



PLATFORM FOR INTERNATIONAL COOPERATION ON UNDOCUMENTED MIGRANTS

PICUM Newsletter May 2007

Finalized on 8 May 2007

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

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1. Death at the Border

- On 8 March 2007, the coastal authorities spotted a *cayuco* south of the Canary Island of Tenerife. Of the 29 passengers on board, three were already dead. Source: Migration Policy Group, Migration News Sheet, April 2007, p. 28

- On 17 March 2007, the Greek coast guard found the bodies of seven people on the beach of the Aegean island Samos, among them a 10-year old child. Four other people have been reported missing. At least 62 people have drowned along this route during the past three months making 2007 the worst year for the Aegean Sea in this respect. In 2006 the number of victims amounted to 73, with 98 during 2005. Since 1996 at least 514 people have lost their lives there, 252 of which were reported missing. <http://fortresseurope.blogspot.com/2006/01/march-2007.html>
- On 30 April 2007 on the beach of Las Canteras in Las Palmas, Canary Islands, Spain, more than 1,000 people paid homage to those who lost their lives during their journey to Europe by lighting candles on the beach in the event named "6,000 vidas apagadas. 6,000 velas encendidas" (6,000 Lives Lost, 6,000 Lit Candles). http://www.miplayadelascanteras.com/n_items.asp?id=7724&s=1&txt=actualidad&m=1
- At least 13 undocumented migrants have died so far this year trying to reach the Spanish coast by *cayucos* or *pateras*, although dozens more may have died at sea, according to survivors. While the official number of deaths in 2006 was at least 400 people, the real number of victims is most likely much higher due to the number of deaths unaccounted for at sea. Those figures contrast with the information provided by the NGO APDHA that documented a total of 1,167 undocumented migrants who died in 2006 due to irregular migration to Spain, although the same organization estimates that the real amount of deaths could be closer to 7,000 people. <http://www.elmundo.es/elmundo/2007/04/28/espana/1177765915.html> and <http://www.apdha.org/>
- On 25 April the Spanish ship "Esperanza del Mar" rescued 89 migrants that tried to reach the Spanish coast. One was found dead in the boat, and at least 10 people died in the boat during the crossing. The ship aided the migrants and the FRONTEX agency tried to take them to Mauritania which refused acceptance. <http://www.elmundo.es/elmundo/2007/04/25/espana/1177492887.html>

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

UN

- The UN Special Rapporteur on Violence Against Women, Yakin Ertürk, thinks support for assaulted undocumented women is necessary. One of the recommendations in her report following the official mission to the Netherlands was: " (d): Address particular vulnerabilities of women who are not Dutch citizens by (...) ensuring that undocumented immigrant women have full access to State protection against violence, including filing criminal complaints relating to violence, applying for restraining orders, accessing a women's shelter or pursuing any other protective mechanism irrespective of their immigration status and without fear of deportation. Adequate resources should be made available to ensure that all undocumented immigrant women exposed to violence (whether "honour"-related or not) can access women's shelters". See the *Report of the Mission to Netherlands of the Special Rapporteur on violence against women*, Yakin Ertürk, A/HRC/4/34/Add.4, 7 February 2007, p.25, <http://daccessdds.un.org/doc/UNDOC/GEN/G07/106/89/PDF/G0710689.pdf?OpenElement>
- The Summary Report of the seminar on "Building Partnerships" that was held on 7 March 2007 is available on the website of United Nations Institute for Training and Research. This seminar was held in the context of the Migration and Development Seminar Series being organized by UNITAR, in collaboration with the International Organization for Migration (IOM), the MacArthur Foundation and the United Nations Population Fund (UNFPA). Its purpose is to provide information and exchange views prior to the first meeting of the Global Forum on Migration and Development that

will take place in Belgium from 9-11 July 2007.

http://www.unitary.org/mm/File/Migration/Final_Summary%20Report%207%20March.pdf

- In her statement to the Parliamentary Assembly of the Council of Europe of 18 April 2007, Louise Arbour, United Nations High Commissioner for Human Rights encouraged member states to sign and ratify the UN convention for the protection of migrant workers. "It is imperative that more European countries sign, ratify or accede to this Convention, which to a large extent simply makes explicit for migrants many of the rights already set out elsewhere in binding treaties."
<http://www.unhcr.ch/hurricane/hurricane.nsf/view01/8567FE7FAF798EA9C12572C10034785E?opendocument>
- UN Special Rapporteur on the Human Rights of Migrants, Jorge Bustamante, will make a country visit to the United States from 27 April-18 May. Mr. Bustamante will investigate a highly criticized Texas center for detained immigrant families, and will examine two border areas where U.S. officials have announced they would crack down on Mexicans illegally crossing the border. Mr. Bustamante's findings will be presented at the next session of the UN Human Rights Council in June. <http://www.sfgate.com/cgi-bin/article.cgi?f=/n/a/2007/04/27/state/n113623D42.DTL&type=politics>

France

- The French government has issued instruments that facilitate the expulsion of severely ill migrants to their countries of origin, thereby disdaining the spirit of the law of 1997 that regulates the protection of severely ill migrants. In fact sheets distributed among the relevant authorities, information is given about the possibilities of treatment of certain illnesses in countries of origin but without taking into consideration the geographical and financial prerequisites for accessing such treatment. They also imply a breach of patient/physician confidentiality. The Observatory for Foreigners' Right to Health (l'Observatoire du Droit à la Santé des Etrangers – ODSE) has called for the immediate retraction of these documents. http://citegay.fr/00/00/248529/communiqués_visu.htm
- Farm workers from Morocco and Tunisia are the pillars on which rest the "competitive" agricultural industry of the Cote du Rhône. However, these workers have for the last 20 years only been given temporary work permits, which oblige them to leave France after a maximum period of six months or otherwise become undocumented. In a violation of the principle of non-discrimination they are also deprived of other rights that apply to other workers or other migrants. Codétras (Collectif de défense des travailleurs étrangers dans l'agriculture) is campaigning on the behalf of these workers. In a ruling of 8 February 2007 the administrative tribunal of Marseille ordered the issuing of a six-year residence permit to one such worker, Baloua Aït Baloua, thus creating a precedent for thousands of seasonal migrant farm workers. http://www.monde-solidaire.org/spip/article.php3?id_article=3834
- The Supreme Administrative Court (Conseil d'Etat) handed down its decision on 13 March 2007 to declare null and void the order of the Minister of Interior to set up a data storage system ELOI (see *PICUM newsletter of April 2007*). The Ministry of the Interior has now prepared a new text, that by and large contains the same provisions as the previous one but has softened two points: in the vetting of visitors of irregular migrants, certain categories will be excluded and the storage of data will be for a period of three months, instead of three years as initially planned. Source: Migration Policy Group, Migration News Sheet, April 2007, p.8
- The Interior Ministers of France and Great Britain, François Baroin and John Reid, voiced their

opposition on 17 April 2007 to the plans of the mayor of Calais to build a new reception centre for migrants at Calais and praised the effectiveness of their combined efforts to curb undocumented migration. The old reception centre at Sangatte had been closed in 2002. However, more than 500 people are still waiting at the French side of the tunnel for their chance to cross over to Great Britain. <http://fr.news.yahoo.com/17042007/202/immigration-la-grande-bretagne-et-la-france-opposees-un-centre.html>; for more information, see:

<http://www.liberation.fr/actualite/societe/244071.FR.php>

- The National Coordination of Sans-Papiers issued an open letter to the presidential candidates on 28 March 2007 demanding a global regularisation, respect for the right to asylum and the retraction of anti-immigration laws, thereby reminding them of the virtues of republicanism and of the history of the French republic. In its appeal, they also gave an overview of the anti-immigration and anti-sans-papiers laws, decrees and actions taken by the government during the past few years. <http://archives.rezo.net/zpajol.mbox/200703.mbox/%3CBAY144-F266356E164545CD1F8301DAF620@phx.gbl%3E>

Spain

- The daily “El Pais” reported on 5 March 2007 on three rulings handed down by the Supreme Administrative Court, rejecting all the appeals presented by various NGOs which challenged the new Aliens Regulation. Cases covered dealt with the “devolución” (immediate return) of migrants in Ceuta and Melilla; the denial of admissions to ports; the police’s capacity to end a provisional residence status of an irregular migrant if he/she refuses to further collaborate with them to secure the conviction of traffickers; and the requirements for undocumented migrants to prove a work relation. Source: Migration Policy Group, Migration News Sheet, April 2007, p.5
- UGT has published a guide for migrants in the Balearic islands with information about the legal requirements for migrant workers, their rights and duties. The guide was launched on 2 May by the President of UGT-Balearic Islands and the Counselor of the Balearic government on migration. 1,500 copies have been published in Catalan, Spanish, French and English that will be distributed amongst migrant organizations. (<http://www.en.migrar.org/noticias/noticia/?id=652>)
- According to the Supreme Court of Justice (Tribunal superior de Justicia), to be irregular in Spain does not qualify expulsion unless some other causes can be provided. The ruling from the highest court in the country coincides with the decision of the Supreme Court of Cantabria in favor of lawyer Anna Maria Uría’s challenge to the expulsion of an undocumented migrant. According to the law, being undocumented means an administrative sanction and deportation only in justified cases. The actual experience is different and these recent rulings should aid the situation of undocumented migrants. (<http://www.en.migrar.org/noticias/noticia/?id=638>)
- SOS Racismo has presented its annual report about racism in Spain, and estimates that between 750.000 and 1 million undocumented migrants live in Spain, despite the fact that there has been a recent massive regularization. The NGO says that the cause of this figure is the impossibility of regularizing 15% of those who applied in the final stage of the regularization. In total 557,800 people joined the ranks of the undocumented. The report has a series of policy recommendations such as the derogation of the foreigners law, to concede the right to vote to migrants. <http://www.en.migrar.org/noticias/noticia/?id=641>
- The pilots of Air Europa (a company hired by the Spanish government in the deportations) demand security for migrants being deported. In five months more than twenty flights have been organized with migrants from Senegal, Guinea, Nigeria and Gambia. Each migrant is accompanied by two

agents of the central unit of expulsions of the police and they are handcuffed, a practice also criticized by the police trade union. The pilots trade union, SEPLA, argues that the migrant loses his/her ability to move in an emergency. Source ABC 2007-04-17

Greece

- Twenty-six human rights groups have signed a petition to prevent the deportation of 41 asylum seekers from Iraq alleged to have been beaten by Greek police. The groups are protesting plans to send the Iraqis back to Turkey, claiming that police beat some of them when they refused to board buses to be deported. (*Avgi, Ta Nea, Kathimerini, 3 April / Eleftherotypia, Ethnos, Thessaloniki Thessalonikis, 2 April*)
- In a special report addressed to the Minister of Public Order, the Greek Ombudsman highlights the serious problems faced by aliens seeking asylum in Greece. Many of these problems exist because current laws are not properly interpreted, while the Greek police is often unable or unwilling to apply the relevant provisions. (*Vima, Avgi, 25 April*)
- In an interview in the "Kathimerini" newspaper, Council of Europe's Commissioner for Human Rights Thomas Hammarberg says that there are no "illegal" persons but persons without a legal residence permit, who should not be deprived, however, of their basic human rights. With regard to asylum, Mr. Hammarberg notes that the main problem is not the law itself but the actual access to the procedure granted to those wishing to apply for asylum. (*Kathimerini, 22 April*)

Italy

- The Italian cabinet approved a reform bill on the current immigration law on 24 April 2007. The new bill, if approved by parliament, would make it easier for immigrants to enter Italy through legal channels, taking away the need to have a job contract before they arrive. The government claims the legislation is vital in order to tackle irregular immigration and, citing the large numbers of irregular immigrants now in Italy, says the law co-written by Fini is "not working". The new bill penned by Interior Minister Giuliano Amato and Welfare Minister Paolo Ferrero would allow Italians to stand as guarantors, or 'sponsors', for would-be immigrants. Moreover the bill arranges for the much criticised detention centres (CPTs) to be used exclusively to hold people awaiting expulsion instead of any irregular migrant at any stage of legal procedures.
<http://www.ilsole24ore.com/art/SoleOnLine4/Norme%20e%20Tributi/2007/04/cdm-immigrazione.shtml?uuid=c0d568d8-f253-11db-830a-00000e251029>

UK

- The Home Office announced a series of measures on 7 March 2007 that will enable the Immigration and Nationality Directorate (IND) to progressively deny work, benefits and services to foreigners without any legal claim to them (*see PICUM Newsletter April 2007*). The measures planned have been criticised by numerous local councils who accused the government of being "chaotic" and shifting the burden for the care of irregular migrants to them. They point to eight pieces of legislation which oblige them to provide assistance to the destitute, paying for their accommodation, social care and education without any assurances that they will be reimbursed by the Central Government. (Source: Migration Policy Group, Migration News Sheet, April 2007, p.7)
- The Home Office announced on 7 March 2007 that visa fees would be increased by up to almost three times their present levels, which strongly gives the impression that people wanting to enter the

country legally will be paying for the planned expansion of measures combating irregular migration. (Source: Migration Policy Group, Migration News Sheet, April 2007, p.6)

- The Home Office halted the deportation of seven-year-old Dumisani Lungu and his HIV positive parents on 3 April 2007 after it had been warned by the children's charity Barnado's that it was effectively condemning the boy to death if it sent his family back to Malawi. <http://www.guardian.co.uk/immigration/story/0,,2057835,00.html>
- On 25 April 2007, the BBC published the findings of a three-month investigation undertaken (partly undercover) by Lithuanian television journalist Audrius Lelkaitis into the living and working conditions of migrants in the UK. Mr. Lelkaitis uncovered conditions that equalled bonded labour. Workers are being lured to the UK with a promise of fair working conditions and good pay, neither of which they receive. Rather they are bound to bad work and appalling living conditions by debt and generally live in an extremely insecure position. After the screening of the BBC report the government promised to launch an official inquiry. <http://news.bbc.co.uk/1/hi/uk/6593827.stm> and <http://news.bbc.co.uk/1/hi/uk/6594577.stm>
- The National Aids Trust and the Terrence Higgins Trust have jointly published a leaflet providing advice to migrants who may be concerned that they could be charged for accessing NHS sexual health and HIV services. *Will I have to pay? Advice on getting NHS sexual health and HIV services for recent migrants and those of uncertain immigration status* is available for download at: <http://www.nat.org.uk/document/253>

Ireland

- Migrants' Rights Center Ireland (MRCI) is organising a campaign for a temporary permission to remain or a 'Bridging Visa' to provide protection for migrant workers who have become undocumented. MRCI is asking the Department of Justice, Equality and Law Reform to provide a temporary (6-month) residency stamp for non-EU/EEA nationals who have entered Ireland lawfully but have become undocumented through no fault of their own. The campaign involves the active participation of migrant workers who are affected by this issue. <http://www.mrci.ie/>
- *Challenging Myths and Misinformation about Migrant Workers and their Families* is a new leaflet that has been launched by MRCI and NCCRI. It is designed to contribute accurate information to the current debates about migrant workers and their families in Ireland. It provides clear facts to clarify some common myths and misconceptions, as well as explaining a number of terms relating to migrant workers. The leaflet can be ordered from info@mrci.ie and is available for download on www.mrci.ie in the News and Events section.

Belgium

- The Asylum and Migration Forum (FAM) denounced the arbitrariness and lack of transparency of the current politics of regularisation with an action on 4-5 April 2007. Five people pretending to be undocumented migrants stood in large glass boxes on a square in the center of Brussels and passers-by were asked to decide which one of them should be awarded a residence permit in Belgium. The FAM demands the introduction of clear criteria for regularisation. More actions are planned as the general election approaches and a national demonstration has been announced which will take place on 17 June 2007. <http://www.rtl.be/article/71865.aspx?lq=1>

- Motivation for simultaneous application of 'delay of departure' and 'authorisation to stay for medical reasons' is applied as a procedure rule. The procedure for the regularisation of the stay situation for medical reason is in principle not started when one aims at only a short delay of departure, e.g. in the case of a brief sickness which makes travelling impossible. Nevertheless, on the basis of serious medical grounds it is now possible to request at the same time an authorisation to stay and a delay of departure. In such a situation the foreign affairs service (DVZ) will evaluate temporary lengthening on the basis of clear elements in the file. For more info: www.medimmigrant.be
- The Belgian stay legislation was modified thoroughly in 2006 by two laws of September 15th 2006. However, the majority of the changes have still not been implemented. The new date of coming into force is now 1 June 2007. Organisations such as FAM and UDEP were disappointed because the regularisation policy had hardly been modified and could still randomly be filled in. (Source: de acht, Newsletter Edition 06/04/2007, Vluchtelingenteam@de8.be)
- The Foreign Affairs service repeats that irregularly staying families with school-age children can still get a delay of departure until the end of the school year. The order to leave the territory is then temporarily extended. A delay of departure can be given by means of the Foreign Affairs Service. This delay will be given under certain conditions. Such (temporary) delay till the end of the school year does however not mean that the concerned persons are or will be regularized. (Source: Foyer newsletter; for more info contact: ann.bogman@foyer.be)

Netherlands

- The governing Labour Party has called for an investigation into the number of undocumented migrants, which should also uncover where undocumented migrants are living and how they sometimes manage to go unnoticed by the authorities for years. Source: Migration Policy Group, Migration News Sheet, April 2007, p.9
- The Council of Ministers and the Association of Netherlands Municipalities (VNG) reached an agreement on 27 April 2007 on the pardon for former asylum seekers. State secretary Nebahat Albayrak (alien affairs) and the VNG agreed on the role municipalities will play in tracing and presenting people subject to the pardon, financing, housing and settling of the pardon candidates. In a few more weeks, Albayrak will give more details on the arrangements. Source: www.nrc.nl, 28-4-'07. For more information on the pardon: www.pardonnu.nl
- The Court of The Hague has decided that people should be transferred to another detention centre when detained for more than six months in the detention boats (bajesboten) in Rotterdam. Rooms are small, corridors narrow and ceilings low. Windows can only open a little, recreation rooms are small. (Source: LOS newsletter 4-9, VK 26.4.07, Gerechtshof den Haag KG 07/03, 07/46, 26.4.07)
- In the streets of Rotterdam, in the subway, in front of supermarkets we see them: asylum seekers, undocumented migrants. In the play "STATUS" we get to know a few of them with their personal histories. Why did they come to the Netherlands? Who are they? What kind of life did they leave behind? During a meal, spectators get to know life stories from Benin, Cameroon, Somalia, South Vietnam, Georgia, Iraq, China, Armenia, Belarus and Thailand. The play will be presented in May and June. More info: www.rotterdamswijktheater.nl

Germany

- On 18 April 2007, the European Committee for the Prevention of Torture and Inhuman or Degrading

Treatment or Punishment (CPT) issued its report on its visit to Germany carried out from 20 November to 2 December 2005. In this report, the conditions under which immigration detainees were being held at Hamburg Remand Prison are denounced as “unacceptable”. Also, the CPT recommends “once again” to “take the necessary measures to ensure that immigration detainees are accommodated in centres specifically designed for that purpose, meeting the criteria set out by the Committee in its 7th General Report.” The report, as well as the answer of the German government, can be viewed here: <http://www.cpt.coe.int/documents/deu/2007-18-inf-eng.htm> resp. <http://www.cpt.coe.int/documents/deu/2007-19-inf-eng.htm>

Sweden

- *The policy and the strategies used in the integration of immigrants in Sweden*, is a briefing written by M. Arthur Diakité, The English International Association of Lund. The intention of this briefing is to introduce policies, strategies and tactics used to integrate non-Nordic immigrants into Swedish society. It outlines how the 1997 government policy on integration has been applied by the state, municipalities, private sector and NGOs in the search for an acceptable method to integrate racial minorities into Swedish society. <http://www.thelundian.com/Shadowreport.pdf>
- On 28 March 2007, Paul Hunt, the UN Special Rapporteur on the Right to Health, made public his report, which criticises Sweden for not providing health care to rejected asylum-seekers in hiding. Source: Migration Policy Group, Migration News Sheet, April 2007, p. 28; the complete report can be viewed here: <http://daccessdds.un.org/doc/UNDOC/GEN/G07/111/82/PDF/G0711182.pdf?OpenElement>

Switzerland

- In January 2007, the State Council of the Canton of Vaude (Conseil d'Etat) issued a report concerning the phenomenon of undocumented migrant workers living in Vaude. In March/April 2007, another report was issued on the possibility of a global regularisation of undocumented migrants. Both documents can be downloaded from the CTSSL (Collectif de Travailleuses/eurs Sans Statut Légal – Genève). <http://www.sans-papiers.ch/geneve/>

USA

- On 20 March 2007, the US Center for Medicaid and Medicare Services reversed its policy and exempted newborn babies from citizenship documentation requirements in their first year of life. According to the Deficit Reduction Act of 2005, newborns whose delivery was covered by emergency Medicaid were required to have proof of citizenship processed and approved before receiving medical coverage. Many uninsured Americans, including unauthorized immigrants, use emergency Medicaid. The Bush administration will soon issue new regulations stipulating that all newborns will be deemed automatically eligible for Medicaid for one year if their births were covered by Medicaid. Officials estimate that about 8,000 infants have been affected by the documentation requirements. Source: Migration Information Source, April 2007 issue, <http://www.migrationinformation.org/USfocus/display.cfm?ID=595>
- Members of the Immigrant Communities in Action (ICA) hosted on 5 April 2007 a conversation as part of the "Night of 1,000 Conversations" to talk about comprehensive immigration reform, to develop solutions for the current broken immigration system as part of a community-based campaign for change. <http://www.rightsworkinggroup.org/?q=ConversationNight>

- The Coalition of Immokalee Workers (CIW), and McDonald's USA, working with McDonald's produce suppliers, announced on 9 April plans to work together to address wages and working conditions for the farmworkers who pick Florida tomatoes. Beginning in the 2007 growing season, McDonald's USA, through its produce suppliers, will pay an additional penny per pound for Florida tomatoes supplied to its U.S. restaurants. The increase will be paid directly to farmworkers harvesting tomatoes purchased by McDonald's. http://www.ciw-online.org/CIW_McDonald's_Release.html
- A White House proposal for overhauling immigration laws would abandon the long-standing practice of admitting immigrants seeking to reunite with their families, instead giving preference to applicants based on the nation's employment needs. The wide-ranging proposals to stem irregular immigration also include enforcement requirements that must be met before other changes can go forward. Those include posting 18,300 Border Patrol agents on the frontier with Mexico — about a 53% increase — and erecting more than four times the current amount of border fencing. <http://www.latimes.com/news/nationworld/nation/la-na-immig30mar30.0,724678.story?coll=la-home-nation>
- While Congress and the White House remain divided over what to do with the estimated 12 million undocumented migrants living in the USA, a USA TODAY/Gallup Poll taken on 7-8 April 2007 found that 78% of respondents feel people now in the country as undocumented migrants should be given a chance at citizenship. http://www.usatoday.com/news/washington/2007-04-18-illegal-immigrants_N.htm
- The chairman of the American Bishop's Committee for migration, Mgr. Gerald R. Barnes, calls proposed migration reforms of the White House "a step in the wrong direction". Bishop Barnes, speaking for the American bishops, expresses support for revision of the migration law. Nevertheless, he underlines that the American bishops think this should lead to a permanent stay of undocumented migrants, and temporary labour- and accompanying residence permits. He also pleads for more flexibility for family reunion and dealing with the causes of migration. www.kerknet.be

3. European Policy Developments

General

- The European Union, the United States and Russia have agreed to close ranks to combat terrorism, drug trafficking and irregular immigration. The ministers agreed on the need to step up border controls. Mr Frattini said that a delegation from the European Border Agency Frontex would soon be going to the United States to promote cooperation. He also said that Russia was prepared to cooperate with Romania and Bulgaria at the borders of the Black Sea. Source: http://www.ecre.org/topics/intro_to_topics and Agence Europe: EU, United States and Russia to step up cooperation, 5 April
- The number of migrants coming to the Spanish Canary Islands has halved compared to this time last year following tightened naval patrols, EU authorities announced on 19 April. Migrants arriving on the Canary Islands dropped by 60 percent in the first three months of this year to 1,525 from 3,914 during the same period last year. The EU's new border agency, Frontex, is being credited with the drop in figures. Brussels has now turned its attention more to the causes of immigration. "It is the job of the EU to steer the migration into manageable proportions. We will only succeed if we are able to help African nations change economic and social conditions so that no one is forced to leave because of hardship," EU development commissioner Louis Michel said. He also said the bloc

was intending to invest 22 billion euros in the next six years on anti-poverty measures.

http://www.enar-eu.org/en/wmail/WM90_EN.doc

- Malta has submitted a proposal to the EU border control agency, FRONTEX, to conduct maritime border patrols together with the Greek navy to combat irregular immigration this summer. A decision on the request, known as Nautilus 2, is expected soon. Nautilus 2 would be the second Frontex operation on the so-called central route of the Mediterranean, primarily targeted at boatloads of irregular immigrants leaving from Libya and other North African countries and heading towards the EU's southern borders, particularly Malta, Lampedusa and Sicily.
<http://www.timesofmalta.com/core/index.php>

European Commission

- On 6 June the Commission is to publish a Green Paper on asylum, a report on Dublin II and Eurodac and a proposal on long-term residence for refugees and others in need of protection. A 'package' on sanctions for hiring irregular migrants, on the global approach to migration and on the link between external relations and legal migration is to be presented on 16 May. The aim is to ensure that all Member States introduce similar penalties for employers of third-country nationals who are irregularly staying or working in breach of their residence status. Proposals on the admission of the highly skilled and the legal status of migrant workers are scheduled for 25 September. http://www.ecre.org/topics/intro_to_topics and http://ec.europa.eu/atwork/programmes/docs/forward_programming.pdf
- On 13 April, European Commissioner for Justice and Home Affairs, Franco Frattini, met the interior ministers of Albania, Bosnia and Herzegovina, and Montenegro in Zagreb to initial visa facilitation and readmission agreements. The Commission claimed that the overall aim of the agreements was to make it easier for citizens of Western Balkan countries to acquire visas for the EU, whilst simultaneously having clear rules on combating irregular immigration. The readmission agreements will require the Balkan countries to take back not only their own citizens, but also any irregular migrants who reach the EU through their territory. The Commission intends to have the agreements concluded and entered into force no later than the end of 2007.
<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/497&format=HTML&aged=0&language=EN&guiLanguage=en>

European Parliament

- EU Parliament approved a regulation providing for special rapid response teams to be set up to give technical and operational assistance in the case of major influxes of undocumented migrants over the external borders of any EU member state. The principle of "mandatory solidarity", under which all Member States must deploy specially-trained border guards at Frontex's request, was included in the agreement with the Council at the instigation of Parliament's rapporteur Gerard Deprez (ALDE, BE). Member States will not, except in very exceptional cases, be able to refuse to deploy their agents (border guards, translators) in another Member State. Rapid intervention teams will be mobilised "for a limited period" and only if the country faces an "urgent and exceptional pressure". The decision as to whether an influx amounts to an "emergency" justifying a request to mobilise an intervention team will be taken by the director of Frontex.
http://www.europarl.europa.eu/news/expert/infopress_page/019-5747-113-04-17-902-20070420IPR05693-23-04-2007-2007-false/default_en.htm

- The EPP-ED Bureau concluded a two-day members meeting in Granada, Spain with a press conference on Friday 20 April. The meeting focused on the challenges of immigration; the Southern dimension of the EU's immigration policy was considered, followed by discussion of the EU's management of its external borders. The meeting brought together representatives of FRONTEX (the European Agency for the Management of Operational Cooperation at the External Borders), various policy institutes and local political leaders as well as senior deputies of the EPP-ED Group. A package of concrete proposals for a European immigration policy will be put forward by the Bureau before the end of 2007 - discussion of proposals will continue in Malta in July. Potential measures being discussed are a Marshall Plan for countries from which large numbers of irregular immigrants to Europe originate, and a strategy to fight the people trafficking "mafias".
http://www.enar-eu.org/en/wmail/WM92_EN.doc

European Council

- European Commissioner for Justice and Home Affairs Franco Frattini and Wolfgang Schäuble, Germany's interior minister, have talked of a "spring offensive" on irregular immigration. Speaking at the opening of Frontex on 27 March, the EU border agency's headquarters in Warsaw, Mr Frattini said, "The demographic statistical data indicate that migration is set to rise as the population of the 50 least developed countries is likely to double, from 800 million in 2007 to 1.7 billion in 2050." For the German presidency, Mr Schäuble said that monitoring of external borders had to be increased, not only because of migratory pressure in the south, but also because of future likely fluxes from Eastern Europe. http://www.enar-eu.org/en/wmail/WM88_EN.doc
- Meeting in Luxembourg on 19-20 April, EU interior ministers were expected to discuss progress made with the creation of Rapid Border Intervention Teams (RABITs) and a report on a centralized register of technical equipment (CRATE), as well as the European Patrols Network and the European Surveillance system. http://www.ecre.org/topics/intro_to_topics and http://www.eu2007.de/en/Meetings_Calendar/Dates/April/0419-JI.html
- A representative of the presidency has told a symposium on European border police cooperation that he could easily imagine a joint police force to guard external borders within 10 or 15 years. The international symposium held in Boppard, Germany on 15-17 April was jointly held by the German interior ministry and Frontex, the EU's border agency. Two FRONTEX instruments which were already successfully pushed by the German Presidency were highlighted: rapid border intervention teams, or RABITs and CRATE, the Centralized Records of Available Technical Equipment, listing technical equipment Member States are ready to make available for the support of other EU members. A European Patrols Network for the southern maritime borders is a further shared goal of Germany and Frontex. http://www.eu2007.de/en/News/Press_Releases/April/0416Migration.html

4. Undocumented Children

- The Joint Committee on Human Rights of the House of Commons and Lords has issued a report on their findings on the treatment of asylum seekers in the UK. The Committee considers in detail the detention of children and finds that the current process of detention does not consider the welfare of the child. It concludes that the detention of children for the purpose of immigration control is incompatible with children's right to liberty and is in breach of the UK's international human rights obligations. The Committee states that children should not be detained and alternatives should be developed for ensuring compliance with immigration control where this is considered necessary (paragraph 259). <http://www.publications.parliament.uk/pa/jt200607/jtselect/jtrights/81/8103.htm>

- The European Roma Rights Centre has published a study entitled *The Impact of Legislation and Policies on School Segregation of Romani Children: A Study of Anti-Discrimination Law and Government Measures to Eliminate Segregation in Education in Bulgaria, Czech Republic, Hungary, Romania and Slovakia*. The purpose of the study has been to document the state of government actions to desegregate education of Roma as of the end of 2006.
<http://www.errc.org/db/02/36/m00000236.pdf>
- The NGO Action Group on the EU child rights strategy warmly welcomed the adoption in July 2006 of the European Commission's Communication "Towards an EU strategy on the rights of the child". On the occasion of the European Parliament Joint Hearing that took place on 17 April 2007, the Action Group welcomed the active and common interest of such a large number of European Parliament committees in taking part in the challenge of creating the future EU strategy on child rights. In this context, they urge the European Parliament to take the necessary actions to ensure that the EU upholds its commitments as set out in the communication.
<http://www.socialplatform.org/News.asp?news=12713>
- The NSPCC is to set up a Child Trafficking Advice and Information Line with the help of funding from the Home Office and the charity Comic Relief. The Advice Line – the first of its kind in the UK – will open later in the year and be run in partnership with the Child Exploitation and Online Protection Centre (CEOP) and children's rights charity ECPAT UK. The Line will provide a high profile source of advice and support for front line professionals – such as social services, immigration, police, and health – who come into contact with potentially trafficked children and young people. It will help ensure that trafficked children receive the support and protection they are entitled to.
http://www.nspcc.org.uk/whatwedo/mediacentre/pressreleases/2007_23_march_statement_on_announcement_of_funding_for_the_child_trafficking_advice_and_information_line_wda43378.html
- In the beginning of April, the Swiss trade union UNIA and the Platform des Sans-papiers issued an appeal to the Economic Minister, Doris Leuthard, pointing out the problematic situation of young undocumented migrants who have finished their schooling. In Switzerland, undocumented children have the right to schooling, but after their school attendance has finished, they are left without a professional perspective and often turn to the informal economy. The two organisations are now calling for access to apprenticeship for young undocumented migrants.
http://www.swissinfo.org/fre/suisse/agences/index/Enfants_sans_papiers_un_appeal_a_ete_lance_a_Doris_Leuthard.html?siteSect=113&sid=7687114&cKey=1175675185000
- The Belgian Children Without Papers Movement held a press conference on 15 April 2007 following a demonstration concerning the Merksplas detention center. Prof. Dr. Peter Adriaenssens, who spoke at the press conference, stated: "Recent research shows that 25% of children who are locked up have serious psychiatric problems. They become depressive, have nightmares and think of suicide. They have a higher risk of having a delay in growing and memory problems. The locking up creates embittered young adults who can have a disturbed personality. They won't remind themselves of our democratic system, but of our inhuman treatment. It is important for Belgium to take care of these young people and prevent them from becoming terrorists."
<http://www.vluchteling.be/kinderen/wp/?p=59>
- *From Lottery to Deceit* (De la Loterie à la tromperie) is a civil inquiry made by the French NGO CIMADE on the French decree of 13 June 2006 which specified the regularisation of undocumented families with children at school. This publication points out the highly unequal and arbitrary way in which this decree is being applied on the departmental level and demands that measures to rectify this practice are urgently put into practice. The inquiry is available at:

<http://www.cimade.org/actus/comm117.htm>

5. Upcoming Events

- The Network Migranet will host a conference on 11 May 2007 called "And they did not give Harbourage... On dealing with undocumented Migrants" ("Und sie gaben keine Herberge ..." Über den Umgang mit Menschen ohne Papiere). Workshops will deal with issues of medical treatment and schooling of undocumented migrants and with legal sanctions against their supporters. http://www.migranet-bonn.de/aktuelles/Flyer_Kongress%5B1%5D.pdf
- On 10 May 2007, UNESCO in cooperation with the Friedrich-Ebert-Stiftung and the Goethe-Institute Paris will hold a conference in Paris entitled "Europe: Development through Migration." The conference will put the global geopolitical situation into perspective and will also discuss political, sociological and demographic aspects of migration. http://portal.unesco.org/shs/en/ev.php-URL_ID=10814&URL_DO=DO_TOPIC&URL_SECTION=201.html
- The French organization GISTI will hold a training session on 3 May on "The expulsion of foreign Nationals after the Law Sarkozy II: Which resorts are there?" (L'éloignement des étrangers après la loi Sarkozy II : quels recours?). Different applications, cases and possibilities of intervention will be discussed. <http://www.gisti.org/spip.php?article861>
- The Centre for European Policy Studies (CEPS) will hold a workshop on 14 May 2007 in Brussels on "Policing European External Borders. The Renewed EU Model on Border Management". The workshop focuses on the nature, implications and latest developments of the EU Border Management Strategy, and the relationship between the substantial and institutional instruments being part of the common EU external borders regime, and the way in which they are implemented in the national arena. <http://www.ceps.be>
- The 7th edition of the Summer School on Immigration and Asylum Policy of the European Union organised by Odysseus Academic Network will take place in Brussels University (U.L.B.) from 2-13 July 2007. <http://www.ulb.ac.be/assoc/odysseus/Summer07UK.html>

6. Publications

Illegally Resident Third Country Nationals in EU Member States: State approaches towards them, their profile and social situation, by the European Migration Network. This synthesis report aims to summarise and compare, within a European perspective, the findings from nine national contact points (Austria, Belgium, Germany, Greece, Ireland, Italy, Sweden, The Netherlands and the United Kingdom). <http://www.european-migration-network.org>

The Collective Uni(e)s contre une immigration jetable (Ucij) (Universities/ Together against throwaway immigration) has published a "*Counter-Report on Immigration and the Right to Asylum*" (Contre-rapport sur l'immigration et le droit d'asile). The counter-report, which has been devised by organisations working in the field, highlights different stages of migration and different areas of life, scrutinizes the respective laws appertaining to them and features testimonies from people affected by immigration law. It also goes into the situation of undocumented migrants in its chapters on work and extradition. http://contreimmigrationjetable.org/article.php3?id_article=795

Germany to Regularize "Tolerated" Asylum Seekers by Eric Leise, published in Migration Information Source. This is an overview of the legal and social situation of migrants with the status of "toleration" in

Germany and of past and current attempts on regularising their residence status.

<http://www.migrationinformation.org/Feature/display.cfm?id=593>

Elexir-A, an anti-racist Berlin organisation supporting (undocumented) migrants in their struggles for fair working conditions and against wage-robbery, has published the experiences they made when campaigning together with the Refugee Initiative Brandenburg (Flüchtlingsinitiative Brandenburg FIB). They systematically recount the steps they took during this campaign, inform about their strategies and give a political evaluation of the nexus of wage-robbery and undocumented work. The report is thought to assist other that would like to take political action in a similar way. The German report can be downloaded from their homepage: <http://www.elexir-a.org/wbm/wbm00.htm>

Regularization programs for undocumented migrants by Sebastian Sunderhaus has been published in Migration Letters Vol. 4 No. 1, pp. 65-76. The paper is a summary of a study that describes and analyses the features and outcomes of regularisation programs for undocumented migrants in sixteen countries among all continents. <http://www.doaj.org/doaj?func=abstract&id=201064&recNo=6&toc=1>

Trafficking for the Purposes of Labour Exploitation: A Literature Review, by the British Home Office. The Home Office Online Report 10/07 from March 2007 is available online:

<http://www.homeoffice.gov.uk/rds/pdfs07/rdsolr1007.pdf>

Human rights, health and poverty reduction strategies, by the World Health Organisation. It is meant as a tool for policy-makers to design, implement and monitor the health component of poverty reduction strategy through a human rights-based approach. <http://www.who.int/hhr/news/HRHPRS.pdf>

Spotlight on Immigration Enforcement in the United States by Dawn Konet and Jeanne Batalova, published in Migration Information Source, April 2007 issue. The article gives a concise overview of key questions related to the functioning of US immigration enforcement.

<http://www.migrationinformation.org/USfocus/display.cfm?id=590>

The people of the undocumented (Le peuple des clandestins) by Smain Laacher, is a study about immigrants from the Middle East and North Africa and undocumented migrants in several European countries. <http://www.editions-calmann-levy.com/catalogue/livre/auteur-282936-roman-Le-Peuple-des-clandestins-Sciences-Humaines-et-Essais.html>

Info Sans-papiers, an information brochure for undocumented migrants in Brussels, by Integratiecentrum Foyer. The brochure presents in a clear manner information linked to undocumented life on different issues: housing, work, health, schooling, regularisation, voluntary return, expulsion, etc. The brochure will soon be available for download in French and Dutch at: www.foyer.be

The EU Border Management Strategy: FRONTEX and the Challenges of Irregular Immigration in the Canary Islands by Sergio Carrera, Centre for European Policy Studies (CEPS). It provides some reflections about these current policy approaches by looking at the nature, scope and practical implications of the implementation of the Integrated Border Management strategy and its relationship with a common EU immigration policy. http://shop.ceps.eu/BookDetail.php?item_id=1482

The European Women's Lobby (EWL) has published the report *Equal Rights, Equal Voices – Migrant women in the European Union*. This publication presents the results of a three-day event organised by the European Women's Lobby in January 2007 in Brussels. The migrant women participants formulated recommendations around the following main issues: the legal status of third-country nationals, women's human rights, the participation of migrant women in public, political and economic life, and networking

between migrant women and with women's organisations. The report is available in English and French: http://www.womenlobby.org/site/1abstract.asp?DocID=384&v1ID=&RevID=&namePage=&pageParent=&DocID_sousmenu

Workers control not immigration control is a programme for trades unions proposed by No One is Illegal. It makes the case for opposition to immigration controls at the work place and elsewhere by trade unions for their own benefit and the benefit of the migrants affected by such controls. The pamphlet is available for download at: <http://noii.trick.ca/cache/WorkersControl.pdf>

ENAR, the European Network against Racism, has published the results of its Policy Seminar: *Promoting Integration. Migration, Integration, Social Inclusion and Anti-Discrimination* held in Brussels on 1-2 March 2007. The purpose of the seminar was to explore the intersections between the racism, anti discrimination, social inclusion and integration agendas from the perspective of migration, recognising that these concepts are intrinsically linked. http://www.enar-eu.org/en/events/MIGRATION/final_report_EN.pdf

The German Institute for Human Rights has issued two publications addressing the human rights of migrants:

1) The policy paper *Temporäre Arbeitsmigration in die Europäische Union. Menschenrechtliche Anforderungen* (Temporary Labour Migration into the European Union – Standards for a Human Rights' Perspective) by Petra Follmar-Otto deals with recent proposals for temporary migration programmes to Europe. The author comes to the conclusion that the member states' human rights obligations are not sufficiently taken into account in the present debate on European level. http://www.institut-fuer-menschenrechte.de/webcom/show_shop.php/c-488/lkm-618/cat-2/.

2) The study *Die Wanderarbeitnehmerkonvention der Vereinten Nationen – Ein Instrument zur Stärkung der Rechte von Migrantinnen und Migranten in Deutschland* (The UN Migrant Workers Convention – An Instrument to strengthen Migrants' Rights in Germany) by Katharina Spieß seeks to introduce the UN Migrant Workers Convention and to promote its ratification by Germany and other target countries of migration. At the same time, the study analyses gaps in the protection of migrants' human rights in Germany that need to be closed irrespective of the ratification of the Convention. http://www.institut-fuer-menschenrechte.de/webcom/show_shop.php/c-488/lkm-616/cat-4/

7. PICUM News

- PICUM and OR.C.A. (Organisation for Undocumented Workers, Belgium, one of PICUM's members active on the labour issue), plan a kick-off meeting in June for a PICUM working group on labour rights for undocumented workers. PICUM members who have very concrete activities concerning this issue and who are interested to participate in European and national lobby activities concerning the upcoming directive on employers' sanctions, can contact Sabine Craenen at info@orcasite.be. After the kick-off meeting concrete plans will be announced to all the PICUM members and interested members will still have the opportunity to step in.

8. Miscellaneous

- Correction: In the PICUM March 2007 newletter, the author of *Menschen in aufenthaltsrechtlicher Illegalität. Reformvorschläge und Folgenabwägungen aus sozialethischer Perspektive* (People Living under Conditions of Illegality Regarding Residence Law. Proposals for Reform and Considerations of Implications from a Social-Ethical Perspective) was incorrectly referred to as

Andreas Fischer. His name is Andreas Fisch. We apologize for the mistake.

- "Migration Citizenship Education", a new web site developed by Network Migration in Europe, has been launched in early 2007. It is offering access to learning resources on migration, minorities and human rights information and is thought for the support for all those involved in education, politics, culture, media and society. <http://www.migrationeducation.org>
- The newly launched website www.ithaca-eu.org aims to provide current, precise and impartial information on the prevailing medical and social conditions in countries of origin of refugees and asylum-seekers. The information to be found on this website has been gathered from various sources of information and extracted and clarified the relevant subject matter contained in published documents, and the law and jurisprudence covering the subject.
- JRS (Jesuit Refugee Service) has launched a new website on "Detention in Europe." Info on detention conditions of undocumented migrants in EU member states can be found at: www.detention-in-europe.org.

To subscribe to the PICUM newsletter, please send an email to administration@picum.org with "Subscribe-English" in the subject heading. To unsubscribe, please put "Unsubscribe-English" in the subject heading.
