

PICUM Newsletter December 2006

Finalized on 5 December 2006

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

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Index

- [1. Death at the Border](#)
 - [2. News from EU Member States + Switzerland + U.S.A.](#)
 - [3. European Policy Developments](#)
 - [4. Upcoming Events](#)
 - [5. Publications](#)
 - [6. PICUM News](#)
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1. Death at the Border

- According to Moroccan authorities, at least ten immigrants who had left Western Sahara and were trying to reach the Canary Islands drowned after the shipwreck of their boat on 27 November. A police official from the City of Layoune, the administrative centre of Western Sahara, reported ten deaths, while the Association Sahraouie of the Victims of Violations of Human Rights counted between 20 and 21 undocumented migrants missing. <http://fr.news.yahoo.com/27112006/5/une-dizaine-d-emigres-clandestins-se-noient-au-large-du.html>

- The Italian NGO International Committee for the Development of People (CISP) carried out an investigation over several months and estimates that some 150,000 sub-Saharan nationals, "[who were] on the way to legally settle in Europe, are in situation of distress," said CISP regional co-ordinator Evelyne Tifrit on 10 November. According to CISP, from 2000-2005, nearly 3,000 sub-Saharan Africans, en route to Europe from Niger, Mali, Mauritania, Algeria and Morocco, died in dangerous journeys crossing deserts and the Mediterranean.
<http://www.euractiv.com/en/justice/assistance-call-distressed-immigrants/article-159576>
- Nine Iranians (three men, four women and two children) tried to cross the northern Greek border with Turkey in Evros and came upon antipersonnel mines, as reported in the Greek newspaper Eleftherotipia of 19 October. One person was lightly hurt. Nine days before, three Kurds followed the same course, which resulted in two deaths and one injured man. The State Major General of the army pointed out that the mined fields are indicated by a special signaling and encircled by wire netting. According to an Opinion-decision (of 30/10/2003) from the Greek National Commission of Human rights, Greece refuses to take away the antipersonnel mines from Evros (obligation of the international Convention of Ottawa signed and ratified by Greece) on the pretext of the lack of reciprocity on behalf of Turkey. While the Commission asks unanimity for the mine clearance of the region (the protection of human rights does not demand reciprocity), it votes against identifying the mined fields because they are a military secret.
http://www.enet.gr/online/online_text/c=112,dt=19.09.2006,id=57536180
- The Autofocus Videowerkstatt of Berlin has produced a film entitled *Zusammenprall der Zivilisationen* (*Collision of civilizations*) that documents the recent events in Melilla, Spain (see PICUM Newsletters October-November 2005), in which undocumented died while trying to climb over the fences. <http://www.videowerkstatt.de/?page=2&event=2&key=217>.
- The U.S. daily Arizona Star has published a multi-media, multi-part series on why sealing the United States' borders is impossibly costly and impractical. The series lists a number of statistics, including the estimate made by Rep Duncan Hunter (R-CA) of a cost of \$3.2 million per mile for the 700 miles of fence being discussed, and also includes footage of the geography of the United States' southern border. <http://www.azstarnet.com/secureborder/>

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

General

- The international conference "Protection for Domestic Workers" took place from 8-10 November 2006, at the headquarters of the Dutch FNV trade union federation, Amsterdam, Netherlands. The conference, organized by IRENE (International Restructuring Education Network Europe), FNV Mondiaal (Netherlands), the Committee for Asian Women (CAW) and the Asian Domestic Workers' Network, and WIEGO (Women in the Informal Economy Globalising and Organising), was attended by approximately 60 representatives of domestic/household workers' trade unions, associations and regional/international networks, global unions and national trade unions, and NGOs from all over the world. The proceedings of the conference will be published in a report due out in March 2007. Contact: Anneke van Luijken, IRENE (International Restructuring Education Network Europe), AvLuijken@irene-network.nl or <http://www.irene-network.nl>

France

- Nicolas Sarkozy, French Minister of Interior, has launched the idea of introducing a justiciable right to housing in France. The Minister stated in a proposal on 8 November that within two years, local

authorities should create sufficient accommodations in order to house all homeless people. Within five to ten years the right to housing should become enforceable. Sarkozy's proposal is strongly inspired by the latest report of the High Committee for Housing for the most vulnerable (Haut Comité pour le logement des personnes défavorisées) which recommended this measure in its latest report in December 2005. However, Sarkozy seems to restrict this right to certain categories such as people who work or who have been working throughout their lives.

http://www.feantsa.org/files/Month%20Publications/EN/Flash_PDF/06_10_october_flash_FEANTSA.PDF

- Following the proposed circular concerning the protection of foreigners who are ill, made public on 8 November in an article published in "Les Echos," the French Observatoire du Droit à la Santé des Etrangers – ODSE (Observatory for Foreigners' Right to Health) sent an open letter to French President Jacques Chirac on 9 November asking him not to sign the circular. In 1997 and 1998, France adopted a measure that would prevent an undocumented foreigner from being deported to his/her country of origin if it was determined that s/he could not get appropriate care there. The circular proposes to remove this protection and would allow the government to deport a seriously ill foreigner if the care supposedly exists "in theory" in the country of origin. In addition, the circular proposes that prefects would be able to determine if the treatment exists in the country of origin (a procedure that is currently carried out by doctors in the government), thus violating doctors' medical secrecy because the latter would be required to turn over patient information to the prefects.
<http://chretiens.sida.free.fr/rwea/files/category-11.html>
- The Advisory National Commission of Human Rights (CNCDH), an organ composed by representatives of NGOs, trade unions, lawyers and experts or parliamentarians, "is worried about the growing number of asylum seekers who could not have a fair examination of their application". That is one of the findings of a report on the right of asylum in France, published on 28 November by the CNCDH. http://www.educationsansfrontieres.org/article.php3?id_article=2859

Spain

- According to the Central Unit Against Immigration Network (UCRIF) of the Spanish National Police, the government has repatriated 8,323 undocumented migrants since January 2006. This figure is four times higher than in 2005. Most of the immigrants were Senegalese and Moroccans. The police have also informed that during the same period 1,330 persons have been detained in Spain for having incurred in a legal offense connected to irregular immigration (Source: El País, 08.11.2006, <http://medios.mugak.eu/noticias/noticia/79412>).
- The Spanish regions governed by the Popular Party have not yet offered places for the 500 undocumented children arriving in Canary Islands to whom the central government is seeking to relocate (Source: El País, 09.11.2006, see <http://medios.mugak.eu/noticias/noticia/79492>).
- In a recent report, the European Monitoring Centre on Racism and Xenophobia has informed that some public officials have refused to register undocumented migrants in the local residents' registry (*padrón municipal*) without any justification. Some of them have even requested "certificates of good behavior" from undocumented migrants. This information has been provided to this European observatory by several NGOs (Source: http://www.canalsolidario.org/web/noticias/noticia/?id_noticia=8278. A copy of the Report can be downloaded at <http://eumc.europa.eu/eumc/index.php>).

- Several Spanish enterprises have recently gone to Senegal to recruit 400 local workers. Most of these workers were undocumented migrants previously repatriated by the Spanish authorities to Senegal. (Source: La Razón 02.12.2006, http://www.larazon.es/noticias/noti_nac31527.htm).
- During the last year, the number of domestic workers affiliated to social security decreased by 15%. As the social security secretary general has stated “once regularized, former domestic undocumented workers usually find a better job in the agriculture sector. The easiest and quickest way for households to solve the problem is to hire other undocumented workers”. (Source: Diario Vasco, 05.12.2006, http://www.diariovasco.com/prensa/20061205/economia/bajan-empleados-hogar-afiliados_20061205.html).
- The nationalist party *Coalición Canaria* has made a law proposal seeking to amend the provisions regulating the local residents’ registry (*padrón municipal*). In its view, it is necessary to stop registering undocumented migrants as residents to avoid “informal legalizations”. (Source: El Día, 30.11.2006, <http://medios.mugak.eu/noticias/noticia/81446>).
- The Spanish Ombudsman has initiated an investigation to clarify whether the Spanish police has incurred in irregularities at the French border. As he pointed out, it is illegal to prevent undocumented migrants from entering the country without guaranteeing legal assistance and interpretation (Source: Sur, 29.11.2006, http://www.diariosur.es/prensa/20061129/espana/mugica-investiga-hubo-irregularidades_20061129.html).
- In a recent report, it has been stated that more than 50% of women who had abortions in Spain are undocumented. Most women refer to their precarious economic situation as the reason behind their decisions. (Source: El Mundo, 28.11.2006, <http://www.elmundo.es/papel/2006/11/28/espana/2055040.html>).
- Half of the immigrants arriving to Spain become mentally ill after the first two years of residence in the country. Source: Canarias 7, 17.11.2006, <http://www.canarias7.es/articulo.cfm?id=39702>).
- There are already 50,000 Paraguayan immigrants in Spain. The daily “La Razón” referred to them as “the silent immigrants” since most of them are undocumented. The number of immigrants coming from Paraguay has significantly increased in the last months. (Source: La Razón, 12.11.2006, http://www.larazon.es/noticias/noti_nac23496.htm).
- “Doctors of the World” in Spain have recently informed that more than 3,000 illegal blood tests have been carried out on undocumented migrants in the detention centers of the Canary Islands. They also denounce that the Spanish authorities do not inform these immigrants about their rights to seek asylum. (Source: <http://www.elmundo.es/elmundo/2006/11/03/solidaridad/1162549341.html>).
- The organization Andalucía Acoge has started a campaign entitled “*EMPLEADA, ni sirvienta, ni criada,*” which aims to advocate for the regulation of the domestic sector. This organization has also presented a normative proposal. (Source: <http://www.migrar.org/noticias/noticia/?id=472&t=0>).

Italy

- Speaking at the opening of the first global forum on communication and development, which took place at the Food and Agricultural Organization in Rome (FAO) on 25 October, the Italian Environmental Minister, Alfonso Pecoraro Scanio, pointed out that it would be more useful for funds spent on return programs to be directed towards development aid. (*Migration Policy Group, Migration News Sheet November 2006, p. 8*)

Greece

- The Greek daily Eleftherotypia published a four-page feature article on 21 October denouncing the shocking conditions in which asylum-seekers and undocumented migrants live. Without a minimum respect for their human dignity, asylum-seekers and undocumented migrants are dumped and crammed into old, disused factories, abandoned warehouses, destroyed buildings, containers and even stables without any sanitary equipment whatsoever or sleeping facilities, such as blankets, even during winter. (*Migration Policy Group, Migration News Sheet November 2006, p. 15*)
- Opening a conference on victims of human trafficking that took place on 31 October, the Minister of Employment Savas Tsitouridis stressed that the state should address the problem of trafficking through a review of the legislation, as well as through support and protection of the victims, in order to prevent their social exclusion. "Human trafficking is a global issue", the Minister said. (*Eleftheros Typos, 1 November*)

UK

- All foreigners from outside the European Union will need a British identity card to find work or claim benefits in Britain under a new scheme that comes into force from 2008, Prime Minister Tony Blair said on 6 November. Blair said the project, which also includes the introduction of national identity cards for all Britons, would help catch terrorists and combat illegal immigration.
<http://www.news.com.au/story/0,23599,20710393-1702,00.html>
- The government's policy on refused asylum-seekers does not work and is forcing thousands into abject poverty, said Amnesty International UK and Refugee Action on 7 November in their new reports on conditions faced by those refused asylum and left in limbo in the UK. The findings reveal the suffering caused by an inhumane and ineffective government policy that cuts off support for refused asylum-seekers. The policy, said the two organizations, is leading to a new wave of widespread destitution. http://www.amnesty.org.uk/news_details.asp?NewsID=17158 The reports are available at:
Down and Out in London: The Road to Destitution for Rejected Asylum Seekers, by Amnesty International. http://www.amnesty.org.uk/uploads/documents/doc_17382.pdf
The Destitution Trap: Asylum's Untold Story, by Refugee Action.
http://www.amnesty.org.uk/uploads/documents/doc_17360.pdf
- The Court of Appeal gave judgment on the 9 November in *R (AR) (Afghanistan) -v- SSHD* dismissing the Home Office appeal against the decision of Collins J in the High Court in November 2005. The Court of Appeal confirmed the High Court decision and clarified the legal position on what should count as a fresh application for asylum. If a "failed asylum-seeker" presents new evidence to the Home Office which would lead to a reasonable prospect of succeeding in an appeal before an immigration judge, the Home Office must "record a fresh claim for asylum". A "fresh claim" means that the applicant can receive welfare support while it is being dealt with, and also may appeal to an immigration judge if the Home Secretary goes on to refuse the fresh claim after fully considering it. <http://www.justiceandpeacescotland.org.uk/articles/article44.shtml>
- Cardinal Cormac Murphy-O'Connor has joined the Anglican Bishop of Chelmsford Rt Rev John Gladwin and London's mayor to support a new campaign calling for thousands of 'irregular' migrants working in London to be given legal rights. 'Strangers into Citizens' was launched on 22 November at a packed rally in London, by TELCO, the UK's largest and most diverse citizens' organization.
<http://www.indcatholicnews.com/stragnger218.html>

- Anne Owers HM Inspector of Prisons (HMIP) published a report on 28 November on Harmondsworth Immigration Removal Centre (IRC), the UK's largest immigration removal centre, stating that it was not performing satisfactorily against ANY of the Inspectorate's tests of a healthy custodial environment, that poor relationships between custody officers and detainees were "worse than had been seen at any other detention centre," and that it was "undoubtedly the poorest report" issued by HMIP of any IRC to date. HMIP reports:

http://inspectrates.homeoffice.gov.uk/hmiprisons/inspect_reports/irc-inspections.html/

Ireland

- Mr. Morten Kjaerum, the coordinator on the Follow-up of the Committee on the Elimination of Racial Discrimination (CERD), was invited by the Government of Ireland to conduct a visit from 21-23 June 2006 to assess measures taken by Ireland (a state party to the CERD) following conclusions and recommendations adopted by the Committee in 2005. In the Follow-Up Report on Ireland, Mr. Kjaerum states concerns about the 'insufficient protection of large numbers of domestic workers residing in Ireland' and recommends that Ireland 'ensure better protection for members of this particularly vulnerable group of migrant workers'. For a pdf version of the report see: http://www.integratingireland.ie/pdfs/1_CERD%2069th%20Session%202006%20-%20Report%20on%20Visit%20of%20Coordinator%20on%20Follow%20Up%20to%20Ireland%20June%202006.pdf?PHPSESSID=8e6d75f6267f85f82c89de19d49d288d
- *Know Your Rights – Information for Migrant Workers in Ireland*, by the Migrant Rights Center Ireland. This pocket-sized booklet contains information in Arabic, Bengali, Chinese, Polish, Russian and Urdu on the rights and entitlements of migrant workers in Ireland, as well as on their obligations and responsibilities. It also lists contact details of organisations they can go to for further information or assistance. An updated English version is also now available. www.mrci.ie.

Belgium

- The Belgian government has been condemned by the European Court of Human Rights for inhumane treatment regarding a child, in a decision issued by the court on 12 October 2006. The case refers to a situation that occurred in 2002, when, following after receiving refugee status in Canada, Ms. Pulcherie Mubilanzila Mayeka, the mother of five-year-old Tabitha Mitunga, asked her brother – who had Dutch nationality and was residing in the Netherlands - to go to Congo and take care of Tabitha until she could join her in Canada. When Tabitha and her uncle arrived at the Brussels airport on 17 August 2002 without the proper residence documents, Tabitha was denied entry to Belgium and was taken alone to a detention center because her uncle did not have parental authority. Five-year old Tabitha remained alone in the detention center for more than two months until she was finally deported alone to Congo on 17 October 2002. The judges in the European Court of Human Rights recognized the Belgian government's violation of Article 3 of the European Convention of Human Rights relating to degrading and inhumane treatments, Article 8 on the right to respect of private and family life, and Article 5, Paragraph 1 on the right to freedom and safety. http://www.cadtm.org/article.php3?id_article=2201. The entire text of the judgment is available at the European Court of Human Rights website: <https://wcd.coe.int/>
- The League of Human Rights and CIRE claim a parliamentary inquiry about the facts described in an article published on 16 November in the weekly magazine Ciné Tele Review concerning the Vottem detention center. This Belgian weekly magazine published the testimonies of four guards working in the detention center, who reported very serious practices which are qualified as inhumane or degrading treatment. The guards testified that there were serious deficiencies in the

assumption of responsibility of sick detainees and abusive use of isolation and brutalities during expulsions. <http://listes.rezo.net/archives/migreurop/2006-11/msg00155.html> The League of Human Rights and CIRE underlined that the situation was not new, as they had published a report on 19 October denouncing the poor treatment of patients and lack of proper psychological care. [http://www.liguedh.be/medias/601 Rapport Etat des lieux Centres fermes.pdf](http://www.liguedh.be/medias/601_Rapport_Etat_des_lieux_Centres_fermes.pdf) and <http://www.cire.be/>

- From figures from the Ministry of Social Integration, it becomes clear that both the number of beneficiaries of the procedure of Urgent Medical Help (special health care provisions for undocumented migrants), as well as the costs have strongly increased over the last five years. The Flemish newspaper "De Standaard" published an article on 15 June 2006 on this topic entitled "Urgent medical aid for illegals increases spectacularly." The Belgian NGO Medimmigrant reacted with a press article, in which was stated that an increase of the expenses of urgent medical help must be seen positively: this shows that gradually the procedure is becoming known everywhere and that more and more people are using it, which can also be beneficial for public health. <http://www.medimmigrant.be/2006%2006%2015%20persbericht.pdf>.
- The Belgian NGO OR.C.A. (Organization for Undocumented Workers) has determined that undocumented workers are little or not informed at all about their rights in case of abuse, accidents and labor inspections. They work in very bad conditions, for example they frequently work for 5 Euros or even less per hour (if they are paid at all), they don't have insurance, frequently work ten hours or more per day, don't have holidays or paid free days. Generally the first priority of labor inspection is to deport these workers to their countries of origin, and attention is hardly given to labour rights. For these reasons it is very important that undocumented workers get to know their rights. OR.C.A has composed a new and exclusive guide entitled: *Undocumented Workers: A guide to Rights*. This guide is published in association with the Flemish trade unions ABVV and ACV and is available in the following four languages:
Dutch http://www.orcasite.be/NL/NL_info.php
French http://www.orcasite.be/FR/FR_info.php
English http://www.orcasite.be/ENG/ENG_info.php
Spanish http://www.orcasite.be/ESP/ESP_info.php
- Rejected asylum seekers from Afghanistan who requested asylum before 1/1/2003 and who have received a prolongation of their stay until 1 April 2007 (see PICUM Newsletter November 2006), can be employed legally until 1/4/2007. The employer must request a provisional labour license for the employee. www.de8.be
- *Undocumented and Legal Eastern European Immigrants in Brussels*, Doctoral dissertation by Mila Paspalanova, PhD researcher K. U. Brussel and K.U. Leuven. The research offers data referring to undocumented Polish and Bulgarian immigrants in Brussels, how they survive in Brussels and shows the differential meaning of the social networks for the Polish and the Bulgarian immigrants. The thesis also explores if the undocumented status leads to their transformation of marginalized class of people who have limited possibilities for improving their social status and entering mainstream society. Contact: mila.paspalanova@kubruksel.ac.be
- *Forced and Voluntary Return in Belgium*, European Migration Network, Belgian Contact Point, RESEARCH STUDY III, September 2006. [http://www.dofi.fgov.be/nl/statistieken/belgian%20migration%20point/Forced%20and%20\(Assisted\)%20Voluntary%20Return%20ENG%20Final.pdf](http://www.dofi.fgov.be/nl/statistieken/belgian%20migration%20point/Forced%20and%20(Assisted)%20Voluntary%20Return%20ENG%20Final.pdf)

Netherlands

- The first action of the newly installed Lower Chamber (Tweede Kamer) was to adopt a motion for a general pardon for the group known as “26,000”, asylum seekers falling under the old immigration law (see previous PICUM newsletters). After the 22 November elections, the social democratic party PvdA found a bare majority of the Lower Chamber willing to support the resolution for a general pardon. Minister of Immigration and Integration Verdonk is nevertheless not willing to carry out the resolution. NRC, 1 December 2006, [www.nrc.nl/binnenland/article560661.ece/Nieuwe Kamer nipt voor pardon](http://www.nrc.nl/binnenland/article560661.ece/Nieuwe_Kamer_nipt_voor_pardon)
- The Advisory Committee on Foreigners' Affairs (Adviescommissie voor Vreemdelingenzaken - ACVZ) is an independent committee that advises the Dutch Government and Parliament on immigration law and policy. ACVZ has started an advisory project to draft a new asylum procedure replacing the current AC/OC procedure in Dutch Foreigners' Law. For the benefit of this advice, the ACVZ would like to get in touch with people who have ideas, suggestions, remarks on how the procedure can be improved or how problems with the current procedure can be solved. Reactions are treated anonymously and can be sent to acvz@acvz.com.
- To reduce the number of disappearances of under aged asylum seekers through trafficking, the Council of Ministers agreed with launching a pilot by spring 2007. Children in high-risk groups will be taken care of in small scale relief centers in which they get intensive and personal care. Foremost, the children will be made conscious of situations of exploitation they can encounter. Only with consent and when possible under supervision, the under aged can leave the relief center. Source: RVD, 24/11/06 http://www.minaz.nl/actueel/persber_minraad/index.html
- The Commission of Supervision (CVT) has acknowledged that the situation on detention boats can lead to physical and mental symptoms. Detainees should not be held under for over ten months. After this period, they should be held with less people in one room with a greater variety of activities. (LOS newsletter 3-22, www.stichtinglos.nl / www.commissievantoezicht.nl)

Germany

- An online petition regarding better health care provisions for undocumented migrants in Germany is currently running in the German Parliament. It aims at improving the situation of undocumented migrants that are de facto without rights. For signature and more information about the petition: http://itc.napier.ac.uk/e-Petition/bundestag/view_petition.asp?PetitionID=326
- Germany has taken the decision to regularize 200,000 migrants who were not granted refugee status and who were not expelled from the country for humanitarian reasons, as reported by Euronews on 15 November. These migrants will receive a residence permit for two years if they have already spent eight years in Germany (if they have children, they need to have spent six years in Germany). During these two years they will have to find work. This regularization especially concerns undocumented migrants from Afghanistan, Iraq and Kosovo. <http://fr.news.yahoo.com/15112006/342/regularisation-massive-de-demandeurs-d-asile.html>
 - Within the framework of the debate on the right for residence for undocumented migrants who have had a *Duldung* (exceptional leave to remain) for many years in Germany, the Protestant Church of Germany (EKD) and the German Bishop Conference (Deutsche Bischofskonferenz) issued a press release. The president of the EKD, bishop Wolfgang Huber and the president of the German Bishop Conference, Cardinal Karl Lehmann, appreciated in a common letter the recent developments regarding the right of residence,

but criticized at the same time the missing humanitarian aspect of some suggestions. Additionally, Bishop Huber and Cardinal Lehmann advised not to take the regulation for the right of residence for the reason to create a more restricted immigration law.

http://www.dbk.de/aktuell/meldungen/01217/print_de.html

- The assignment of a *Duldung* (exceptional leave to remain) linked to a work permit instead of a residence permit is under discussion. In contrast to this, PRO ASYL claims a residence permit in combination with an unlimited permit to take up any sort of employment. In Germany, there is currently a controversial discussion between Franz Müntefering, Minister of Labour from the Socialist Party (SPD) and Wolfgang Schäuble, Minister of the Interior from the Christian Democratic Union (CDU) on the question whether migrants with a *Duldung* first need a work or a residence permit.
<http://www.proasyl.de/de/archiv/newsletter-ausgaben/nl-2006/newsletter-nr-117/index.html#c3411>
- The Büro für Medizinische Flüchtlingshilfe, an organization working on the issue of health care and undocumented migrants in Berlin, appreciated in a letter sent to Horst Köhler, German Federal President, the decision to award the federal medal to Dr. Franz of the Malteser Migrantenmedizin (Malteser Migrant Medicine). The Büro für Medizinische Flüchtlingshilfe has requested the president's support regarding the abolishment of paragraph 87 and 96 of the Residency Act. According to the Büro für Medizinische Flüchtlingshilfe, it is contradictory to award a medal for active involvement in medical care for undocumented migrants on the one hand and to legally deny health care for the same group on the other hand. Therewith Germany honours people who plead for human rights violated by the state. <http://www.proasyl.de/de/archiv/newsletter-ausgaben/nl-2006/newsletter-nr-117/index.html#c3397>
- Half a year after the transmission of the documentary *Abgetaucht – Illegal in Deutschland (Hidden – illegal in Germany)*, the German TV channel "ARD" is going to broadcast the 30-minute version of the film *Schattenwelt – Illegal in Deutschland (Shadow world – illegal in Germany)* on Wednesday 20 December 2006 from 21:45 to 22:15 within the TV series *ARD exclusive*. Based on testimonies, the film documents life and survival of undocumented migrants in Germany, which are often living in miserable conditions and constantly threatened by deportation.
<http://programm.daserste.de/detail1.asp?id=X000344388&sdatlo=20.12.06&sender=1&dpointer=28&anzahl=41&ziel=28>

Denmark

- A new report by the Danish Institute of Social Research pointed out that the frequent moving of children from one asylum reception center to another while their claims for protection are processed creates distress. On average, a child has to move six times during the refugee determination procedure, which makes it difficult to maintain a normal life and relations with friends. (*Migration Policy Group, Migration News Sheet November 2006, p. 14*)

Sweden

- On 3 October, Lars Gronsted, Chairman of the major Handelsbanken, and influential member of the Swedish business sector, called for an open-door policy on immigration. Mr.Gronsted said that opening the door to immigration would generate economic growth and lead to a more human attitude towards immigrants. He has called on the new Swedish Government to change the country's policy on immigration. (*Migration Policy Group, Migration News Sheet November 2006, p. 2*)

Russia

- In an unanimous ruling handed down on 5 October, the European Court on Human Rights concluded that in expelling a Turkish resident, Hacı Bayram Bolat, without complying with the procedural safeguards stipulated in its own law, Russia had violated Article 2 of Protocol n°4 on the freedom of movement and Article 1 of Protocol n° 7, which guarantees procedural safeguards relating to the expulsion of aliens. (*Migration Policy Group, Migration News Sheet November 2006, p. 2*)
- Russia has from 10-12 million migrant workers, most of them are undocumented, the deputy head of the Russian Federal Migration Service, Vyacheslav Postavnin, told a news conference on 20 November. "Most undocumented migrants come from Tajikistan, Kyrgyzstan, Uzbekistan, Moldova and Ukraine. Russia's economy needs migrants and it will be unable to progress without foreign workforce," Postavnin said. According to the Economic Development and Trade Ministry, Russia needs one million migrant workers a year. <http://www.itar-tass.com/eng/level2.html?NewsID=11001812&PageNum=0>

USA

- Five undocumented workers, as well as national organizations filed a petition on 1 November, urging the Inter-American Commission on Human Rights to find the United States in violation of its universal human rights obligations by failing to protect millions of undocumented workers from exploitation and discrimination in the workplace. The petition was submitted to the commission on behalf of the United Mine Workers of America, AFL-CIO, Interfaith Justice Network and five immigrant workers who are representative of the six million undocumented workers in the United States labor force. The groups and individuals are represented by The American Civil Liberties Union, the National Employment Law Project (NELP), and the Transnational Legal Clinic at the University of Pennsylvania School Of Law. The petitioners are requesting that the Inter-American Commission find the United States government in violation of its obligations under the American Declaration of the Rights and Duties of Man, which was adopted by the United States in 1948, as well as universal human rights principles. For a copy of the petition, e-mail: Rebecca Smith, NELP: rsmith@nelp.org
- *Immigrants and the Cost of Medical Care*, a study released by the RAND Corp. on 14 November, states that only a small fraction of U.S. health care spending goes to undocumented immigrants. The study estimates that in the United States about \$1.1 billion in federal, state, and local government funds are spent annually on health care for undocumented immigrants aged 18 to 64. "That amounts to an average of \$11 in taxes for each U.S. household," RAND said. "In contrast, a total of \$88 billion in government funds were spent on health care for all non-elderly adults in 2000." <http://content.healthaffairs.org/cgi/content/abstract/25/6/1700>

3. European Policy Developments

General

- The Spanish Guardia Civil organized the first Euro-African police conference on migration and international cooperation on 7-10 November in Las Palmas (Canary Islands), within the framework of the Sea Horse project (control of illegal migration by sea).
http://www.mir.es/DGRIS/Notas_Prensa/Ultimos_comunicados/np110702.htm
- An EU-Africa ministerial conference on migration and development was held in Tripoli, Libya, on November 22-23. Ministers from some 60 African and European Union countries gathered to discuss a wide range of issues, including legal and irregular migration movements, development, peace, security, human rights and refugee protection. As well as a joint Africa-EU declaration on migration and development, ministers adopted an Action Plan on combating human trafficking. A paragraph referring to UN Conventions such as the UN Convention on the rights of Migrant Workers and their families was included in the final declaration. http://www.ecre.org/topics/eu_developments and http://www.ecre.org/policy/eu_developments.shtml

European Commission

- European Commission Vice-President Franco Frattini has called for a common “Afro-European approach on migration”. Addressing the Tripoli conference on migration and development, Mr Frattini expressed his belief that migration can bring great benefits to all parties, as long as there is solidarity and a real partnership between the EU and African countries. Mr Frattini proposed the establishment of migration profiles and cooperation platforms on migration, which will help to bring together and analyse all the relevant information needed to develop concrete measures in the field of migration and development and to assess the impact of policies taken. The Commissioner encouraged African States to get involved in this procedure so that concrete results can be achieved very soon. http://www.ecre.org/policy/eu_developments.shtml and <http://www.alertnet.org/thenews/newsdesk/L20616165.htm> and <http://today.reuters.com/News/CrisesArticle.aspx?storyId=L21799731>
- The Return Directive, which is now under negotiation between the Parliament and the Council, has an “undeniable added value” and constitutes a “necessary and important component of the EU’s holistic approach to migration”, maintained Commissioner for Justice, Liberty and Security Franco Frattini. Mr Frattini attempted a mid-term review of the Hague Program, recapitulating the latest developments in the field of liberty, security and justice. Mr. Frattini also announced that the Commission is preparing two new Directives on legal migration, one dealing with the ability of skilled workers to move within the EU (Green Card), the other with the rights of legal immigrants residing in the EU. Both laws are to be presented in 2007, probably under the Portuguese Presidency. <http://www.ecre.org/resources>
- As part of the EU’s effort to enhance a common policy on management of its external borders, the Commission issued its recommendation on a “Practical Handbook for Border Guards (Schengen Handbook)” to be used by Member States’ competent authorities when carrying out the border control of persons. The handbook is supposed to ensure the uniform implementation of a Regulation from 15 March 2006 which lays down Community rules for carrying out the border control of persons, covering both border checks and surveillance. The handbook also includes guidelines on how to treat people who are in need of international protection. It instructs border personnel to consider a third-country national as an asylum applicant if he/she expresses - in any way - fear of suffering serious harm if he/she is returned to his/her country of origin or former habitual residence. The handbook also mentions the right to be informed about how and where to make an asylum application, as well as of applicants’ rights and obligations. This is a basic requirement for any fair asylum procedure. However, it is unjustifiably restricted in that it provides

that applicants will be informed only in a “*language they may reasonably be expected to understand*”. For more information: http://www.ecre.org/policy/eu_developments.shtml

- The European Commission is going to present two Communications on the development of a comprehensive European migration policy. The first one builds on the “Global Approach to Migration: Priority actions focusing on Africa and the Mediterranean”, which was endorsed by the December 2005 European Council. The particular issue of maritime borders management in the southern region to face the ever higher pressure of illegal migration is at the core of a second Communication.
http://ec.europa.eu/justice_home/fsj/immigration/fsj_immigration_intro_en.htm
http://ec.europa.eu/justice_home/index_en.htm and
<http://europa.eu.int/rapid/pressReleasesAction.do?reference=AGENDA/06/39&format=HTML&aged=0&language=EN&guiLanguage=en>
- During a visit to West Africa at the end of October, Commissioner for Development and Humanitarian Aid Louis Michel pleaded for a “closer dialogue” between the EU and undocumented immigrants’ home countries to combat the migration problem. The commissioner underscored that above and beyond border control, “stepping up aid for economic development” was necessary for a lasting solution to this problem. http://www.ecre.org/topics/eu_developments and http://www.eubusine.com/Living_in_EU/0610261616_07.0qs9sabr

European Parliament

- The Civil Liberties Committee voted on 6th November to give the go-ahead to the proposed European Return Fund, which aims to improve the management of the return of undocumented migrants to their countries of origin, by providing support to Member States. The amendments adopted were based on a compromise with Commission and Council which should mean the legislation enters force from January 2008. Three other funds covering related policy areas were also approved. The European Return Fund is part of the Commission’s “solidarity and management of migration flows” programme, launched last year. http://www.enar-eu.org/en/wmail/WM68_EN.doc
- On 29 November the European Parliament hosted a roundtable and a reception on trafficking in human beings entitled: “Exploited, vulnerable, alone: Learning from experiences of trafficked children and young people.” The event was organized in collaboration with NSPCC, a British organization that works in order to promote trafficking victims’ rights.
<http://www.nspcc.org.uk/europe>
- Commission President Jose Manuel Barroso presented the Commission’s legislative and work programme for 2007 to the European Parliament, which include measures to deal with documented and undocumented migration. As for justice and internal affairs, Greens and Liberals condemned the lack of action against discrimination based on religion or sexual preference. MEPs from the GUE/NGL group condemned the “prohibitionist stance” taken towards immigration making Europe a fortress. A resolution on it will be voted on during the EP’s December plenary session.
http://www.ecre.org/topics/eu_developments

Council of the EU

- Council adopted negotiation mandates on visa facilitation and readmission agreements with Bosnia and Herzegovina, former Yugoslav Republic of Macedonia, Montenegro and Serbia. The Council also gave the go-ahead for the negotiations of a visa facilitation agreement with Albania, recalling

that the EU already has a readmission agreement with Albania. The aim is make it easier to travel for citizens from Western Balkan countries, but also to have clear rules on fighting illegal immigration. The Commission says that it will try to conclude the negotiations as soon as possible, before the end of June 2007 at the latest. http://www.ecre.org/topics/eu_developments_and
<http://www.euractiv.com/en/enlargement/visa-facilitation-balkans-track/article-159659>

4. Upcoming Events

- “Social Values and Democracy: Renewing the guiding principles of the European Union,” Brussels, 5-6 December 2006. The Social Platform is organizing a two-day conference in December 2006 to address the European social model. <http://socialplatform.org/code/EN/about.asp?Page=772>
- The European Women's Lobby will hold a seminar in January 2007 on the empowerment and integration of immigrant women in the EU. For more information, contact Clarisse Delorme (delorme@womenlobby.org) at EWL secretariat.

5. Publications

The European Charter for Human Rights in the City: The responsibility of local authorities in the area of social protection. A contribution to the Flash, by Marc Uhry, Alpil, France. This is a text that commits signatory cities to upholding human rights as defined in the different international legal texts. One vital characteristic of this charter is that it is a well drawn-up document: it proposes ambitious rights, which are clearly defined and which take further the texts currently in force (whether in relation to civil rights or social rights).

http://www.feantsa.org/files/Month%20Publications/EN/Articles_and_documents_related_to_the_Flash/06_10_flash/Human_Rights_in_the_City_Marc_Uhry.pdf

Kingsley, Carnet de route d'un immigrant clandestine (Travel journal of an undocumented migrant), Olivier Jobard Et Florence Sauges, Marval, 2006. This is a story about the journey of a 22-year-old Cameroonian, crossing the Sub-Saharan Africa to board on a craft to enter the Canary Islands, Spain.

<http://www.evene.fr/livres/livre/olivier-jobard-et-florence-sauges-kingsley-21299.php>

Meeting the Mental Health Needs of Refugees, Asylum Seekers and Immigration Detainees, The London Development Centre and Social Perspectives Network.

http://www.spn.org.uk/fileadmin/SPN_uploads/Documents/Papers/SPN_Papers/spnp

Collection of International Instruments and Legal Texts Concerning Refugees and Others of Concern to UNHCR, This edition, which supersedes the last one issued in 1995, features significant changes and contains over 240 essential universal and regional instruments and texts concerning refugees and other persons of concern to UNHCR. It should more effectively than ever before complement the legal work in all corners of the world to promote and improve the protection of refugees and other groups envisaged in the scope of the instruments and texts. <http://www.unhcr.org/publ/PUBL/455c460b2.html>

Working with the Office of the High Commissioner for Human Rights: A Handbook for NGOs, was launched in May 2006 with the aim to provide NGOs with a comprehensive, practical & user-friendly guide to OHCHR's work, and to assist NGOs in identifying areas of possible cooperation and partnership with OHCHR. To access the handbook online:

<http://www.ohchr.org/english/about/ngohandbook.htm>

Le travail social auprès des étrangers (Social work with foreigners), in *Plein Droit* n°70, October 2006. In the course of the past few years, several legislative reforms in France have led to a considerable

new role for social welfare in the field of the immigrants' rights. The social services were progressively led to play a role in increasingly numerous procedures (deliverance of the certificates of reception, family grouping, marriage, etc). In this context, the ambiguous relationship between welfare work and social services needs an urgent and profound rethinking. <http://www.gisti.org/doc/plein-droit/70/index.html>

Mediterranean Transit Migration, Edited by Ninna Nyberg Sørensen, Diis · Danish Institute For International Studies, 2006, http://www.diis.dk/graphics/Publications/Books2006/mediterranean_transit_migration/mediterranean_transit_migration_web.pdf

Voices from Detention II produced by Barbed Wire Britain. Barbed Wire Britain has produced a second volume of testimonies from immigration detainees, an important tool in the struggle for rights and justice. It is a collection of accounts by detainees in UK and Australian migration detention centres. info@barbedwirebritain.org.uk.

La traite des êtres humains - Realités de l'esclavage contemporain (Trafficking of human beings - Realities of contemporary slavery) by Georgina Vaz Cabral. Based on testimonies of concerned people, Georgina Vaz Cabral reveals the principal steps of the phenomenon - the recruitment, ways of trafficking and their consequences. Furthermore, the book deals with actions carried out against the trafficking of human beings. <http://www.m.staubditionsladecouverte.com/>

Rechtlos, aber nicht ohne Stimme. Mobilisierungen um irreguläre Migration in die Europäische Union. (Without rights, but not without voice. Political mobilizations on irregular migration in the European Union.) by Helena Schwenken. The book deals with the question how irregular migrants can protect their interests, even though their entry and presence is not desired. The study concentrates on protest, organization and lobbying within the European Union. It contributes to the socio-scientific discussion and social discourse about "illegal migration". <http://www.transcript-verlag.de/ts516/ts516.htm>.

Contre l'immigration jetable (Against throwaway immigration), a new guide by the French organization GISTI to help defend the rights of the foreigners and to alert public opinion. www.gisti.org

Holding the Wage Floor: Enforcement of Wage and Hour Standards for Low-Wage Workers in an Era of Government Inaction and Employer Unaccountability, Policy Update by NELP, Immigrant & Nonstandard Worker Project. This policy update collects some of the existing data on the extent of wage and hour violations in many low-wage sectors in the United States, the lack of public agency enforcement of basic minimum wage and overtime laws, and lists barriers to enforcement (including immigration status and lack of union representation). <http://www.nelp.org/docUploads/Holding%20the%20Wage%20Floor2%2Epdf>

Justice for Workers: State Agencies Can Combat Wage Theft. NELP is pleased to announce a new guide for advocates, organizers and policymakers. Immigrant and low-wage workers are particularly vulnerable to violations of minimum wage and overtime laws. This is partly because such workers are unlikely to know their rights or if they do, they are hesitant to confront their employers for fear of retaliation. http://www.nelp.org/docUploads/Justice_for_Workers.pdf

6. PICUM News

PICUM's Chair Don Flynn has written the preface to the publication entitled *You can speak! How HIV-positive people with an uncertain residence status survive in Europe*, by AIDS & Mobility Europe. This booklet gathers testimonies of migrant people living with HIV/AIDS in Europe, medical doctors, social

workers etc. They were collected in the framework of AIDS & Mobility Europe's working group on access to HIV/AIDS prevention, care and support for people with an uncertain resident status.
<http://ws5.e-vision.nl/systeem3/images/WG%20IV%20-%20You%20can%20speak.pdf>

PICUM staff and board members have recently spoken and participated in the following events:

- **“Migrations between Latin America and Europe: Analytical and Political Challenges,”** organized by the European Union – Latin American Relations Observatory (EULARO) and the Université Catholique de Louvain, 6-7 November, Brussels. PICUM's project officer Sara Collantes made a presentation on “A specific challenge for European public policies: Ensuring access to health care for undocumented migrants.”
- **“Current Perspectives and Strategies in Addressing ‘Irregular Migration,’”** organized by Migrant Forum in Asia and the Singapore Trade Union Congress, 6-7 November, Singapore. PICUM's director Michele LeVoy made a presentation on “Regularization Strategies of Civil Society Organizations” at this conference, which aimed to make a critical and comprehensive analysis of the social, economic, political, and security causes and consequences of irregular migration in the countries of origin, transit and destination.
- **Expert Workshop on “Protecting Migrants’ Human Rights,”** organized by the Office of the Commissioner for Human Rights, Council of Europe, 8 November, Strasbourg. PICUM Chair Don Flynn participated in this workshop, which aimed to assist the Commissioner for Human Rights in planning activities and identifying priorities in relation to the protection of migrants’ rights, and specifically to the protection of irregular migrants, through the Commissioner’s contacts with states and national ombudsmen, during country visits, and in his thematic reports.
- **Council of Europe Forum 2006 “Achieving social cohesion in a multicultural Europe,”** 9-10 November, Strasbourg, France. PICUM's project officer Sara Collantes’ presentation was on “Ensuring access to health care for undocumented migrants.”
- **“Human Rights and Citizenship: The Challenges of Migrations,”** organized by the Istituto per gli Studi di Politica Internazionale (ISPI), 13 November, Milan. PICUM Chair Don Flynn presented PICUM's report *Ten Ways to Protect Undocumented Migrant Workers* in this conference, which focused on migration together with its influence on human rights, their protection, and social cohesion.
- **“Undocumented workers in Europe – The need for their labour and immigration policy in Scandinavian countries,”** seminar organized by the Finnish Green Party, the Finnish Parliament and Chamber of Commerce, 13 November, Helsinki, Finland. PICUM board member George Joseph made a presentation on the rights and reality concerning undocumented workers in Europe at this seminar, which aimed to contribute to the labor migration policy debate in Finland.
- **“Migration Integration and Participation: An International Learning Exchange,”** 12-18 November, Brussels, Belgium; Berlin, Germany; London, England, organized by the Atlantic Philanthropies, Ford Foundation, German Marshall Fund of the United States (GMF), King Baudouin Foundation and Open Society Institute. PICUM's director Michele LeVoy participated in the weeklong learning exchange, which brought together approximately 50 representatives of governmental entities, NGOs, and foundations from the United States, Belgium, Germany, Ireland, Northern Ireland and South Africa.

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