



PLATFORM FOR INTERNATIONAL COOPERATION ON UNDOCUMENTED MIGRANTS

## PICUM Newsletter July 2009

*Finalized on 06 July 2009*

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

**Do you want to contribute to a humane policy of respect for  
the human rights of undocumented migrants?**

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Your contribution means we can continue to fight the marginalisation and exploitation of undocumented migrants.

You are invited to donate to PICUM by transferring your singular or regular contribution to account number 001-3666785-67 (Fortisbank, Schepdaal (B), IBAN: BE93 001366678567). Please mention your name and address, and reference: "donation".

**THANK YOU !**

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*Please note that there will be no edition of the PICUM newsletter in August 2009. The next edition of this newsletter will be in September 2009.*

### **1. Deaths at the Border**

- At least 13,250 people have died in attempts to reach Europe since 1993. Gathering information from sources, including PICUM's newsletter, UNITED has made a list of those who have lost their lives as a result of European immigration policy. The organisation attributes the high number of deaths to border militarization, asylum laws, detention policies, deportations and carrier sanctions stressing that they are not singular incidents, but symptoms of policies that no longer see humanity of those fleeing their homeland. Finalised in May 2009, the list is available at:

<http://www.unitedagainstracism.org/pdfs/listofdeaths.pdf>

Source: <http://www.unitedagainstracism.org/pages/campfatalrealities.htm>

- Eight people, including two women, drowned after a boat capsized in front of the coast of Barbate, near Cadiz on the southern Spanish coast on 30 June. The Spanish coast guard also located a total of 15 immigrants still alive. One migrant is in hospital in the town of Puerto Real. Four of those recovered are children, two boys and two girls. The boat arrived alone and was not intercepted by the Integrated External Surveillance (SIVE) a program of the Spanish Civil Guard. Source: <http://www.elmundo.es/elmundo/2009/06/29/andalucia/1246262310.html>
- A 19 year old Afghan immigrant died after falling out of a truck unloading in the port of Acona in Greece, on 24 June. He fell from the bottom of the truck where he had been holding on, head first into the asphalt and was brought to the hospital where he died while being operated upon. Source: <http://www.aduc.it/dyn/immigrazione/noti.php?id=263715>.
- A boat with migrants on board was rescued along the Spanish coast near Murcia on 17 June having been spotted by a Norwegian ship. One man has died and a second reported missing. Nine others were treated with first aid. Source: [http://www.unita.it/newsansa/37689/spagna\\_un\\_immigrato\\_morto\\_dopo\\_soccorsi](http://www.unita.it/newsansa/37689/spagna_un_immigrato_morto_dopo_soccorsi)
- The body of a male sub-Saharan African, who has yet to be identified, was found about 42 miles south of Cabo de Gata in Almería, Spain. A Liberian ship found the body in an advanced state of decomposition. The sources ruled out that the deceased may have travelled on the latest boats to have been intercepted off the coast of Almeria. Source: <http://www.laverdad.es/murcia/20090604/espana/encuentran-cadaver-subsaariano-aguas-20090604.html>

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

### **UN**

- The United Nations High Commissioner for Refugees (UNHCR) formally established a full-time presence in the French port of Calais on 1 July. The UNHCR says it is important that those people fleeing persecution and war have free access to "unbiased" information so that they know they can claim asylum in Calais. Part of the purpose of the renewed mission is to protect migrants and asylum-seekers from the misinformation given to them by traffickers. They provide information on the asylum procedure in France and how to apply for it and organize information sessions with British aid agencies about conditions in the UK and asylum policies there. Sources: <http://www.unhcr.org/4a3914c86.html> and <http://www.independent.co.uk/news/world/europe/the-big-question-why-is-the-un-setting-up-in-calais-and-can-it-resolve-the-refugee-problem-1727950.html>.
- Addressing the UN Human Rights Council on 3 June 2009, United Nations High Commissioner for Human Rights Navi Pillay affirmed that promoting a rights-based approach to migration will be one of the priorities of her office for the 2010-2011 period. Ms. Pillay stated that policies against irregular migration that focus on border control, return, and at times criminalisation, have not only been ineffective but in some cases have posed further threats to the rights of those involved. She stressed that government measures, such as the imposition of fines on private individuals renting their houses to irregular migrants; the imposition of a duty to report on health professionals; the criminalisation of the provision of aid and assistance to irregular migrants, can have unintended negative implications on migrants' labour rights, and their access to housing, health, education

and food. The collective interception and return of migrants at sea without due procedure may seriously harm their rights and wellbeing. She urged states to ratify the International Convention on the Protection of the Rights of all Migrant Workers and to uphold their obligations to protect and promote the full enjoyment of economic, social and cultural rights, as well as civil and political rights, of all individuals under their jurisdiction. Source : <http://www.eubusiness.com/news-eu/1244131321.67> and <http://www.unhchr.ch/hurricane/hurricane.nsf/0/CEC7D4088190B329C12575CB00448EC5?opendocument>

- In a resolution (A/HRC/11/L.4) on the human rights of migrants in detention centres, adopted on 18 June 2009, the UN Human Rights Council decided to hold a panel of discussion on the matter at its twelfth session, which will be held from 7-25 September 2009. The panel will discuss the current trends, good practices, challenges and possible solutions to address the issue of detention of migrants and explore ways to protect and promote their human rights; elaborate on how to reduce the recourse to and duration of detention for persons who entered or remained in a country in an irregular manner and how to provide them with appropriate access to due legal process. Source: <http://www.unhchr.ch/hurricane/hurricane.nsf/0/91B0E40B4256A0C3C12575D900712245?opendocument>
- “Avenues for Advocacy in the United Nations Human Rights Council” is a new guide by Pax Christi International which details the different mechanisms available to NGOs wishing to do advocacy work in the UN Human Rights Council. While this information is accessible through UN websites, the packet brings the material together concisely and in a single document, offering human rights advocates a place to easily compare the many forums available for their work. The packet is available in English at <http://storage.paxchristi.net/2009-0379-en-gl-HR.pdf>.
- “Forced Labour and Human Trafficking: Casebook of Court Decisions,” by the International Labor Organization (ILO), is now available online. The casebook covers a range of national experience, from judicial decisions on forced and bonded labour in a number of developing countries, through to the more recent decisions on forced labour and trafficking in industrialized countries. In particular, it seeks to illustrate how national court decisions have taken into account the provisions of the ILO’s own conventions on forced labour, and how this may provide useful guidance for future court decisions. Available online at: [http://www.ilo.org/sapfl/Informationresources/ILOPublications/lang-en/docName--WCMS\\_106143/index.htm](http://www.ilo.org/sapfl/Informationresources/ILOPublications/lang-en/docName--WCMS_106143/index.htm). If you need a hard copy, please contact [forcedlabour@ilo.org](mailto:forcedlabour@ilo.org).

## France

- The National Association of Assistance to Foreigners at Borders (Anafé), a network of French NGOs that provides assistance to migrants, released its 2008 report in which the organization denounced the lack of respect for fundamental rights at the Roissy Airport in Paris and in the waiting centres of airports (“zones d’attente”) which are not legally considered French territory. The report highlights the lack of adequate treatment for ill migrants and numerous cases of police brutality. Family members are often separated by authorities, unaccompanied minors over the age of 13 are detained alongside adults while younger minors are held informally in hotels. Several minors were threatened with deportation or police violence. Often, individuals were deported before they had been presented before a competent judge. Anafé accused the police of purposely trying to deport people before a judge could intervene and claimed to have documented at least 39 cases of people who tried to seek asylum, but the police simply refused

to register their claims. The Immigration Minister, Eric Besson denied these claims saying that a majority had seen a judge and there was a medical team at the Roissey airport. Source *Migration News Sheet* June 2009, p. 1

- The situation of migrants living in extremely vulnerable conditions in Calais highlights the failure of European migration policies, according to the organisation France Terre d'Asile. The French NGO has just opened an information desk in cooperation with the UNHCR (see UN section of this newsletter above) and is advocating for the implementation of an urgent response plan funded by the state. <http://www.france-terre-asile.org/index.php/component/content/article/1138>
- In an unexpected move, hundreds of undocumented migrants were violently expelled from the offices of the Labour Stock Exchange in Paris on 24 June. The undocumented migrants, who had occupied the offices of the General Confederation of Labour (CGT) for 14 months, were removed by CGT members who arrived armed with tear gas and sticks. The situation of these migrants has since worsened as they are camping outside the building on the sidewalk. Their harsh removal from the Labour Stock Exchange has left them even more vulnerable and they fear arrests and expulsions. Source: <http://www.liberation.fr/societe/06011055-descente-cgt-sans-papiers>
- The International Federation of Human Rights (FIDH) issued a report about France addressing the "Offence of solidarity, stigmatization, repression and intimidation of defenders of migrants' rights". In cooperation with the World Organization against Torture, the FIDH has mandated an investigation to examine the extent to which persons who provide irregular migrants with legal and material assistance can be pursued by the police. The investigation concluded with a report denouncing the policies, the constant pressure on individuals in contact with foreigners, and imprecise and stigmatising legislation. Source: [http://www.lemonde.fr/societe/article/2009/06/11/delit-de-solidarite-la-fidh-veut-forcer-la-france-a-s-expliquer\\_1205858\\_3224.html#xtor=EPR-32280229-\[NL\\_Titresdujour\]-20090611-\[zonea\]](http://www.lemonde.fr/societe/article/2009/06/11/delit-de-solidarite-la-fidh-veut-forcer-la-france-a-s-expliquer_1205858_3224.html#xtor=EPR-32280229-[NL_Titresdujour]-20090611-[zonea])
- "Défendre la cause des étrangers en justice" (Defend the foreigners cause in judicial process) is a collection of strategies developed by NGOs, trade unions and lawyers to defend foreigners in court. The collection gathers thirty years of litigation before administrative and judicial judges, the European Court of Human Rights and all case law concerning foreigners' conditions. Source: [http://www.gisti.org/publication\\_pres.php?id\\_article=1587](http://www.gisti.org/publication_pres.php?id_article=1587)
- The living conditions of migrants in detention centres in Mayotte, an overseas territory of France located in the northern Mozambique Channel, are overpopulated, unhygienic and inhumane, and undocumented migrants exist in a state of 'complete rightlessness,' describe lawyer Emmanuel Daoud and jurist Marlène Joubier. Mayotte receives an increasing number of irregular migrants from the nearby Comoro Islands and local sources estimate that about 500 Comorians die each year in an attempt to make the journey while the remainder are crammed into overcrowded detention centres. Sources: <http://www.mediapart.fr/club/edition/les-invites-de-mediapart/article/010709/mayotte-101e-departement-de-la-republique-zone-> and <http://www.afrol.com/articles/22815>
- The central management of the French border police has issued guidelines stating that migrants with a short-term residence permit who leave the territory for a short period should be systematically refused re-entry to France. Those refused re-entry to French territory and returned to their country of origin, including asylum seekers who may fear for their lives, will be advised to apply for a visa to enter France – a procedure in which they will most definitely not succeed. The

Council of State has already declared that these practices are contrary to French law and they have been condemned as violations of the freedom of movement. However, French NGOs have reported that border police still continue these practices. The organization "L'Association Malienne des Expulsés" (The Malian Organization of expelled persons) has declared legal proceedings against the airlines Air France and Aigle Azur which are enforcing these new directives. Anafé (l'Association nationale d'assistance aux frontières pour les étrangers - *National Association for the assistance of foreigners at the borders*) is preparing an appeal against these guidelines. Source: <http://www.anafe.org/doc/communiqués/com-112.html>

- Immigration was a key item of discussion at an Anglo/French summit held in Evian on 6 July 2009. British and French heads of state and their respective ministers of immigration came together to discuss various issues, from stepping up border control to increasing deportations. Gordon Brown announced a £15 million fund for new technology to search vehicles and goods heading for Britain. In return, Nicolas Sarkozy announced that France would step up the removal of irregular immigrants to their home countries. Source: <http://www.telegraph.co.uk/news/worldnews/europe/france/5760397/Tighter-border-controls-to-stop-immigrants-from-Calais.html>

## Spain

- An undocumented worker at a bakery in Valencia had his arm cut off by an industrial machine. His employer threw the severed arm away and promptly removed the Bolivian national from the bakery and left him 200 meters from a hospital to fend for himself. Undocumented workers at the bakery were paid €700 a month for working 12 hour days without contracts. The worker was too afraid to admit his arm had been lost in a work accident as he was without a contract and feared being denounced. The Spanish trade union CCOO (Confederación Sindical de Comisiones Obreras) filed a complaint with the state prosecutor for breaches of the safety regulations by the bakery. Source: <http://www.elmundo.es/elmundo/2009/06/12/valencia/1244787114.html>
- The Spanish government will soon unveil its immigration reform law. Key points of the law deal with family regroupings, arrests and detainment of undocumented individuals, and the criminalization of those who provide aid to undocumented migrants. The General Council of the Judicial (CGPJ) and NGOs petitioned the government earlier this year to make changes to the first draft, and now the revised bill is ready for Cabinet approval. Victims of violence who are undocumented will be now be allowed to stay in the country from the first day they file a complaint and may also receive work permits. One point in the old law which sparked heated debate was the penalization of those aiding and harbouring undocumented migrants. As in France, the government proposed fines for anyone who helped undocumented workers remain in the country. Critics said that the text unfairly criminalized those who were offering humanitarian help and shelter to migrants in genuine need. The Spanish government, which claims its aim is to fight exploitation, has changed the wording to make it a crime for anyone to invite foreigners to stay in Spain without authorization. Source FEANTSA flash newsletter May 2009. <http://feantsa.horus.be/code/EN/pg.asp?Page=1199>
- The Immigration Minister has reassured Spanish NGOs that they do not risk prosecution for helping irregular migrants. The government has promised to amend current legislation and clarify its terms so that humanitarian agencies will not be exposed to prosecution for providing assistance to irregular migrants. Article 53.2 of the Spanish Penal Code currently states that offering hospitality to an irregular migrant would be considered an offence. Source: *Migration News Sheet* June 2009, 10.

## Italy

- The Italian Senate approved the so called “security bill” on 2 July which has introduced the crime of irregular entry and stay. The new law, which includes provisions that heavily impinge on the rights of migrants, was approved by the Chamber of Deputies on 14 of May (see PICUM Newsletter June 2009). The following is an overview of provisions contained in the final text:
  - Migrants who enter and reside in Italy irregularly will be punishable with a fine of €5,000 - €10,000 and expelled immediately.
  - The period spent in temporary centers for purposes of identification, to verify their origin, is set to a maximum of 18 months (previously the limit was 60 days).
  - A penalty of up to three years' imprisonment is provided for those who rent houses or rooms to irregular migrants.
  - Associations of organized citizens' patrol will cooperate with law enforcement bodies. These associations will be registered by local authorities in an 'ad hoc' list. A decree of the Minister of Interior will then regulate the necessary requirements, but for the moment, the government has reassured that the patrols will not be armed.
  - Stricter rules against those who use children for begging have also been included in the law.

The new law was strongly criticized by the opposition who considered the security package would damage the country. The Vatican also raised concerns stating there was no need to demonize and criminalize migrants, whose arrival to Italian territory posed no danger, and would bring sorrow and difficulty to the lives of immigrants.

Source: [http://www.corriere.it/politica/09\\_luglio\\_02/voto\\_sicurezza\\_senato\\_563d6780-66e3-11de-9708-00144f02aabc.shtml](http://www.corriere.it/politica/09_luglio_02/voto_sicurezza_senato_563d6780-66e3-11de-9708-00144f02aabc.shtml) and <http://www.repubblica.it/2009/06/sezioni/politica/ddl-sicurezza-7/terza-fiducia/terza-fiducia.html>

- Médecins Sans Frontières have reopened their mission on the Italian island of Lampedusa to provide care to undocumented migrants and asylum seekers landing there. MSF's operations in Lampedusa were suspended in October 2008 when the Ministry of Home Affairs refused to renew the Memorandum of Understanding (MoU) that regulated MSF's activities on the island (see PICUM newsletter December 2008). After months of lobbying authorities, a new MoU was signed last month. MSF's activities are carried out independently from the Italian Government and the organisation receives no institutional funds to perform its work in Lampedusa. Source: [http://www.msf.org/msfinternational/invoke.cfm?component=article&objectid=EC18C25B-15C5-F00A-2529E586900F9BFE&method=full\\_html](http://www.msf.org/msfinternational/invoke.cfm?component=article&objectid=EC18C25B-15C5-F00A-2529E586900F9BFE&method=full_html).
- Italian Prime Minister Silvio Berlusconi personally welcomed Muammar Ghaddafi, the president of Libya, on 10 June for a visit under a so-called 'Treaty of Friendship', in which the two countries agreed to cooperate in fighting irregular immigration. The pact allows Italy's coastguard to swiftly deport undocumented immigrants back to Libyan shores, skipping procedures for filing potential asylum applications. As part of this deal, Italy has provided three patrol boats to Libya and promised three, and also pledged to help construct a radar system to monitor Libya's desert borders. Libya is not a party to the United Nations Refugee Convention and has no asylum system. It has a dismal record of abuse and mistreatment of migrants caught trying to flee the country by boat and Human Rights Watch warned they could not be regarded as a serious partner in any scheme which claims to protect migrants. Sources : <http://www.guardian.co.uk/world/2009/jun/10/gaddafi-visit-italy-protests-libya> and <http://www.hrw.org/en/news/2009/06/09/italylibya-gaddafi-visit-celebrates-dirty-deal>

## Greece

- The conservative Greek government, who recently lost a number of seats in the European Parliament to the far-right, have pledged to get tougher on irregular migration. The government has promised to open more camps for undocumented migrants and an extension of detention periods from 3 to 12 months. Those accused of smuggling will face felony instead of misdemeanour charges. 146,000 undocumented migrants were arrested in Greece in 2008. Speaking at a joint meeting of political groups in June, Public Order Minister Christos Markogiannakis appealed for united action with a view to reducing the flow of undocumented immigrants and exerting pressure on Turkey to guarantee the readmissions. The Socialist opposition leader, Georges Papandréou, proposed an 8 point plan, which includes a zero tolerance policy, financial assistance from the EU, the application of a readmission agreement between Greece and Turkey, asylum, social measures, and rehabilitation of immigrant neighbourhood. Sources: <http://listes.rezo.net/archives/migreurop/>, [http://www.worldbulletin.net/news\\_detail.php?id=43259](http://www.worldbulletin.net/news_detail.php?id=43259) and [http://www.express.gr/news/news-in-english/181562oz\\_20090617181562.php3](http://www.express.gr/news/news-in-english/181562oz_20090617181562.php3)
- The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published a report on 30 June, regarding its ad hoc visit to Greece which took place in September 2008. During the visit, the CPT reviewed the treatment of persons detained by law enforcement officials and examined the conditions of detention in police and border guard stations as well as in special facilities such as for irregular migrants, in order to evaluate progress made since the CPT's last visit to Greece in 2007. The findings of the 2008 visit to Greece confirm that persons apprehended by Greek law enforcement agencies continue to run a considerable risk of ill treatment. Furthermore, the CPT reiterates that the conditions of detention of the vast majority of irregular migrants remain unacceptable. Even for periods of detention of a few days the material conditions, hygiene and access to medical care are unacceptable and call for radical improvement. Source: [www.ecre.org](http://www.ecre.org), ECRE weekly bulletin, 3 July 2009

## Cyprus

- A bill providing hefty sentences for landlords who rent to undocumented immigrants has been submitted to the Cypriot parliament. According to the proposed law, anyone caught renting or offering accommodation to an undocumented immigrant will face a fine of up to €4,000 and/or 18-months imprisonment. Landlords will have to ensure that a foreigner seeking accommodation has authorization to be in Cyprus, by securing the relevant documents and visas. If someone fails to do so, it will be considered a criminal offence. Furthermore, a provision has been added to make it obligatory for a foreigner to have sufficient knowledge of the Greek language and culture before being entitled to a permanent residence card. If it is passed, migrants who wish to apply for residency in Cyprus will have to sit a series of exams, to prove they have sufficient knowledge of the Greek language, as well as elements of Cyprus' history and culture. Source: [http://www.cyprus-mail.com/news/main.php?id=46303&cat\\_id=1](http://www.cyprus-mail.com/news/main.php?id=46303&cat_id=1).

## UK

- According to a recent report released by the London School of Economics, granting amnesty to long-term undocumented migrants in the UK could add up to £3bn to the British economy. The

report found that amnesty would not lead to a rise in migration but would raise funds to benefit welfare and housing services. It is estimated that between 600,000 and 1,000,000 people are irregularly in the UK of which around 440,000 are in London. London Mayor Boris Johnson, who commissioned the study, said it proved immigrants were far from a financial burden and highlighted long overdue facts. The study found that if a five-year residency plan was introduced, 67% of irregular immigrants would be eligible to live in the UK. A Home Office spokesperson responded to the report by reaffirming that no amnesty would take place and that irregular migrants should go home. Report available at:

[http://www.london.gov.uk/mayor/economic\\_unit/docs/irregular-migrants-report.pdf](http://www.london.gov.uk/mayor/economic_unit/docs/irregular-migrants-report.pdf)

Source <http://www.immigrationmatters.co.uk/uk-immigrant-amnesty-worth-3bn-say-lse.html> and <http://www.immigrationmatters.co.uk/uk-border-agency-response-to-lse-report-on-amnesty-for-illegal-migrants.html/comment-page-1>

- Migration Work and Migrants Right Network released a new report entitled 'Irregular Migration: the urgent need for a new approach'. The publication draws together research findings to present concise, evidenced information about pathways to irregularity as well as the impact of UK enforcement policy and the available evidence on regularisation programmes. The report is available for download at [http://www.migrantsrights.org.uk/downloads/policy\\_reports/irregularmigrants\\_fullbooklet.pdf](http://www.migrantsrights.org.uk/downloads/policy_reports/irregularmigrants_fullbooklet.pdf).
- The UK Court of Appeals issued a decision in 'R (YA) v Secretary of State for Health', (C1/2008/108) on 30 March 2009 that unsuccessful asylum applicants were not ordinarily residents due to their lack of status, and thus were not entitled to free medical care regardless of the length of their residence in the UK. The Court held that the purpose of the 2006 NHS Act was to provide a service for the people of England and that did not include those who ought not to be in England, such as unsuccessful asylum applicants. However, the judges also ruled that hospitals have the discretion to provide free treatment to such individuals if they cannot afford to pay for it. Following the judgement, the Department of Health issued a letter to the NHS Trusts in England on 2 April 2009 explaining the implications of this case into the UK law which clarified that:
  - a refused asylum-seeker who has received treatment free of charge between 11 April 2008 and 30 March 2009 (that is between the decision of the High Court last year and this year's Court of Appeal decision) must not be now charged for that treatment;
  - a refused asylum-seeker who is undergoing a course of treatment should not have that treatment interrupted and should not now be asked to begin paying for it;
  - the factors identified by the Court of Appeal must be considered before a decision is taken to charge for NHS treatment;
  - these factors must be considered before any migrant, who is not exempt from NHS charges, is charged (regardless of whether he or she has ever made an asylum claim)

The Court of Appeal decision does not affect entitlement to treatment from a general practitioner (GP); nobody is excluded from GP treatment on the basis of his or her immigration status. A GP has discretion to register or refuse to register patients provided he or she does not discriminate in so doing. If a GP closes his or her list to foreign nationals, while continuing to register British citizens, this is likely to be unlawful discrimination. Department of Health letter is available online at: <http://www.bashh.org/documents/2174> and the Court of Appeals judgement is accessible at: <http://www.bailii.org/ew/cases/EWCA/Civ/2009/225.html>. Source: <http://www.ilpa.org.uk/info/service/Info%20sheet%20Access%20to%20healthcare%20%200904.pdf>



- British National Party leader Nick Griffin told the BBC in an interview on 8 July that the EU should sink boats carrying irregular migrants to prevent them entering Europe. The MEP for the North-West of England said the EU had to be tough with migrants from sub-Saharan Africa and suggested to throw the migrants a life raft and they can go back to Libya. Source: [http://news.bbc.co.uk/2/hi/uk\\_news/politics/8141069.stm](http://news.bbc.co.uk/2/hi/uk_news/politics/8141069.stm)

## Ireland

- Undocumented Irish migrants residing in the USA was a key item of discussion for a US congressional delegation that travelled from Washington to Ireland in early July. A member of the group, Nydia Velasquez, outlined the difficulty in developing a bilateral deal between Dublin and Washington for the undocumented Irish residing in America, as an immigration reform bill would first have to pass in the Senate before being considered by the House of Representatives. A bilateral visa deal has been discussed although it will not be aimed at the undocumented Irish. The delegation also visited Belfast where Northern Ireland Deputy First Minister Martin McGuinness expressed his desire for a quick solution to resolve the difficulty and pain irregularity causes, both for those in the U.S. and their families in Ireland. Sources: <http://www.belfasttelegraph.co.uk/news/local-national/obama-to-tackle-illegal-immigrants-from-ireland-14251332.html> and <http://www.irishecho.com/newspaper/story.cfm?id=19428>

## Belgium

- After more than a year of difficult negotiations, Belgian Prime Minister Herman Van Rompuy released details of the federal government's agreement on regularizing irregular immigrants on 20 July 2009. Undocumented migrants who have lived in Belgium for at least five years will be able to apply to regularise their situation between 15 September and 15 December 2009. Applicants will have to prove that they are already socially and economically integrated into Belgian society. If successful, they will be granted papers allowing them to legally stay and work in the country. Moreover, people who have been working in Belgium for at least two-and-a-half years can also apply for an authorization of stay, if they produce a labour contract and a regional labour card. Other factors in favour of applicants include language skills, attendance of literacy courses or having children at school. Refused asylum seekers who are waiting the decision of the appeal of the Council of State for more than 5 years can also apply for regularization, as well as undocumented migrants in long asylum procedures (3 years for families with schoolchildren and 4 years for individuals or other families). Source: <http://www.euractiv.com/en/socialeurope/belgium-legalise-25000-immigrants/article-184257>
- Ms. Turtelboom (Minister of Migration and Asylum) and Mr. De Padt (Minister of Interior) have prepared a circular to facilitate a faster identification of migrants in an irregular situation in Belgium so as to accelerate their expulsion. The text will be sent to mayors and to local police. Ms. Turtelboom outlined her intent to alleviate one of greatest frustrations in the daily work of the police services, judicial bodies and foreigners' office: their inability to expel undocumented migrants. The difficulties facing the authorities to identify undocumented migrants that are apprehended means that many have to be released before charges can be brought against them. The circular compiled by the two Flemish liberal ministers incorporates a series of instructions, recommendations and advice intended to speed up the process of identifying and deporting undocumented migrants who are apprehended by police. Source: <http://www.levif.be/actualite/belgique/72-56-35544/turtelboom---les-illegaux-en-point-de-mire.html>

- Thomas Hammarberg, Council of Europe Commissioner for Human Rights, issued a report on Belgium which emphasized the need to improve access to health care and living conditions in detention centres for undocumented migrants and called for more transparency and better access to information to inform detained migrants of their rights. The Commissioner welcomed the new policy to not automatically detain irregular migrants' families but expressed regret that in certain cases children and their parents continue to be detained. Source: [https://wcd.coe.int/ViewDoc.jsp?Ref=PR480\(2009\)&Language=lanEnglish&Ver=original&Site=DC&BackColorInternet=F5CA75&BackColorIntranet=F5CA75&BackColorLogged=A9BACE](https://wcd.coe.int/ViewDoc.jsp?Ref=PR480(2009)&Language=lanEnglish&Ver=original&Site=DC&BackColorInternet=F5CA75&BackColorIntranet=F5CA75&BackColorLogged=A9BACE)
- CIRE (Coordination and Initiative for Refugees and Foreigners) and several other NGOs issued a new report about detention centres in Belgium entitled "Douze mois dans les centres fermés, douze vies bouleversées" (Twelve months in detention centres, twelve shattered lives). The twelve stories are about migrants held in those centres in 2008 and illustrate human damage caused by detention. Currently 8,000 migrants are detained in six detention centres across Belgium. Source: <http://www.cire.irisnet.be/ressources/rapports/chronique-centre-web.pdf>
- Brussels witnessed the start of the largest collective hunger strike by undocumented migrants on 30 May 2009 by a group of around 650 persons representing 25 different nationalities, who squatted in a vacant building. The group stated that as long as the federal government denies and postpones the problems experienced by irregular migrants they will continue their actions. On 20 June 2009, a separate group of approximately 200 activists ended their hunger strike after 79 days in Brussels' Beguinage Church. This second group of strikers may now apply for a temporary "carte orange", or residence permit on medical grounds. The health condition of these strikers had become troublesome and treating physicians warned against a possible fatal ending for some protesters. Sources: <http://www.indymedia.be/en/node/33526> and [http://www.standaard.be/Artikel/Detail.aspx?artikelId=DMF20090620\\_022](http://www.standaard.be/Artikel/Detail.aspx?artikelId=DMF20090620_022)
- Several NGOs, labour unions, and lawyers rallied in Brussels on 12 June 2009 to criticize the mismanagement of asylum and migration by Minister Turtelboom. At present, undocumented migrants are pushed further into irregularity due to the non-execution of a governmental agreement signed in March 2008. The agreement allows for the regularization of employed undocumented migrants, a definitive answer to the asylum application for applicants who have been waiting for years, and possibilities for residency among those who have integrated in Belgian society. At the end of the demonstration a delegation was received by Minister Turtelboom yet left without an improved result. Source: <http://www.indymedia.be/en/node/33668>
- The Brussels organization La Strada (Steunpunt thuislozenzorg Brussel / Centre d'appui au secteur bruxellois d'aide aux sans-abri), a support centre for homeless people, counted the number of people living on the streets in Brussels-Capital Region on one night in November 2008 and found that a significant number were undocumented migrants. As accommodation for irregular migrants is hard to obtain in Brussels, they are left to utilise services designated for the homeless (e.g. shelter, sanitation, food, medical help...). The influx of undocumented migrants to these services has caused tensions and the organizations have had to reconsider the way they operate, their objectives and their target audience. Report available at: <http://www.medimmigrant.be/newsletter43.asp>

## Germany

- In a study published on 11 May 2009, the human rights organisation Pro-Asyl criticises the absence of legal standards at the asylum procedures at Frankfurt/Main airport, where 90% of the

airport proceedings of the Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge – BMBF) are taking place. The summary proceedings employed there are hasty, unfair and inadequate. Pro Asyl criticised that the minutes of hearings and decisions are often inconsistent and show interpreting mistakes. Also, lawyers are not permitted to assist their clients from the start of a proceeding. The BAMF has rejected the study yet has agreed to review individual cases. Source: Migration und Bevölkerung Newsletter 5/2009, [http://www.migration-info.de/mub\\_artikel.php?id=090503](http://www.migration-info.de/mub_artikel.php?id=090503)

## Portugal

- The Minister for Labour and Social Solidarity, Vieira da Silva, declared on 30 June 2009 that Portugal will not increase the set figure which limits the admission of migrants. In response to the OECD's call on its member states to integrate foreign workers despite the economic crisis, de Silva stated that Portugal is not adopting a blind policy of closed doors. Portugal has set a figure of 3,800 residence permits for 2009, which is 50% less than in 2008. This cutback has been strongly criticised by organisations such as SOS Racismo, for stigmatising migrants, reinforcing xenophobia and racism and preventing an actual discussion about the failure of quota system in Portugal from taking place. Sources: <http://ultimahora.publico.clx.pt/noticia.aspx?id=1389548&idCanal=12> and <http://www.agencialusa.com.br/index.php?iden=24239>
- The difficulties faced by migrants due to the economic crisis were discussed in a public meeting organised by the Catholic Organisations' Forum for Immigration (*Fórum de Organizações Católicas para a Imigração* – FORCIM). The meeting discussed some of the concerns of immigrants in Portugal following the approval of the present Immigration bill. Of particular concern is Art. 88º and the concept of destitution of rights, which affects those who have entered regularly in Portugal, but who are now in a difficult situation *vis-à-vis* the law after having lost their jobs. Source: Agencia Ecclesia <http://www.agencia.ecclesia.pt/cgi-bin/noticia.pl?&id=73562>

## Austria

- The Austrian Interior Ministry is not renewing its contracts with the NGOs Diakonie and Caritas, who have been organising legal counsel for migrants in custody pending deportation. Instead, the task is to be taken over by "Verein Menschenrechte Österreich" (Human Rights Association Austria – VMÖ), which has close links to the Interior Ministry and seen by many organizations to merely inform migrants about the status of their proceedings and not provide legal counselling. Asylkoordination Österreich (Asylum Coordination Austria) has labelled the VMÖ as a bogus NGO which measures its success by the number of repatriations. Source: <http://no-racism.net/article/3002/>, 05.07.2009

## Poland

- On the initiative of the Centre of Migration Research at Warsaw University, eleven academic institutions representing nine countries of the European Union have set up a consortium that have undertaken to reveal how Europe has changed from net emigration to net immigration area. As part of the project, a team of researchers from the University of Warsaw published a working paper entitled "Poland: becoming a country of sustained migration," a study regarding the state of regular and irregular migration in Poland. In addition to discussing the terminology in use to describe the phenomenon of irregular migration, the paper discusses labour migration, both documented and undocumented, and the policy towards undocumented migrants. Paper available at the IDEA project website: [www.idea6fp.uw.edu.pl/pliki/WP10\\_Poland.pdf](http://www.idea6fp.uw.edu.pl/pliki/WP10_Poland.pdf).

## Switzerland

- The Swiss town of Berne and Alger, the capital of Algeria, are about to sign a protocol which foresees the accompaniment of expelled persons to Algeria by Algerian policemen. Switzerland claims to have requested the Algerian police to do the administrative removal for humanitarian reasons. Swiss authorities appeared to have learned from the experiences of France, where the forced expulsion of immigrants carried out by French policemen created a bad impression about respect for human rights in France. Source: <http://topactu.net/2154/dossiers/immigration-clandestine-alger-et-berne-signent-un-protocole.html>

## Sweden

- The Swedish newspaper 'Dagens Nyheter' reported on 14 June that a total of 111 Iraqis who were unsuccessful in the asylum process have now been deported from Sweden to Iraq. The Swedish Minister of Migration has designated 2009 as the 'Year of Return' and Sweden has now reached an agreement with the Iraqi government to take back unsuccessful asylum applicants. The government in the Kurdish region of Iraq, which previously refused to take back deportees from Sweden, will now be forced to abide by the new Swedish-Iraqi agreement. On 23 February, forty-five Iraqis were deported from Sweden to Baghdad on a specially chartered plane. In order to fill the chartered flight, the police carried out searches for Iraqis and then took those arrested to different deportation centres throughout Sweden. On board the flight, the forty-five migrant men, women and children were accompanied by 107 Swedish officials, eighty-eight from the Prison Board and sixteen from the police. Many of the deportees reported police brutality and some suspected they had been administered sedatives. The official report, released by the Swedish authorities, blacked out all the names of the officials involved. The cost of the charter flight was estimated at 1,728,662 Kronor (around €160,000). In another case, involving the deportation of a family, the children had to be put into the care of social services the day before the deportation flight, after the mother suffered a nervous breakdown. The family was only reunited on the deportation flight. Source: <http://www.irr.org.uk/2009/june/ha000032.html>.

## Denmark

- The Danish Prime Minister announced on May 13 that he had secured a readmission agreement with the Iraqi government to enable the return of unsuccessful asylum applicants. 300 undocumented Iraqis will be affected by this agreement. They have been living in the Sandholm and Avnstrup detention centres, some for as long as 12 years. Amongst those who may be repatriated are many families who have children born in Denmark. Source: *Migration News Sheet* June 2009, p.13.
- The national daily "Politiken" has reported on the high costs of not allowing unsuccessful asylum applicants to work. According to the Danish Refugee Council, the costs amount to DKK 250,000 (€ 33,000) per undocumented migrant every year. The view point was shared by the UNHCR whose spokesperson pointed out that leaving people in limbo for such a long time was not good for them and not beneficial to Denmark. Source: *Migration News Sheet* June 2009, p.13.

## United States

- President Obama told lawmakers on 25 June that he wants to sign an immigration bill this year or early in 2010. President Obama made the announcement during an immigration summit at the White House and told members of Congress he will stand behind them as they try to craft a

compromise. The lawmakers promised to fend off attacks from both sides of the political spectrum and craft a bill that cracks down on employers and legalizes undocumented immigrants. Sources: <http://www.cbsnews.com/blogs/2009/06/19/politics/politicalhotsheet/entry5097178.shtml> and <http://www.washingtontimes.com/news/2009/jun/26/obama-pushes-immigration-bill/>.

- Federal officials announced plans to audit the immigration and employment paperwork of 652 businesses across the country, a major increase in work site enforcement. The initiative is part of a growing push to target employers who hire undocumented migrants, a centerpiece of President Barack Obama's immigration enforcement strategy. In April, the Obama administration announced new guidelines that increase the focus on employers who break the law. The guidelines represents a significant shift from the past administration's work site enforcement strategy, which resulted in a series of high-profile raids across the country in recent years, but relatively few employer arrests. Source: <http://www.chron.com/disp/story.mpl/special/immigration/6506722.html>
- In Arizona, a human rights activist from the group 'No More Deaths' was convicted for leaving plastic water jugs for undocumented immigrants crossing near the US-Mexico border. The activist, Walt Staton, says the water jugs were left to prevent migrants from dying of dehydration. Staton was found guilty of "knowingly littering" the Buenos Aires Wildlife Refuge. 'No More Deaths' has worked for years to provide migrants with humanitarian aid. Over the past decade, nearly 2,000 men, women and children have died while trying to cross the border into Arizona. Source: <http://www.democracynow.org/2009/6/4/headlines#11>
- The American Immigration Lawyers Association is calling on the Justice Department to drop charges against undocumented workers detained after a raid on an Iowa meatpacking plant last year (see PICUM Newsletter June 2008). Nearly 400 workers were detained at the Agriprocessors plant in Postville, Iowa, making it one of the largest raids in US history. The association said the charges should be dropped following the Supreme Court ruling on identify theft. The court ruled that prosecutors must prove an undocumented worker knew false identity papers belonged to another real person. (See PICUM newsletter May 2009 for more information on the Supreme Court ruling.) Source: <http://www.democracynow.org/2009/5/6/headlines#14>
- The Justice Department has reversed a Bush administration ruling that immigrants do not have a constitutional right to proper legal counsel during deportation proceedings. On 3 June, Attorney General Eric Holder restored the right of immigrants to appeal deportations on the grounds of attorney incompetence. But Holder also said he would leave intact existing government cases based on the rescinded Bush administration principle. Source: <http://www.democracynow.org/2009/6/4/headlines#8>
- The Department of Homeland Security has announced it has temporarily halted the deportation of widows and widowers of US citizens. The Bush administration was criticized for enforcing an interpretation of federal law that allows for the deportation of immigrants whose spouses died either within two years of marriage or before they had obtained residency status. Source: <http://www.democracynow.org/2009/6/10/headlines#13>
- A national commission has criticized the federal government for its tactics in a series of workplace immigration raids, stating in a report that U.S. Immigration and Customs Enforcement agents had violated workers' rights and traumatized communities. A member of the commission who is a law professor described his "shock" that immigration officials showed up with weapons drawn and no warrants, had deprived prescription drugs and separated newborns from nursing mothers. Testimonies alleged racial profiling and violations of constitutional protections against

unreasonable searches and detention without due process. Source: <http://www.sfgate.com/cgi-bin/article.cgi?f=%2Fc%2Fa%2F2009%2F06%2F18%2FBAHM189QSF.DTL>

- Three undocumented migrants injured in construction accidents in New York were awarded settlements totalling \$3.85 million. Lawyers representing the three men said that the settlements demonstrated that irregular workers should not be afraid to sue their employers if they are hurt on the job. Each of these men was injured in the course of their work on construction sites, and their immigration status was irrelevant to their right to seek redress for those injuries. According to one of the lawyers, the right of undocumented workers in New York to compensation for workplace accidents was affirmed by the case of 'Balbuena v. I.D.R. Realty L.L.C.' decided by the New York State Court of Appeals in 2006, in which undocumented labourers were deemed to have the same rights as other workers. Source: <http://www.concreteconstruction.net/industry-news.asp?sectionID=718&articleID=997372>
- Some undocumented migrant high school graduates will be able to attend Wisconsin state universities while paying in-state tuition, under a provision in the two-year budget signed into law. Wisconsin now becomes the eleventh state to enact such a law. To qualify, students would have to reside in the state for three years, graduate from a Wisconsin high school or earn an equivalency degree here. The students would have to apply through the normal channels. Source: <http://www.jsonline.com/news/wisconsin/49470657.html>. See also the "Undocumented Children" section in this newsletter for related item, as well as a recent editorial in the New York times about the Dream Act, a bill in Congress that would open a path to citizenship for high school graduates who complete two years of college or military service. <http://www.nytimes.com/2009/06/24/opinion/24wed2.html>
- The Boston Review has just published an online debate on the regularization of irregular migrants. Articles focus on the benefits of regularisations, US immigration policy for a historical point of view, ethical issues, deportations involving citizen children, and protecting the rights of short term migrants. Available online at: [http://bostonreview.net/BR34.3/ndf\\_immigration.php](http://bostonreview.net/BR34.3/ndf_immigration.php)

## 2. European Policy Developments

### General

- The Association for Human Rights of Andalusia released a new report entitled "Otra frontera sin Derechos Humanos: Mali-Mauritania" (Another border without human rights: Mali-Mauritania). The report shows how the fight against irregular migration and stricter immigration control in the EU is forcing immigrants to find different ways to migrate. The report analyzes the externalization of border control to countries that do not have the necessary infrastructure to become a host country and not subject to any control on the degree of respect for human rights. This research finds that people's rights are systematically violated in migration via Europe's southern borders. After being intercepted at sea en route to the Canary Islands or in arbitrary raids on "potential immigrants" in the popular districts of Nouadhibou, detainees are held for indiscriminate periods in the Spanish funded detention centres, without judicial or legal assistance, often subjected to theft as well as police violence and abuse. Full report is available in Spanish and French at [http://www.apdha.org/media/Informe\\_Nioro200509.pdf](http://www.apdha.org/media/Informe_Nioro200509.pdf).
- "Migrations: Politiques Publiques et Pratiques Administratives, Etat des lieux 2009" (Migrations, Public Policies and Administratives Practices, 2009 report) is a book released by French NGO

Cimade about the passing of the European Pact on Immigration and Asylum and mobilisations in France against the "Offence of Solidarity". Source:  
<http://www.cimade.org/publications/35>

- The European Union moved a step closer to meeting the requests of Greece and other Mediterranean countries for greater assistance in their efforts to tackle irregular immigration during a meeting of justice and interior ministers that ended on 5 June. Following the Luxembourg meeting, the EU Justice and Home Affairs Commissioner Jacques Barrot said that he would make it a priority to work closely with countries such as Turkey and Libya so that they would be obligated to improve their border controls and honour the repatriation agreements that they have signed. Greece has long complained about Turkey accepting only a small percentage of the thousands of irregular migrants that arrive every year after setting off from neighbouring countries. Athens' mayor, Nikitas Kaklamanis, applauded the news from Luxembourg: Source: Kathimerini, Peloponissos Patron, 6 June 2009
- The European Union and the countries of Latin America and the Caribbean (LAC) formally launched the Structured and Comprehensive bi-regional Dialogue on Migration on 30 June, thus making an important step towards fulfilling the commitments of the V. EU-LAC Summit of Heads of State and Government that was held in Lima, Peru in May 2008. The meeting formally adopted the joint document "Basis for Structuring the EU-LAC Dialogue on Migration" which outlines the expected structure and content of the dialogue and includes an indicative calendar of meetings for the coming two years. The principal objectives of the dialogue include identification of common challenges and areas for mutual cooperation as well as building a stronger evidence base for EU-LAC migration in order to better understand its realities, based on the principle of shared responsibility, strengthening the commitment and willingness of both sides to discuss migration issues. Both parties welcome the launching of this dialogue, which will provide a forum for regular exchange of views between both regions on all migration-related issues of mutual interest. Source:  
<http://www.consilium.europa.eu/App/NewsRoom/loadDocument.aspx?id=1&lang=fr&directory=en/misc/&fileName=108821.pdf>
- The newspaper Malta Today reported on 21 June that a coordinated Frontex operation from Malta led to the forced repatriation of migrants at sea. According to the Maltese newspaper, a German helicopter participating in the Frontex Nautilus IV operation was instructed to work closely with the Italian coastguard, which picked up 74 migrants on the high seas. Afterwards, the Italian coastguard handed the migrants over to a Libyan patrol boat. The mission has been identified as the first ever forced repatriation operation coordinated by Frontex on the high seas. Source: [www.ecre.org](http://www.ecre.org), ECRE weekly bulletin, 26 June 2009
- The European NGO Solidar has defined ten priorities for the new European institutions for 2009-2014. Solidar stated that Europe has to refuse the development of migration and integration policies in Europe based on utilitarian considerations. They also stressed on the fact that member states need to reduce institutional barriers that can have a negative impact on access or educational attainment of migrant children. Source:  
[http://cms.horus.be/files/99931/MediaArchive/SOLIDAR%2010%20Deliverables%2012062009\\_mail.pdf](http://cms.horus.be/files/99931/MediaArchive/SOLIDAR%2010%20Deliverables%2012062009_mail.pdf)

## European Commission

- The EU Council, also known as the June summit, announced a Commission initiative of a pilot project concerning irregular immigration for Malta. This was announced in the two-day final

communiqué which states that the recent refoulements in Italy and more migrant deaths this month underline the urgent need to combat irregular migrant in an efficient manner to prevent future human tragedies. After mentioning the special pilot project, the communiqué also urged the speedy establishment of the European Asylum Support Office, a strengthened FRONTEX, clear rules of engagement for joint patrolling and the disembarkation of rescued persons and increased use of joint return flights. Source: <http://www.independent.com.mt/news.asp?newsitemid=89848>

- European Commission Vice-president Jacques Barrot, responsible for justice, freedom and security, paid a visit to reception facilities for undocumented migrants on the eastern Aegean island of Samos, on 6 July accompanied by the Greek Interior Minister Prokopis Pavlopoulos. In statements afterwards, Barrot acknowledged that Greek authorities faced a difficult task but also stressed Greece's obligation to provide a refuge for those arriving on its shores. Upon his arrival on the island, the Commissioner was given a tour of the French vessel belonging to the EU Frontex agency and visited the migrant reception centre on the island, where he talked with immigrants detained there. In statements to reporters, he said that this was a more general problem that cost human lives and required cooperation with non-EU countries of origin or transit in order to be solved.  
<http://www.ana-mpa.gr/anaweb/user/showplain?maindoc=7746265&maindocimg=7745252&service=98>

### **Council of the European Union**

- Swedish Prime Minister Fredrik Reinfeldt presented the work programme for the Swedish EU Presidency commencing on 1 July 2009. The Presidency has aims to adopt the Stockholm Programme by the end of this year. This programme will determine the framework and focus of EU cooperation in areas such as police, border and customs issues, legal matters and asylum, migration and visa policy from 2010 to 2014. The Presidency will focus on legislation regarding processing of asylum applications and return. Source: [www.ecre.org](http://www.ecre.org), ECRE weekly bulletin, 26 June 2009

### **European Court of Justice**

- The European Court of Justice (ECJ) will interpret Articles 11 of Regulation (EC) No. 562/2006 and article 23 of the Schengen Agreement (see PICUM Newsletter June 2009). In Article 11 the English version states a third-country national "may be expelled," which is different than the wording in Spanish. The Advocate General reminded the ECJ that the different language versions must be interpreted uniformly with reference to the purpose and general scheme of the rules. In the opinion of the Advocate General, the difference in the Spanish version is the result of a translation error, not the real intention of the legislation. Expulsion is the exception, not the rule, according to an interpretation drawn from paragraph 2 of Article 23 that states if expulsion is not authorized under the law, a member state may allow a person to remain within its territory. Although states are not obliged to deport a person, a member state is still able put an end to their unauthorized case. In Spain's case if a fine has already been imposed, the next step would be the procedure of expulsion. Source: Migration News Sheet June 2009, p. 7.

## **3. Undocumented Children**

- The Council of Europe launched a new platform on children's rights on 2-3 June in Strasbourg. A priority item on the agenda was a discussion on the draft guidelines on integrated national strategies for the protection of children against violence. The platform will include a network of



focal points and representatives of civil society, ombudspersons, international organisations and experts, and research institutions. A first outcome of the platform's work will be the adoption of guidelines on national integrated strategies for the protection of children against violence. They provide a holistic perspective on protecting children from all forms of violence, building on the recommendations from the UN study on violence against children. The conclusions of this first meeting affirmed the platform's commitment to protecting particularly vulnerable children, such as migrant children, from violence.

Source: [http://www.coe.int/t/transversalprojects/children/events/launchmeetingplatform\\_EN.asp](http://www.coe.int/t/transversalprojects/children/events/launchmeetingplatform_EN.asp)

- Researchers at the University of Bedfordshire in the UK and the NSPCC (National Society for Prevention of Cruelty to Children) have released a report entitled "Practitioners' responses to trafficked children and young people" which seeks to address how practitioners can attempt to overcome the problems facing trafficked children arriving in the UK. Available online at: [http://www.nspcc.org.uk/Inform/research/Findings/breaking\\_the\\_wall\\_of\\_silence\\_wda65628.html](http://www.nspcc.org.uk/Inform/research/Findings/breaking_the_wall_of_silence_wda65628.html)
- Eurasyllum has prepared two papers on behalf of the EU Agency for Fundamental Rights (FRA), on "The protection of the rights and special needs of irregular immigrant minors and asylum seeking children", and on "The protection of the rights and special needs of trafficked children". The purpose of both papers was to identify some of the key policy interventions, legal measures and administrative practices that can best contribute to the protection of the rights and special needs of trafficked children, and irregular immigrant minors and asylum seeking children, in the EU. Papers are available for download at: [http://www.fra.europa.eu/fraWebsite/attachments/FRA\\_Thematic\\_IMMIGRANT\\_AND\\_ASYLUM.pdf](http://www.fra.europa.eu/fraWebsite/attachments/FRA_Thematic_IMMIGRANT_AND_ASYLUM.pdf) and [http://www.fra.europa.eu/fraWebsite/attachments/FRA\\_Thematic\\_TRAFFICKED\\_CHILDREN.pdf](http://www.fra.europa.eu/fraWebsite/attachments/FRA_Thematic_TRAFFICKED_CHILDREN.pdf)
- France was among the six countries examined during the 51<sup>st</sup> session of the Committee on the Rights of the Child, which took place between 25 May and 12 June 2009 in Geneva. The Committee expressed concern regarding the failure of the French government to respect the basic rights of foreign minors, particularly those in detention as well as the absence of effective recourse against the decision of placement concerning representation by an ad hoc administrator. Committee members were also worried about the repression of foreign minors removed without sufficient guarantees to countries where they risk exploitation. Moreover, the Committee expresses its concerns regarding the lack of responsibility taken for minors held by the state's protection services. The committee recommends that the French state promptly modify its legislation and practice regarding these issues in order to conform with the UN Convention of the Rights of the Child. French civil society organisations have expressed their commitment to maintaining pressure on the authorities to adhere to its international obligations.  
Source: <http://www.france-terre-asile.org/index.php/component/content/article/1099>
- The focus of the 11th European Union - NGO Forum on Human Rights, held in Stockholm, Sweden on 6-7 July, is child rights with a special focus on violence against children. This year is particularly important for the promotion and protection of the rights of the child, as the international community celebrates the 20th anniversary of the adoption of the UN Convention on the Rights of the Child. The conclusions and recommendations from the Forum will be presented at the Council of the EU Working Group on Human Rights (COHOM) and assembled in a report. <http://www.regeringen.se/sb/d/11982/a/127305>
- The Spanish NGOs SOS Racismo and SOS Arrazakeria have published guidelines about working with unaccompanied minors for health care professionals and social workers. The

guidelines were written after interviewing several minors and deal with the health needs, integration, and treatment of unaccompanied minors in Europe, based on the experience of professionals working on social care for unaccompanied minors. These guidelines are available at: <http://mugak.eu/gunea/men/int/>

- Spanish juvenile prosecutor Jorge Caldevilla said that the act of deporting three juvenile Moroccans from Spain does not comply with Spanish foreigners' law. The administration determined that the boy and two of his companions were to be sent to the Capuchinos detention centre in Valencia, Spain. Although NGOs succeeded in demonstrating that the boys were minors, the High Court of Madrid ruled they were to be expelled. The procedure of age-determination used by the Spanish authorities involves a radiograph of the wrist, but there is a margin of error of almost two years and the procedure is widely criticised by NGOs and medical professionals. Source: [http://www.lne.es/secciones/noticia.jsp?pRef=2009060800\\_48\\_765316\\_Sucesos-Menores-marroqui-expulsado-tenia-documentacion](http://www.lne.es/secciones/noticia.jsp?pRef=2009060800_48_765316_Sucesos-Menores-marroqui-expulsado-tenia-documentacion)
- '*Young Lives on Hold: The College Dreams of Undocumented Students*', by Roberto G. Gonzales, is a report published by the College Board which argues in favour of granting status and allowing undocumented students to attend college in the United States. The report contends that the initial investment in the education of these students is lost if they cannot reach their full potential, and that current laws are curbing their ability to contribute to society after they graduate from high school. While federal law does not prohibit undocumented students from attending college, these students face major obstacles in admissions, access to in-state tuition and access to financial aid. The report is available at: <http://professionals.collegeboard.com/policy-advocacy/diversity/undocumented>. See also "US" section in this newsletter for an item on college education for undocumented students.
- 'The Human Rights of Migrant Children,' by the International Organization for Migration (IOM), summarizes how international law protects migrant children. It focuses on the protection given to children by the Convention on the Rights of the Child, which is also applicable to non-nationals. Despite the fact that research suggests that children are very much involved with diverse migration processes, policymakers have paid little attention to reasons children move, their experiences, the effects of policies, or the consequences of adult migration for children who are left at home. Generally, the ability to migrate or travel legally without an adult is quite limited for children, especially internationally. This means that children migrating alone are more likely to do so irregularly, increasing the risk of exploitation or abuse. The report is available at: [http://www.childtrafficking.com/Docs/iom\\_08\\_human\\_children\\_0109.pdf](http://www.childtrafficking.com/Docs/iom_08_human_children_0109.pdf).

#### **4. Undocumented Women**

- The European Network for Promotion of Sexual and Reproductive Health of Refugees and Asylum Seekers (EN-HERA!) published a report that provides users with useful resources on sexual and reproductive health and rights (SRH&R) of refugees, asylum seekers and undocumented migrants. It also introduces a self-assessment tool both for organisations and policy makers working in the field of reproductive care who currently work, or plan to extend their work, on such specific groups as refugees, asylum seekers and undocumented migrants. The report is available for download at <http://www.eph.org/a/3500>.
- Decent Work for Domestic Workers' is a 'standard setting' item on the agenda of the 99<sup>th</sup> session (2010) of the International Labour Conference. In the lead up to this landmark occasion, the

International Network 'Respect and Rights for Domestic Workers held a side event on 'Decent work for domestic workers' on 8 June at the Palais des Nations, Geneva to raise awareness about its activities and encourage the involvement of domestic workers in the standard setting process. Source: [www.domesticworkersrights.org](http://www.domesticworkersrights.org)

- The next UN General Assembly, scheduled for September 2009, will hold a vote for a new "super-agency for women". More than 300 NGOs, under the acronym GEAR (Gender Equality Architecture Reform) have been pushing for governments and the UN secretary-general to set up the new super-agency. GEAR's primary mission is to ensure that all women's voices are heard throughout the United Nations Reform process so that women's issues and concerns are given the importance that they deserve on the global agenda. While the UN sets global standards for human rights, no single UN agency holds the necessary resources to improve the lives of women in all areas, including at work. Until now, women's concerns were spread across four poorly coordinated UN entities - Unifem, DAW, Osagi and Instraw. It is planned that the new agency will have the staff, resources and authority to really make a difference. For more details, see <http://gear.collectivex.com/>, an interactive website to discuss and obtain resources on the campaign. Source: PSI World News May 2009 available online at [www.world-psi.org/worldnews/](http://www.world-psi.org/worldnews/)
- Irish trade unions have negotiated a 'Code of Practice for Protecting Persons Employed in Other Peoples Homes'. The code is featured in the ILO Report 'Decent Work for Domestic Workers' to facilitate discussion in the lead up to the 2010 Conference. The Irish Code of Practice emphasizes the entitlement of domestic workers to be recognised as workers and protected by employment rights. The Code places the employment rights of the domestic worker in the context of the private home and obliges employers to respect the privacy of the domestic worker. The Irish Congress of Trade Unions (ICTU) is campaigning at ILO level for an enforceable Convention on decent work for domestic workers and currently lobbying the Irish Government to ensure ratification at national level. The code is available online at <http://www.entemp.ie/publications/employment/2007/coppersonsemployedhomes.pdf> and the ILO Report on Decent Work for Domestic Workers can be accessed at [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_104700.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_104700.pdf)
- In the United States, 'The Domestic Workers Bill of Rights' drafted by members of the group Domestic Workers United (see PICUM's newsletter, July 2008) is on the threshold of being adopted by the New York legislature. If passed, the bill would amend New York state labour law and guarantee the over 200,000 nannies and housekeepers in New York State a living wage, overtime pay, sick leave, severance and health benefits, and protection from employment discrimination. It would be the first such bill in the country to challenge the exclusion of the nearly two million domestic workers countrywide from national labour law and set an important precedent for other states. This development is the result of a long campaign led by Domestic Workers United whose membership includes a large number of undocumented workers. An online interview with a former nanny, now a full-time organizer with Domestic Workers United, Joycelyn Gill-Campbe is available online at: [http://www.democracynow.org/2009/6/12/nannies\\_fight\\_for\\_domestic\\_workers\\_bill](http://www.democracynow.org/2009/6/12/nannies_fight_for_domestic_workers_bill). Information on the organisation is available at <http://www.domesticworkersunited.org/>
- The ILO's Gender Promotion Programme (GENPROM) has released six information guides aimed at 'Protecting Migrant Women Workers from Going into Exploitative Work Situations' and a series of ten research papers examining various labour sending and receiving countries. In collaboration with the Migration Branch, GENPROM have developed a manual aimed at better

preparing women for international migration and protecting them from exploitative and abusive forms of employment. Booklets, research papers and information on GENPROM's development of a 'manual of good practices' available online at:

<http://www.ilo.org/public/english/employment/gems/advocacy/protect.htm>

- CERMIID (Centre d'études et de recherche sur la migration internationale et le développement durable – Centre ) will hold an international symposium on 'Female Migration in the Mediterranean: Stakes and Prospects' in Casablanca, Morocco on 27-28 November 2009. The main aim of this conference is to support understanding of the processes surrounding female migration and address the role of women in internal and international migrations with particular focus upon the Mediterranean basin. More information available at: <http://www.cermid.ma/>
- The Spanish parliament is currently considering a bill that would amend current immigration law and provide more protection to women who are victims of violence committed by their partners. The proposed amendment would protect undocumented women from expulsion if they denounce their violent partners. They will be granted a temporary authorization of residence and have the ability to seek employment during the time period the trial is going on. If the trial ends with the finding that the women have been a victim of violence, any action taken against her for irregular stay will be abandoned and she will be granted a permit for valid stay and employment on exceptional grounds. According to government statistics, 44 percent of women who were killed at the hands of their partners last year were foreign-born. Source *Migration News Sheet* June 2009, 11.

## **5. Upcoming Events**

- As a part of the 'Still Human, Still Here Campaign', there will be a photo exhibition from 19 June to 31 July 2009 in London. The 'Still Human Still Here' campaign is dedicated to highlighting the plight of tens of thousands of refused asylum seekers who are destitute in the UK. The goals of the campaign are to end the threat and use of destitution as a tool of Government policy against refused asylum seekers, continue financial support and accommodation to refused asylum seekers as provided during the asylum process and grant permission to work until such a time as they have left the UK or have been granted leave to remain, and continue to provide full access to health care and education throughout the same period. Source: <http://stillhumanstillhere.wordpress.com/>.
- A 'No-Border Camp' will be held from 25-31 August 2009 on Lesbos Island, Greece, one of the principal points of arrival of refugees and migrants seeking to reach Europe. The conference aims to increase awareness on human rights abuses that occur at the Pagani detention centre on the island, and migration policies in Greece and across the European Union. <http://lesvos09.antira.info/>
- The European Institute of Public Administration (EIPA) will hold a seminar called "Immigration and the Social Welfare State: Implications for Policy-Making" in Maastricht, the Netherlands, on 21 - 22 September 2009. The seminar will analyse states' incentives for attracting migrant workers and address key aspects of viable European policies for social inclusion and protection. <http://www.eipa.eu/en/activities/show/&tid=3353>
- A conference entitled "Images of Illegalized Immigration" will be hosted by the University of Basel, Switzerland from 31 August to 1 September 2009. This conference invites scholars to discuss images of undocumented migration. How do images shape the way we perceive it? Who creates

these images? Under which conditions? And where do they circulate? How do they relate to legal and political discourses? The goal of this conference is to deal more critically with visual 'evidence' of undocumented migration. Please register for the conference via email: [images.immigration@gmx.ch](mailto:images.immigration@gmx.ch).

- The Refugee Studies Centre (RSC) and the Centre on Policy, Migration and Society (COMPAS) at the University of Oxford will hold a conference on "Deportation and the Development of Citizenship" on 11-12 December 2009. Contact: [emanuela.paoletti@geh.ox.ac.uk](mailto:emanuela.paoletti@geh.ox.ac.uk).

## **6. Publications**

- The German Marshall Fund's Immigration and Integration program has just published a policy paper entitled "Guest Worker Programs and Circular Migration: What Works?" This policy paper examines concepts for temporary labour migration programs and lessons learned from the German guest worker program and the Bracero Program of the United States. A second part examines circular migration as recommended by the EU Commission, a concept that is scientifically discussed in regard to the United States as well. The paper is available online at: [http://www.gmfus.org/publications/article.cfm?id=594&parent\\_type=P](http://www.gmfus.org/publications/article.cfm?id=594&parent_type=P).

## **7. PICUM News**

- **"Churches and undocumented migrants: Exchange, dialogue and choices from our practical pastoral experience"**, the European meeting co-organized by PICUM and KMS/Kerkasiel.anders (see *PICUM Newsletter June 2009*) will no longer take place in October 2009 and will be postponed to a future date. PICUM and KMS/Kerkasiel.anders would like to organise contact with twenty pastoral leaders from Catholic and Protestant churches in Europe who work with undocumented people at a local, regional, or national level. PICUM will provide further information when a new date is scheduled. For further information in the meantime, feel free to contact: Didier Vanderslycke, Director, [kerkasiel.anders@kms.be](mailto:kerkasiel.anders@kms.be), tel. +32/2/502.11.28

**Please note that there will be no edition of the PICUM newsletter in August 2009. The next edition of this newsletter will be in September 2009.**

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