org](http://www.refugeelawreader.org)
- "Framing a positive approach to migration," policy seminar organized by ENAR, 6-7 November 2008 in Paris, France. This policy seminar will enable anti-racist civil society to proactively define the frame of reference for debate on an EU approach to migration. <http://www.enar-eu.org/Page.asp?docid=17184&langue=EN>

## **6. Publications**

Unesco Handbook, *People on the move: Handbook of selected terms and concepts*, The Hague / Paris, July 2008. This handbook prepared by The Hague Process on Refugees and Migration and UNESCO takes stock of the present use of some selected terms and concepts. It is designed to be accessible to a general public which may not be familiar with the detailed discussions in the field of refugee and migration policy. <http://www.thehagueprocess.org/Publications/THP-Handbook-Glossary.aspx>

Mareike Tolsdorf has published her Bachelor thesis in nursing sciences "Verborgenen. Gesundheitssituation und -versorgung versteckt lebender MigrantInnen in Deutschland und in der Schweiz" (Hidden. Health and Health Care of Migrants living Hiding in Germany and Switzerland). She deals with the social and legal framework of health care for undocumented migrants and especially focusses on the role of care in this context. <http://www.verlag-hanshuber.com/vkat/einzeltitel.php?isbn=3-456-84554-5>

Laura Zanfrini, Winfried Kluth, *Policies on irregular migrants - Volume I: Italy and Germany (2008)*, Council of Europe Publication. The insecurity which irregular migrants face on a daily basis because of the unlawfulness of their residence prompted the European Committee on Migration (CDMG) to assess their situation in Council of Europe member states. The aim of the exercise was to pool national experiences and evaluate them and also to draw up possible proposals on dealing with irregular migrants and improving co-operation between countries of origin and host countries. Five countries volunteered (Armenia, Germany, Greece, Italy and the Russian Federation) and submitted some aspects of their national policies on the situation of irregular migrants for evaluation. The first volume contains a summary chapter (objectives, methodology, lessons to be drawn, etc) and the national reports of Italy and Germany. [http://book.coe.int/EN/ficheouvrage.php?PAGEID=36&lang=EN&produit\\_aliasid=2318](http://book.coe.int/EN/ficheouvrage.php?PAGEID=36&lang=EN&produit_aliasid=2318)

## **7. PICUM News**

### **Fundraising event to support PICUM**

On 5 July 2008, Migrants Rights Network (MRN), headed by Don Flynn (PICUM Chair), held a sponsored walk in London along the Thames River to support the work of PICUM and to promote the rights of undocumented migrants in Europe. MRN was very pleased to have raised around £1,000 (approx. € 1,200) which will go towards PICUM's projects, and thanks all who sponsored the walk. PICUM hopes that similar events can be organized in the coming year and will distribute some practical tips about how to organize a sponsored walk to its members.

## The People's Global Action on Migration, Development and Human Rights

The Peoples' Global Action on Migration, Development and Human Rights (PGA) will be held on October 22 – 30, 2008 in Manila, Philippines. The PGA is a parallel civil society event in relation to the Global Forum on Migration and Development (GFMD) that is organized by a coalition of civil society organizations both at the local and international levels. The PGA is independent from the intergovernmental GFMD process. The parallel event will bring together migrants, people's movements, social movements, civil society organizations and labor unions to discuss migration policies that respect migrants' and all people's human rights. Registration is now open and more information is available at: <http://www.mfasia.org/peoplesglobalaction/index.html>. PICUM will hold a workshop at the PGA, most likely on labor issues concerning undocumented workers, in collaboration with two PICUM members. If you would like more information please contact Michele LeVoy ([michele.levoy@picum.org](mailto:michele.levoy@picum.org)).

### PICUM workshop on protecting undocumented children

On 4 April 2008, PICUM held the second workshop on its EU Daphne project "Fighting Discrimination-Based Violence Against Undocumented Children in Europe". The workshop, held in Brussels, brought together nearly 100 participants, including representatives of NGOs, local authorities, professionals from diverse fields, and other actors to share experiences and discuss ways to address the problems associated with insufficient access to basic social services for undocumented children. The report of the workshop, along with additional information, is available at [www.picum.org](http://www.picum.org).

### Recent articles by PICUM staff, board and members

"Undocumented Migrants in the Workplace: A Rights-Based Approach," by Michele LeVoy, PICUM director, and Sabine Craenen, PICUM member, in *Leben in der Illegalität : Ein Dossier, Band 5 der Reihe Demokratie*, May 2008, Heinrich Böll Stiftung in collaboration with the Flüchtlingsrat Hessen und Niedersachsen. [www.migration-boell.de](http://www.migration-boell.de)

"Managing (ir)regularity: trafficked persons and undocumented migrants on the spectrum of global migration," by Don Flynn, PICUM chair, August 2008. A discussion paper prepared for the GAATW (Global Alliance Against Trafficking in Women) Roundtable on Gender-Migration-Labour-Trafficking Linkages, Bangkok, 6-8 August 2008.

"Undocumented Children: Invisible Victims of Immigration Control," by Luca Bicocchi, PICUM program officer, April 2008. A PICUM Commentary paper.

### External representation

PICUM staff, board and members have spoken and participated in the following events since the beginning of the year:

- **"Workshop on Health Care for Undocumented Migrants in Europe"**, 31 January – 1 February 2008, Brussels. At this meeting of the EU projects COST/Nowhereland, PICUM Acting Director Eve Geddie made a presentation on "PICUM's Report on Access to Health Care for Undocumented Migrants in Europe" outlining the research and findings of PICUM's two-year project.
- **Swedish Parliamentary Hearing on Undocumented Migrants' Access to Health Care**, 13 February 2008, Stockholm, organized by the Swedish Red Cross. PICUM Acting Director Eve Geddie made a presentation on "PICUM's Report on Access to Health Care for Undocumented

Migrants in Europe” outlining the research and findings of PICUM’s two year project. This parliamentary hearing was organised to debate the government’s legislative proposals.

- **European Immigration Problems and Prospects**, 26 February 2008, Bruges, Belgium, College of Europe. PICUM director Michele LeVoy made a presentation on undocumented migrants’ rights for students and faculty during a course on immigration law.
- **A Management Policy for Migration Flows Compatible with Fundamental Rights**, 6 March 2008, Brussels, organized by the Socialist Group in the European Parliament. PICUM director Michele LeVoy made a presentation in the panel on “External Border Control and Respect of Fundamental Rights.”
- **Meeting with key stakeholders to discuss the organization of the Seventh European Round Table on Poverty and Social Exclusion**, 13 March 2008, Brussels, organized by DG Employment, Social Affairs and Equal Opportunities. PICUM director Michele LeVoy represented the organization.
- **Rising Repression Against Migrants Around the World: A Side Event to the Seventh UN Human Rights Council Session**, 18 March 2008, Geneva, organized by Migrants Rights International (MRI), FORUM-ASIA and the Korean Confederation of Trade Unions (KCTU). PICUM director Michele LeVoy represented the organization and also participated in a MRI Steering Committee meeting held prior to the side event on 17 March 2008.
- **“A Transnational Welfare State – A Utopia,”** 27-28 March 2008, Vienna, organized by the Österreichische Liga für Menschenrechte (Austrian League for Human Rights). PICUM Chair Don Flynn made a presentation on the human rights of undocumented migrants in Europe.
- **European Trade Union Confederation (ETUC) Migration and Inclusion Working Group**, 17 April 2008, Brussels. PICUM director Michele LeVoy contributed to the union leaders’ discussion of the EU employers’ sanctions directive by presenting the position of NGOs.
- **Combating Irregular Employment of Immigrants in the Enlarging EU**, 24-25 April 2008, Budapest, organized by the International Organization for Migration (IOM). PICUM director Michele LeVoy made a keynote speech on “European policies on irregular labor migration: competing or common values?”
- **European Integration Forum Preparatory Meeting**, 29-30 April 2008, Brussels, organized by the European Commission, DG Justice, Freedom and Security, and the European Economic and Social Committee (EESC). PICUM director Michele LeVoy participated and joined with other advocates in raising concerns about undocumented migrants and the official EU framework on integration, which focuses on “*legally* resident third country nationals.”
- **Children Without a State: A Human Rights Challenge**, 5 May 2008, Boston, USA, organized by Harvard University Committee on Human Right Studies. PICUM Program Officer Tommaso Bicocchi made a presentation on the situation of undocumented children in some European countries based upon the results of PICUM’s EU Daphne project.
- **Addressing Immigration and Integration Challenges: Transatlantic Perspectives. Mini-Summit, 2008 Council on Foundations Summit**, 6 May 2008, Washington DC, USA. PICUM director Michele LeVoy brought a European perspective to the panels on “Winning Progressive Immigration Reform Policies” and “Mapping Immigrant Integration Resources.”

- **Kick-Off Meeting of INFOCON: Involving transnational communities – Civil society forum on conflicts**, 26-27 May 2008, Brussels. PICUM director Michele LeVoy attended the inaugural meeting of this EU project in which PICUM is a collaborating partner. The project will run for two years and aims to create a better understanding of how civil society organizations (CSOs) representing transnational communities can help in preventing and resolving conflicts in Europe and the world. More information available at <http://www.infocon-project.org/>.
- **Supplementary Human Dimension Meeting on the Role of National Institutions Against Discrimination in Combating Racism and Xenophobia with a Special Focus on Persons Belonging to National Minorities and Migrants**, 29-30 May 2008, Vienna, organized by PICUM chair Don Flynn represented the organization.
- **Council of Europe Working Meeting on Intercultural Competences in Social Services**, 5-6 June 2008, Strasbourg, organized by the DG Social Cohesion, Social Cohesion Development Division. PICUM director Michele LeVoy contributed PICUM's experiences in its project on access to health care for undocumented migrants in the panel on "Evolution and Current Trends in Social Services."
- **"Les enjeux du pacte européen sur l'asile et l'immigration" (What is At Stake in the European Pact on Asylum and Immigration)**, 12-13 June 2008, Paris, organized by France Terre d'Asile. PICUM director Michele LeVoy contributed to the panel on "Les étrangers en situation irrégulière ont-ils des droits?" (Do undocumented migrants have rights?).
- **International Seminar on Respecting Migrants' Rights in the Americas**, 16-18 June 2008, Mexico City, Mexico, organized by the International Federation for Human Rights (FIDH). PICUM director Michele LeVoy contributed on the situation in the European Union in the session on "Human rights situations of migrants during their stay in the host country."
- **First Partner Meeting of EU Project "Nowhereland,"** 18-19 June 2008, Krems, Austria. As an associate partner of the Nowhereland consortium, PICUM was represented at this meeting by its project officer Eve Geddie who provided input on the experience of PICUM's network regarding undocumented migrants' access to health care.
- **"Ouverture de la migration: quelles balises sociales? Quelle coordination avec le Sud? Séminaire de travail ECOLO-GROEN!" (Opening of migration policies : which social conditions ? Which coordination with the South? ECOLO-GROEN! Working Seminar)**, 20 June 2008, Brussels, organized by the Belgian Green Party. PICUM director Michele LeVoy provided input in this seminar on the working and living conditions of undocumented migrants, and an NGO perspective concerning the EU employers' sanctions directive.
- **Conference on specific challenges facing European democracies – the case of diversity and migration and measures to improve the democratic participation of migrants. An input into the debate of the Parliamentary Assembly of the Council of Europe**, 24 June 2008, Strasbourg, organized by the Political Affairs Committee, Committee on Migration Refugees and Population of the Council of Europe. PICUM chair Don Flynn represented the organization.
- **Presentation to Scholarship Holders from the Rosa-Luxembourg Foundation**, 26 June 2008, Brussels, hosted by the office of the European Left. PICUM project officer Eve Geddie made a presentation about PICUM, its history, place on the Brussels policy scene, achievements in the advancements of undocumented migrants' rights and plans for the future.

- **2010 EU Year for Combating Poverty and Social Exclusion: EU NGOs Meeting**, 26 June 2008, Brussels, organized by the European Anti-Poverty Network (EAPN). PICUM director Michele LeVoy represented the organization.
- **EU's External Maritime Borders: Guidelines or Restrictions? Expert Workshop**, 2 July 2008, Brussels, organized by the European Policy Center, German Institute for Human Rights, and the King Baudouin Foundation. PICUM director Michele LeVoy represented the organization.
- **Second International Strategy Meeting on the Global Forum on Migration and Development (GFMD) Parallel Event**, 11-12 July 2008, Manila, Philippines, organized by the Philippine Working Group on the GFMD. PICUM director Michele LeVoy represented the organization and also participated in a Migrants Rights International (MRI) meeting held prior to the strategy meeting on 10 July.

## **8. Miscellaneous**

*La Forteresse* is a movie by the documentarist Fernand Melgar. At the Registration Centre in Vallorbe, in the Swiss canton of Vaud, documentarist Fernand Melgar follows asylum-seekers throughout the process, limited to sixty days, that will result in their being granted refugee status, or not. The result is the documentary *La Forteresse*. <http://cineuropa.org/film.aspx?documentID=85768>

The film of the Serbian director Emmanuel Finkiel with title "Nulle part terre promise" opens on a cargo of Kurdish adults and children who are trying to cross borders to irregularly enter Great Britain. This long journey is endured in deplorably unhygienic conditions: with no stopovers, the passengers can neither wash nor go to the toilet. Kept in darkness, with only a tiny grill at the back of the vehicle for a window, they are in constant fear of being discovered. The film also mentions other aspects of migration in Europe. <http://cineuropa.org/film.aspx?lang=en&documentID=85757>

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