



PLATFORM FOR INTERNATIONAL COOPERATION ON UNDOCUMENTED MIGRANTS

## PICUM Newsletter April 2007

*Finalized on 4 April 2007*

This newsletter focuses on news items and policy developments concerning the basic social rights of undocumented migrants in Europe. It is currently available in Word format and on the PICUM website ([www.picum.org](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 of human rights of undocumented migrants?**

**DONATE TO PICUM!**

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 !**

### Index

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

### 1. Death at the Border

- According to a press review undertaken by Fortress Europe, 7,180 migrants have died at the borders of Europe since 1988, and 2,141 of them have been lost at sea. Source: [http://www.hns-info.net/article.php3?id\\_article=10636](http://www.hns-info.net/article.php3?id_article=10636), for more information, see: <http://fortresseurope.blogspot.com>

- Some of the migrants who recently arrived in the Canary Islands claim the journey took them from 6-8 days because of the Frontex surveillance programme, and some died due to the border controls. According to police sources the arrivals will increase in April. All information indicates that migrants keep arriving despite the Frontex programme. (Source El Día, D. M., S/C de Tenerife, 2007-03-15)
- Spanish coast guard officials said on 9 March 2007 that three undocumented migrants died on a boat bound for the Canary Islands. Of the 49 on board, two others were seriously ill and the remaining 44 were en route to port aboard a rescue vessel.  
[http://www.expatica.com/actual/article.asp?subchannel\\_id=81&story\\_id=37439](http://www.expatica.com/actual/article.asp?subchannel_id=81&story_id=37439)
- Seven people, including a woman and a 10-year-old girl, died in an attempt to reach Greece via boat on 18 March near the Aegean island of Samos. Eleven migrants had managed to swim ashore and alert the authorities following the accident of the wooden vessel which had departed from the nearby Turkish coast trying to enter Greece. 22 people, including Somalis, Iraqis and Afghans, had originally been aboard, according to one migrant. (*Rizospastis*, 20 March / *Ethnos*, *Chora*, *Eleftherotypia*, 19 March / *Ethnos*, 18 March)
- The Green Group of the Italian Government announced on 20 February 2007 that Prime Minister Romano Prodi has given his consent to retrieve the wreck of a vessel which sank in December 1996, killing a total of 283 irregular migrants, believed to have been mostly nationals of the Indian sub-continent. The wreck lies off the Sicilian fishing port/village of Porto Palo. For years the authorities of the three Mediterranean countries concerned (Greece, Italy and Malta) denied the occurrence of this worst maritime disaster. (Source: Migration Policy Group, Migration News Sheet, March 2007, p.9)

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

### UN

- Jorge Bustamante, UN Special Rapporteur on the Human Rights of Migrants, told the Human Rights Council in Geneva on 20 March 2007 that it was time for countries to demonstrate their commitment towards improving the rights of migrant workers and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.  
<http://www.un.org/apps/news/story.asp?NewsID=21934&Cr=rights&Cr1=council>
- The French organization "Migrant, pas Esclave!" (Migrant, not Slave!) held demonstrations in several French cities on 21 March 2007, International Day Against Racism. Protesters demanded local authorities to symbolically ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and thus show that the question of fundamental rights for migrant workers is relevant in these places and that they are willing to get involved in protecting the rights of those who are today suffering great injustice. [www.migrantpasesclave.org](http://www.migrantpasesclave.org)
- Paul Hunt, UN Special Rapporteur on the Right to Health, visited the International Federation of Health and Human Rights Organisations (IFHHRO) headquarters in Utrecht, the Netherlands, on 22 March. He briefly introduced his mandate and described some of the progress made in the health and human rights field. A report of the meeting is available at:  
[http://www.ifhhro.org/files/Lecture\\_Paul\\_Hunt\\_22032007.pdf](http://www.ifhhro.org/files/Lecture_Paul_Hunt_22032007.pdf)

## France

- RESF, the Education Without Borders Network, has denounced tactics used by authorities of going to soup kitchens to apprehend irregular migrants, pointing out that the police were now waiting for irregular migrants to surface when they are hungry so as to catch them. (Source: Migration Policy Group, Migration News Sheet, March 2007, p.8)
- On 7 February 2007, Claire Landais, the Government Commissioner, urged the "Conseil d'Etat" (Supreme Administrative Court) to declare null and void a decree of the Minister of Interior, Nicolas Sarkozy, for legal procedure reasons aimed at "facilitating the expulsion of foreigners remaining in the country without authorisation." This decree, which was published in the Official Journal on 18 August 2006, empowers authorities to collect and keep for a period of three years the personal data of foreigners living in the country without a valid residence permit.  
<http://www.gisti.org/spip.php?article842>
- Elanchelvan Rajendram, a 30-year old Sri Lankan Tamil who had come to France in 2002 fleeing persecution in his home country, was shot six times and killed by Sri Lankan security forces at dawn on 28 February 2007. His claim for asylum was refused in 2003, and after having exhausted all legal remedies in 2004 he was deported from France to Sri Lanka in August 2005, where he had insisted his life would be in danger. (Dernières Nouvelles d'Alsace, 16 03 2007)

## Spain

- The Confederation of Deaf People has released the first guide of good practices for deaf migrants. This document is funded by the Spanish State Secretary of Immigration and Emigration (MTAS) and aims to improve the living conditions of these migrants. The guide is the first of its kind and sums up in a simple way the experiences and knowledge of the Confederación Nacional de Sordos de España (CNSE) thanks to the seminars and conferences that they have organized.  
<http://www.migrar.org/noticias/noticia/?id=600>
- Spain and Morocco signed an agreement on fighting irregular migration on 7 March 2007 at a summit in Rabat. It provides for a policy of prevention on Morocco's part, including a campaign to raise awareness of the risks of irregular migration, as well as efforts to combat human trafficking and to facilitate repatriation and bring procedures in line with international conventions.  
[http://www.adnki.com/index\\_2Level\\_English.php?cat=Security&loid=8.0.392001364&par=0](http://www.adnki.com/index_2Level_English.php?cat=Security&loid=8.0.392001364&par=0)
- The NGO Andalucía Acoge ("Andalusia Welcomes") declared during its 16<sup>th</sup> General Assembly on 18 March that "all migrants should have the right to vote in elections like the rest of the population to achieve full citizenship". The slogan of the assembly was "Let's build today the citizenship of the future." According to Andalucía Acoge, the main difficulties for migrants are access to housing, the regularisation of their situation and that they occupy the worst jobs within society even when they are highly skilled. <http://www.en.migrar.org/noticias/noticia/?id=614> and <http://www.acoge.org/>
- A study by the Red Cross concludes that migrants' contributions to society are positive. Their contribution to the Spanish rural economy has benefits for social improvement, according to the conclusions of the report entitled "Rural in 2006," published in March 2007 in Madrid. It also recommends a series of policies for rural areas such as: social inclusion, lightening bureaucratic hurdles, seeing their participation in social security as a positive step, helping family re-unification and creating common places for public debate between migrants and the community.  
<http://www.en.migrar.org/noticias/noticia/?id=621>

## Greece

- The Council of Europe's Committee for the Prevention of Torture (CPT) is visiting Greece for a second time in six months in order to investigate detention conditions in Greek prisons and holding facilities for undocumented migrants. Living conditions for the hundreds of people that are detained in the Venna and Vryssika reception centers in the region of Evros continue to be very poor. The CPT's last report had also referred to allegations of ill-treatment of detained undocumented migrants by their guards. Source: (*Ethnos*, 25 February)
- According to the 2006 U.S. State Department Report on Human Rights Practices in Greece, the Greek government generally respects the human rights of its citizens; however, there are problems in several areas, such as abuse by security forces, particularly of undocumented migrants and Roma; overcrowding and harsh conditions in some prisons; detention of undocumented migrants in squalid conditions; limits on the ability of ethnic minorities to self-identify; restrictions on freedom of speech; detention and deportation of unaccompanied or separated immigrant minors, including asylum seekers; domestic violence against women; trafficking in persons, etc. Source (*Nafteboriki, Vima*, 7 March)

## Portugal

- Gustavo Behr, future president of the NGO Casa do Brasil de Lisboa, an association that defends the interests of Brazilians and all other migrants living in Portugal, pledges to continue to fight against discrimination and for the regularization of those migrants in an irregular situation. He also declared that Brazilians make up the biggest migrant community in Portugal with more than 90,000 individuals. <http://www.agencialusa.com.br/index.php?iden=5925>

## UK

- The British government is planning to curtail undocumented migrants' access to public services such as housing, benefits and health care, and to private services such as banking. John Reid, the Home Secretary, said that "living here illegally should become ever more uncomfortable and ever more constrained," while the Home Office minister, Liam Byrne, claimed that "we need to switch off the privileges of being in Britain if you are here illegally". The deportation of failed asylum seekers and irregular migrants will also be stepped up. Source: (Solidar Migration Bulletin, Issue 4, 28 February 2007, pp.6f)
- As part of its efforts to "crack down on illegal migrants" the British Home Office has published a brochure explaining its "strategy to ensure and enforce compliance with our immigration laws." Basically, this is an agenda focused on creating a closer network of information on individual immigrants by the authorities, of more controls and a stepping up of "detection and removal." <http://www.ind.homeoffice.gov.uk/6353/aboutus/enforcementstrategy.pdf>
- The Permanent Court of Arbitration in the Hague ruled that the Eurotunnel is to be compensated by the UK and French governments for losses it suffered because of the Sangatte refugee camp in northern France. The Channel Tunnel operator says refugees at the camp trying to use the tunnel to get to Britain cost it £ 30 million. The camp was closed in 2002, following years of criticism that the camp was being used as a base for undocumented migrants trying to get into the UK. <http://news.bbc.co.uk/go/pr/fr/-/1/hi/business/6396599.stm>
- The National Coalition Of Anti-Deportation Campaigns (NCADC) has published figures stating that every other day a detainee incarcerated in a UK Immigration Removal Centre (IRC) makes an attempt at self-harm (suicide), serious enough to require medical treatment. In the 10 months from

April 2006 to January 2007 there were 176 such attempts, one incident every 1.7 days. In the same period, 1,643 detainees were put on 'Formal Self-Harm at Risk.' Detainees and campaigners believe the actual numbers are a lot higher. The NCADC reports that since 2000, 47 asylum seekers/migrants have taken their lives in the UK: 10 in immigration removal centers, 6 in prisons, and 31 in the community. <http://www.ncadc.org.uk/resources/self-harm2006.html>

- On 7 March 2007, Uddhav Bhandari, from Nepal and living in Scotland for six years, doused himself in petrol and set fire to himself in the Asylum and Immigration Tribunal Centre in Glasgow's Bothwell Street. Despite the efforts of staff in the building who doused the flames, Uddhav sustained severe burns to all of his body and died on 19 March. <http://www.ncadc.org.uk/resources/selfharm.html>
- An uprising of detainees at Campsfield Immigration Removal Centre (IRC) took place on 14 March 2007 after a heavy handed attempt to remove one of the detainees from the main dormitory and take him to the airport for deportation. This is the second time in four months that the UK detention estate has been rocked by protesting detainees. Barbed Wire Britain Network to End Refugee and Migrant Detention and the Campaign to Close Campsfield are thus renewing their call for the closure of the detention centre. <http://www.ncadc.org.uk/archives/iled%20newszines/newszine80/campsfield.html>
- 'Still Human, Still Here' is a campaign dedicated to highlighting the plight of tens of thousands of refused asylum seekers who are being forced into abject poverty in an attempt to drive them out of the country. Supporters of the campaign, including human rights, anti-poverty and asylum groups, believe that the denial of any means of subsistence to refused asylum seekers as a means of government policy is both inhumane and ineffective. <http://www.stillhuman.org.uk/downloads/Alternative%20Bill%20and%20briefing.doc>
- The United Kingdom Border Bill is currently passing through Parliament, the seventh major overhaul of the immigration and asylum process since 1993. The bill includes measures for biometric registration, treatment of claimants, enforcement and removal of criminals. In addition there are increased powers of detention at ports to combat transnational criminality. Louise Zanré, Director of JRS UK, concludes on this topic: "Rather than showing compassion or justice in the exercise of immigration controls, the UK government has fallen into the habit of dealing with problems in the asylum and immigration processes by toughening measures to deter applicants." <http://www.jrseurope.org/publications/Feb-Mar%20Web%202007.pdf>

## Ireland

- The Immigrant Council of Ireland (ICI) launched its *Election 2007 Manifesto* on 9 March with substantial recommendations for political parties and election candidates to inform their policies in the areas of immigration and integration. The organisation called on all political parties to prioritise institutional change within the government in order to ensure that immigration and integration policies are delivered in the context of a clear, national, agreed strategy. It made recommendations for improved data collection to inform the development of evidence based policies. It also called for a greater focus on integration and for more clarity on migrants' rights and entitlements, including an overhaul of the administration and structure of the immigration system to allow for greater efficiency and transparency. [www.immigrantcouncil.ie](http://www.immigrantcouncil.ie) or email: [aolife@immigrantcouncil.ie](mailto:aolife@immigrantcouncil.ie)

## Belgium

- A rather small political party, Spirit, announced on 23 February 2007 that it would refuse to participate in a future federal government if the programme excluded a general amnesty for

foreigners living in the country without authorisation. In spite of its rather small size, the strong stand taken by Spirit on the issue of irregular migrants may be decisive after the general election scheduled to be held on 10 June 2007. Spirit is allied to the Flemish-speaking Socialist Party and the two are bound by an arrangement that is guided by the principle of "together in, together out". (Source: Migration Policy Group, Migration News Sheet, March 2007, p.8)

- From March-May 2007 the "Festival de Sans-papiers" will call for a regularisation of undocumented migrants and take a stand against the criminalisation of undocumented migrants. The "festival" is still looking for symbolic, active and/or organizational support.  
<http://www.assembleedesvoisins.be/APPEL-a-produire-le-Festival-des>
- The NGO Ligue des droits de l'Homme (LDH – Human Rights League) voiced its concerns in a press release on 28 February 2007 about the alarming news on the conditions in the Vottem detention centre. A nurse and doctors at the Vottem detention centre reported that they were pressured by the centre's directorate to hand over confidential medical documents, which they refused to do.  
[http://misc.skynet.be/index.html?l1=actuality&l2=news&l3=homepage&l4=detail&id=51636&new\\_lang=fr](http://misc.skynet.be/index.html?l1=actuality&l2=news&l3=homepage&l4=detail&id=51636&new_lang=fr)
- The non-profit organisation Abraço held a meeting in March about access to health care for Portuguese-speaking migrants from Brazil and Africa in an irregular or precarious situation in Brussels. An informational pamphlet about "urgent medical care" for undocumented migrants is now available in Portuguese. This pamphlet gives essential information on the Belgian system of "urgent medical care" and also contains a series of useful addresses. Contact: [info@abraco-asbl.be](mailto:info@abraco-asbl.be)
- The labor situation of undocumented workers is often precarious and deportation is always possible. But which rights do they have exactly and how can they be defended when their rights have been violated? What policy does the government have on this area? The NGO Foyer tried to address these questions in a seminar entitled "Illegaal tewerkgesteld: clandestiene werknemers en hun rechten" that was held in Brussels on 16 March. Contact: [dirk.vandaele@foyer.be](mailto:dirk.vandaele@foyer.be)

## Netherlands

- Secretary of State Albayrak has announced that she would like to have an estimate of how many undocumented migrants there are in the Netherlands. She would like to "find out the story behind illegality," how people became undocumented, for how long, and, whether this is the consequence of previous policies. Results are expected in 2008.  
[http://www.volkskrant.nl/binnenland/article411270.ece/Albayrak\\_wil\\_illegaliteit\\_in\\_kaart\\_brengen](http://www.volkskrant.nl/binnenland/article411270.ece/Albayrak_wil_illegaliteit_in_kaart_brengen)
- The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has included the Netherlands in its provisional programme of periodic visits for 2007. In this context, the CPT calls for NGOs to consider submitting information on the treatment of persons who are deprived of their liberty and the places where they are held. Furthermore, submissions, if made to the CPT in advance of a visit, can have a significant impact on the delegation's visit programme. [www.cpt.coe.int](http://www.cpt.coe.int)
- Asylum seekers falling under the new government's pardon will get benefits from the city council of Tilburg, awaiting the coming pardon regulation (see PICUM Newsletter January 2007). It is estimated that a group of 40-50 people may benefit. The city councils of Enschede and Groningen give child allowances to pardon candidates. Source: LOS newsletter 4-6, [www.stichtinglos.nl](http://www.stichtinglos.nl)



- Transporting undocumented migrants to their workplace falls under "supporting illegal stay" and is therefore punishable. This is what the highest court (Hoge Raad) decided in a case where the defendant transported two undocumented women to their workplace to be prostitutes. Migratieweb, Hoge Raad 01950/05.  
[http://zoeken.rechtspraak.nl/resultpage.aspx?snelzoeken=true&searchtype=ljn&ljn=AY8857&u\\_ljn=AY8857](http://zoeken.rechtspraak.nl/resultpage.aspx?snelzoeken=true&searchtype=ljn&ljn=AY8857&u_ljn=AY8857)

## Germany

- After living for 165 days in a Protestant church in Hoya, near Nienburg in Lower Saxony, a Vietnamese family of five was able to leave the church on 8 February 2007. They were granted a temporary three-month residence permit pending the decision of the Committee on Humanitarian Cases of the regional parliament of Lower Saxony. The supporters of the family expect that the Committee on Humanitarian Cases will come to a positive decision. (Source: Migration Policy Group, Migration News Sheet, March 2007, p.13)
- In a ruling made public on 8 February 2007, the Federal Social Court (BSG) ruled that the general reduction of social welfare assistance to "tolerated" asylum-seekers who did not voluntarily return is unlawful. Federal judges ruled that there was not necessarily an abuse of the Aliens Act even if it was legally possible and feasible for the persons concerned to return to their country of origin. In their ruling, they made clear that the practice of generally denying social assistance is unlawful. (Source: Migration Policy Group, Migration News Sheet, March 2007, p.13)
- New developments have been taking place concerning the legal position of migrants with "tolerated" status in Germany. After weeks of fierce public debate, the German federal and state governments have negotiated a compromise. There have been several aggravations compared to the agreement reached by the Interior Ministers in November 2006. Those who are "tolerated", who have been in Germany for more than six years (families) or 8 years (individuals) will be given a temporary residence permit in order to find work until the end of 2009. After this, they will either be allowed to keep the residence permit or they will fall back into the insecure status of "toleration." Prognoses as to the number of "tolerated" being able to profit from this regulation vary between 30,000 and 100,000. [http://www.fr-online.de/in\\_und\\_ausland/politik/aktuell/?em\\_cnt=1105038&](http://www.fr-online.de/in_und_ausland/politik/aktuell/?em_cnt=1105038&)
- German human rights, social and migration organisations collectively issued a report and press release on 14 March 2007 expressing their concerns about the forthcoming reform of migration law (Zuwanderungsgesetz). They say that the new migration law is a patchwork as well as "backward, hindering integration and hostile to refugees."  
[http://www.proasyl.de/fileadmin/proasyl/fm\\_redakteure/Archiv/Stellungnahmen/GemeinsamStellungnahmeAEndGLang\\_14.3.2007\\_endg.pdf](http://www.proasyl.de/fileadmin/proasyl/fm_redakteure/Archiv/Stellungnahmen/GemeinsamStellungnahmeAEndGLang_14.3.2007_endg.pdf)

## Sweden

- The temporary law providing rejected asylum-seekers an opportunity to have their cases re-examined has had rather limited success. Out of some 31,000 applicants, only around 13,000 have been granted residence permits. Those turned down have gone back into hiding. They have no right of appeal against the negative decisions concerning their cases. The temporary law came into force on 15 November 2005 and ended on 31 March 2006. (Source: Migration Policy Group, Migration News Sheet, March 2007, p.15f)

## Poland

- A document prepared by the Helsinki Foundation for Human Rights on the occasion of International Day Against Racism gives an overview of the situation in Poland in the area of racism and discrimination. The problem of unemployment also concerns refugees and those with tolerated stay permits. Another major problem is access to housing. <http://www.hfhrpol.waw.pl/en/>

## Hungary

- A new report on detention by the Hungarian Helsinki Committee points to three main problems in the linkage between the detention of asylum seekers and alien policing detention measure: the legal ambiguity surrounding the regulation and implementation of alien policing measures involving deprivation of liberty; their excessive duration; and their insensitivity to the special needs of asylum-seekers, especially towards people in need of special assistance, such as children or victims of violence or trauma. <http://www.detention-in-europe.org/images/stories/hhc%202007%20detention%20aylum%20seekers.pdf>

## Romania

- On 16 March, a deported Roma asylum seeker, Marin Mogos, committed suicide after spending five years at the Bucharest airport. In 2002, the Mogos family had been forcibly repatriated from Germany to Romania on the basis of a readmission agreement between Germany and Romania. The family refused to leave the airport. In 2003, the European Roma Right Centre brought the case to the attention of the Office of the High Commissioner for Human Rights. [http://lists.errc.org/publications/legal/CRC-Germany\\_Dec\\_2004.doc](http://lists.errc.org/publications/legal/CRC-Germany_Dec_2004.doc)

## USA

- Following recent arrests at job sites and homes in southern California and across the U.S., local advocates are waging their own campaign to educate immigrants about their rights. A network of legal aid and nonprofit groups is handing out information packets, holding town hall meetings and producing a DVD to prepare undocumented migrants for future sweeps. <http://www.latimes.com/news/local/la-me-raids4mar04,1,6415784,full.story?ctrack=1&cset=true>
- Immigrant rights advocates are accusing state probation officials of breaking the law by working with federal authorities to arrest undocumented migrants. The American Civil Liberties Union of Connecticut and other advocacy groups say it makes it less likely that people who are not citizens will comply with or accept plea deals involving probation. The ACLU and the Worker and Immigrant Rights Advocacy Clinic of Yale Law School sent a letter to state judicial officials on 7 March demanding that probation officers stop interrogating defendants on probation about their immigration status and facilitating arrests for immigration violations. <http://www.newsday.com/news/local/wire/ny-bc-ct--immigration-proba0308mar08,0,4220993.story>
- San Francisco District Attorney Kamala Harris charged an unlicensed San Francisco construction contractor on 15 March 2007 with four felony counts of grand theft for allegedly cheating temporary workers out of their wages. Harris encouraged workers to report workplace abuses, saying her office is not concerned with their immigration status. Many day laborers are irregular immigrants. "The law applies equally to all," she said at a news conference. "If any one of us is a victim of crime, let's be clear, the person who commits the crime will be punished, regardless of the status of the victim." <http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/03/16/BAGDSOMHD11.DTL>
- San Francisco Mayor Gavin Newsom issued an executive directive on 22 March to reaffirm the City



and County of San Francisco's commitment to be a "Sanctuary City." The directive aims to provide foreign individuals equal access to the city's vital social services regardless of immigration status. The code also prohibits requiring or providing information on the immigration status of an individual during transactions except when the law specifically requires.

[http://globalnation.inquirer.net/news/news/view\\_article.php?article\\_id=56335](http://globalnation.inquirer.net/news/news/view_article.php?article_id=56335)

- In a major decision involving the federal immigration law's intersection with state wage laws, the Kansas Supreme Court ruled on 23 March 2007 that undocumented migrants are fully entitled to their pay. In a finding in favor of a cook at a fast-food restaurant, the court held that federal laws prohibiting the hiring of undocumented migrants do not trump Kansas' "strong and longtime public policy" of protecting wage earners. The case is *Coma Corp. v. Kansas Department of Labor*, No. 95,537. <http://www.kansascity.com/mld/kansascity/business/16963910.htm>

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

#### **General**

- The European Commission launched the Fundamental Rights Agency (FRA) on 1 March 2007. This agency will have three key functions: to collect information and data on the fundamental rights situation across the European Union; provide advice to the EU and its member states; and promote dialogue with civil society to raise public awareness of fundamental rights. However, critics, including Amnesty International, say that the FRA will not use comprehensive monitoring, and fails to address such areas as the increasing and disproportionate use of detention of asylum seekers and migrants. Source: (JRS Europe, Vol. 6/ Issue 1, Feb / Mar 2007, p. 3)
- Pakistan's cabinet formally approved the draft readmission agreement with the EU in February 2007, according to Foreign Secretary Riaz Muhammad Khan. Under this agreement all those found entering EU member states irregularly by using Pakistani air or seaports will be sent back to Pakistan, irrespective of their original nationality. [http://www.ecre.org/topics/intro\\_to\\_topics](http://www.ecre.org/topics/intro_to_topics)
- The Odysseus Network has been selected by the European Commission to undertake a study on the implementation of ten directives in the field of immigration and asylum. This study will be finished in December 2007 will cover the 27 EU member states. It will focus on legal aspects in order to find out how Member States transposed the directives into national law, but will also cover as much as possible practical aspects of implementation. A report for each Member State and directive will be prepared by the national rapporteurs of the Odysseus Network and afterwards a European synthesis prepared per directive. Apart from contacts which will be directly established by the national rapporteurs in each Member State in order to collect practical information, all interested NGOs or individuals can find the questionnaire for each directive at: <http://www.ulb.ac.be/assoc/odysseus>. Deadline for sending contributions is 27 April 2007. Contact: Philippe de Bruycker, [odysseus@ulb.ac.be](mailto:odysseus@ulb.ac.be).

#### **European Parliament**

- From 26-30 March 2007 a photo exhibition by Fabrizio Gatti entitled "No Entry!" was displayed in the European Parliament in Brussels. The photographs tell "the untold story of a mass deportation". They were taken in the Sahara Desert at the border between Libya and Niger in March 2005, a few months after the entry into force of the agreement between Italy and Libya on the deportation of undocumented migrants. <http://www.guengl.eu/showPage.jsp?ID=3868&PR=0> and <http://www.enar.eu.org/en/wmail/index.shtml>

- Speaking to the Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) on 20 March, Gérard Deprez (ALDE, Belgium), the Parliament's rapporteur on the proposed regulation establishing Rapid Border Intervention Teams (RABIT), praised the positive atmosphere surrounding the negotiations on the regulation by the three main EU institutions. Mr Deprez said the Parliament, Council and Commission had reached a preliminary agreement on 9 March, which differs considerably from the Commission's proposal. The agreement includes a statement by Commissioner Franco Frattini that after the release of the Commission's study on the law of the seas, changes to the regulations in this area will be possible. The adoption of the RABIT Regulation is one of Germany's top priorities during its presidency. The LIBE committee will vote on the proposal at its next session on 10/11 April. The full plenary is expected to pass the agreement before 26 April. [http://www.ecre.org/topics/intro\\_to\\_topics](http://www.ecre.org/topics/intro_to_topics)
- The European Parliament has adopted a resolution on a regulation on Community statistics on migration and international protection (Klamt report). [http://www.ecre.org/topics/intro\\_to\\_topics](http://www.ecre.org/topics/intro_to_topics) and [http://www.europarl.europa.eu/sides/getDoc.do?Type=REPORT&Reference=A6-2007-0004&language=EN#\\_part1\\_def2](http://www.europarl.europa.eu/sides/getDoc.do?Type=REPORT&Reference=A6-2007-0004&language=EN#_part1_def2)
- French Socialist MEP Martine Roure and Italian Green MEP Giusto Catania have called on the EU to "put an end to attempts to externalise [the management of migratory flows] at European external borders" as they take the view that this is "violation of EU fundamental rights." "Pressure exerted by the European executive to get transit countries to hold migrants leads straight to their repression and to violations of their rights," they stressed. Both MEPs, who were speaking at the presentation of a book entitled "Paroles d'Exils", called on the Commission and Council to put concrete proposals forward in favour of opening legal immigration channels. [http://www.ecre.org/topics/intro\\_to\\_topics](http://www.ecre.org/topics/intro_to_topics)

### European Commission

- The EU's border control agency, FRONTEX, says it has received enough equipment to run operations in the Mediterranean where the numbers of African migrants arriving by sea are expected to increase in the next weeks. As FRONTEX's work programme for 2007 shows, the agency has 22.2m Euro at its disposal to "strengthen its operational capabilities" and "increase the quality and volume of outputs". The agency plans to assist member states with five to six joint return operations and to produce a compilation of the best practices on removal of illegally present third-country nationals and acquisition of travel documents. Sources: <http://euobserver.com/9/23738/?rk=1> and [http://www.frontex.eu.int/newsroom/news\\_releases/art18.html](http://www.frontex.eu.int/newsroom/news_releases/art18.html) and [http://www.ecre.org/topics/intro\\_to\\_topics](http://www.ecre.org/topics/intro_to_topics)
- This year's first FRONTEX operation concerning migration by air focuses on irregular migration from South America. In addition to Frankfurt Airport, airports in Madrid, Barcelona, Lisbon, Paris, Amsterdam, Milan and Rome are participating in this operation. Twenty-nine border police experts from seven EU member states are deployed at the eight airports. Seven border police officers from Greece, Romania, Bulgaria and Poland are taking part as observers in this multilateral operation. In addition to the planned rapid intervention teams, the new regulation for the first time provides for the possibility of granting guest officers executive powers under the supervision of the member state hosting the operation. [http://www.eu2007.de/en/News/Press\\_Releases/February/0222BMIFrontex.html](http://www.eu2007.de/en/News/Press_Releases/February/0222BMIFrontex.html)

### European Council

- Development ministers of the 27 EU member states concluded their informal meeting on 13 March in Petersberg, Germany. It focused on cooperation between Europe and the 78 ACP (Africa,

Caribbean , Pacific) countries. At the end of the meeting, German Development Minister Heidemarie Wieczorek-Zeul presented the Petersberg Communiqué on Development Policy. The minister noted that the declaration documented the broad consensus existing among EU member states and was impressive evidence of the European process of convergence on development policy. [http://www.eu2007.de/en/News/Press\\_Releases/March/0313BMZEU-Ministertreffen.html](http://www.eu2007.de/en/News/Press_Releases/March/0313BMZEU-Ministertreffen.html)

#### 4. Undocumented Children

- The French National Academy of Medicine (Académie nationale de médecine) issued a report on 2 February 2007 on the relatively restricted reliability of medical examinations used to determine the age of young migrants. Nonetheless, they are not calling for an end to this frequently used practice but for a refinement of the techniques used. [http://www.france-terre-asile.org/index.php?option=com\\_content&task=view&id=307&Itemid=9](http://www.france-terre-asile.org/index.php?option=com_content&task=view&id=307&Itemid=9)
- Undocumented children could soon have a chance to attend Czech schools without problems, according to a prepared amendment to the schooling law, said Pavla Burdova-Hradecna from an advisory centre for refugees on 5 March. Under the current law, schools are obliged to demand children to submit evidence about their legal stay in the Czech Republic. [http://launch.praguemonitor.com/en/37/czech\\_national\\_news/2492/](http://launch.praguemonitor.com/en/37/czech_national_news/2492/)
- The Belgian Movement for Undocumented Children notes that an increasing number of undocumented children are locked up with their parents in detention centers in Merksplas (Antwerp) and Steenokkerzeel (both in the Flemish region of Belgium). 152 children were detained in 2004, 510 children in 2005, and 627 during the first ten months of 2006. In Vottem (close to Liège, Walloon region), undocumented children are no longer detained with their parents, because of the long-term and continued protest of action groups and large social organisations. ([www.kinderenzonderpapieren.be](http://www.kinderenzonderpapieren.be))
- *They Are Children Too*, a new report by the Institute of Race Relations (IRR), analyses 150 cases from across Europe and shows how unaccompanied minors, children in families of asylum seekers and children whose parents are undocumented, are being damaged by the harsh, target-driven deportation systems which now prevail across the continent. <http://www.irr.org.uk/2007/march/ak000019.html>
- *Let Them Grow Up Here! (Laissez-les grandir ici!)* is a film about children of undocumented migrants, who voice their need for support and mobilisation and who want their families to be regularized. The French Education Without Borders Network (RESF - Réseau éducation sans frontières) and 350 professionals were involved in the making of the film. The film will serve as a support for a nationwide petition in France of the same name and can be viewed at: <http://www.educationsansfrontieres.org/spip.php?article4631>
- The EU must seek to promote greater awareness of the issue of unaccompanied minors (below the age of eighteen), according to a report by the Committee of the Regions (CoR), adopted at the Brussels-based assembly's October Plenary Session. The report, an own-initiative opinion drafted by Paolo Fontanelli, Mayor of Pisa, insists that there is a regulatory grey area when it comes to the current legislation applicable to young third-country nationals arriving on the territory of EU member states. <http://www.cor.europa.eu/cms/pages/documents/const/en/Avis/CdR%20136-2006.pdf>
- The study *Jeunes prostitué-es et réponses sociales* has been published about the prostitution of minors in Belgium, commissioned by Belgian Youth Minister Catherine Fonck. According to this

study, 60% of minor prostitutes are of foreign origin, mainly from Eastern Europe or Africa. The author of the study, sociologist Myriam Dieleman, stresses the fact that these minors are often detained with juvenile defenders, "even though they are really to be seen as victims."

<http://www.demorgen.be/dm/nl/nieuws/belgie/357864>

- *Les mineurs étrangers isolés en Europe (Foreign Unaccompanied Minors in Europe)*, n. 240 of the trimestral "Accueillir" by SSAE Service Sociale d'Aide aux Emigrants (Social Service for the Aid of Migrants). This report outlines a picture of the complexity of the migration of children and adolescents in several European countries. A second dossier deals with the reception and the integration of foreigners by territorial actors in their public communication.  
[http://www.ssaе.net/rubrique.php3?id\\_rubrique=14](http://www.ssaе.net/rubrique.php3?id_rubrique=14)
- *Locking Up Family Values: The Detention of Immigrant Families*, by the Lutheran Immigration and Refugee Service (LIRS) and the Women's Commission for Refugee Women and Children. This report contains findings from visits to two detention centres in the United States and highlights the conditions surrounding family detention in these centers.  
<http://www.womenscommission.org/pdf/famdeten.pdf>

## 5. Upcoming Events

- On the occasion of the opening of the new office of the Sindicato de Obreros del Campo (SOC), the union of Andalusian and immigrant farm workers in San Isidor, SOC will hold a conference on the social and environmental consequences of industrial agriculture in Andalusia, Spain. "Industrial Agriculture in Andalusia: Exploitation of Workers and Environmental Deterioration? Are there Alternatives?" will take place in San Isidro (Níjar), Almería, from 27-29 April 2007. <http://www.soc-almeria.org/>
- The 7th International IRM Conference on "Migration and Inequality" will take place in Trier und Dudelange/Luxembourg from 28-30 June, hosted by the Institut für Regional- und Migrationsforschung (IRM) Trier (Institute for Regional and Migration Research), the Heinrich Böll Foundation Rheinland-Pfalz and the Centre de Documentation sur les Migrations Humaines (Centre for Human Migration). [http://www.irm-trier.de/veranstaltungen\\_aktuell\\_e.htm](http://www.irm-trier.de/veranstaltungen_aktuell_e.htm)
- The Ecole des hautes études en sciences sociales (EHESS), Paris will hold a conference on "Alien confinement in Europe: Field perspectives" on 3 September 2007. "What practices are implemented across Europe in order to deal with "unwanted" aliens? Which physical, moral, symbolical frontiers are at stake? What is the "real life" of these places that are both spaces of separation and transitory places of circulation?" The aim of the conference is to enhance dialogue amongst scholars working on these issues across Europe. The call for papers can be read here: [http://centros.uv.es/web/departamentos/D3330/data/tablonos/tablon\\_general/PDF162.pdf](http://centros.uv.es/web/departamentos/D3330/data/tablonos/tablon_general/PDF162.pdf)
- "Irregular migration: theoretical perspectives and current findings" will be a section in the ECPR General Conference, which will take place in Pisa, Italy, from 6-8 September 2007. The section aims to bring together current research strands, providing a space for presenting and discussing new research on irregularity from various disciplines. [http://www.ruhr-uni-bochum.de/soaps/download/CfP\\_Irregular%20migration.pdf](http://www.ruhr-uni-bochum.de/soaps/download/CfP_Irregular%20migration.pdf)
- Caritas Europe will hold its 5th Migration Forum on "Building bridges or barriers? Exploring the dynamics between migration and development" from 20-22 September 2007 in Lisbon, Portugal. <http://www.caritas-europa.org/>

## 6. Publications

*State and Local Proposals That Punish Employers for Hiring Undocumented Workers Are Unenforceable, Unnecessary, and Bad Public Policy*, by National Immigration Law Center (NILC). In this fact sheet the U.S. organization NILC states that these proposals are not only preempted by federal law but would also exacerbate the failed federal approach that has led to the weakening of all workers' ability to fight for better conditions.

[http://www.nilc.org/immsemplymnt/ircaempverif/employersanctionsTPs\\_2007-02-22.pdf](http://www.nilc.org/immsemplymnt/ircaempverif/employersanctionsTPs_2007-02-22.pdf)

*Women Migrants in Transit and Detention in Mexico*, by Gabriela Diaz and Gretchen Kuhner. The article analyses the participation of women migrants in these flows by presenting general characteristics of the women migrants who were detained in Mexico and some impacts the law enforcement approach has had on them. <http://www.migrationinformation.org/Feature/display.cfm?id=586>

*Rescue at Sea*, a leaflet by the UNHCR and the International Maritime Organisation (IMO), outlines the basic principles and practices as applied to migrants and refugees during rescue operations. The guide provides answers to the re-focus of international attention on the question of who has responsibility for accepting asylum seekers rescued at sea, adjudicating their claims, and providing a place of safety for those who are confirmed in their need for international protection.

[http://www.imo.org/includes/blastDataOnly.asp/data\\_id%3D15282/UNHCRIMOleafletpersonsrescuedats ea.pdf](http://www.imo.org/includes/blastDataOnly.asp/data_id%3D15282/UNHCRIMOleafletpersonsrescuedats ea.pdf)

The European Platform for Migrant Workers Rights (EPMWR) has just published two reports entitled *The UN Migrant Workers' Convention: Steps Towards Ratification in Europe* and *The Rights of Migrant Workers in Europe: 2006 Shadow Reports for Estonia, France, Ireland and the United Kingdom*. Both are available at: <http://www.december18.net/web/docpapers/doc5096.pdf> and <http://www.december18.net/web/docpapers/doc5097.pdf>.

*At the Border. A Documentary Experience at an Emergency Accommodation Center in Paris (Dans la frontière. Une expérience documentaire dans un centre d'hébergement d'urgence parisien)*, Éditions Khiasma. This book is a collection of photographs, life stories, discussions and promenades in the city and unfolds the histories and everyday life of men and women, asylum-seekers or undocumented migrants. <http://rivnord.viabloga.com/news/deux-livres-a-paraitre-sur-la-question-des-frontieres-aujourd-hui>

*Asylum Seekers and Clandestinity (Demandeurs d'asile et clandestinité)*, a compilation of articles issued over the past two years about asylum seekers and undocumented migrants, has been published by Agence Alter. [http://www.alter.be/download/dossier\\_special/20070129\\_asile\\_et\\_clandestinite.pdf](http://www.alter.be/download/dossier_special/20070129_asile_et_clandestinite.pdf)

*Dirty Work: Immigrant Workers in Domestic Service, Prostitution, and Agriculture in Sicily*, by Jeffrey Cole and Sally S. Booth, Lexington Books, February 2007. The book explores the lives and work of recent immigrants from Africa, Asia, and elsewhere to the southern Italian region of Sicily. <http://www.lexingtonbooks.com/Catalog/SingleBook.shtml?command=Search&db=^DB/CATALOG.db&eqSKUdata=0739117246>

*The Position of Aliens in Relation to the European Convention on Human Rights* by Hélène Lambert, Council of Europe Publication. The author re-examines the position of aliens in relation to the European Convention on Human Rights.

[http://book.coe.int/EN/ficheouvrage.php?PAGEID=36&lang=EN&produit\\_aliasid=2131](http://book.coe.int/EN/ficheouvrage.php?PAGEID=36&lang=EN&produit_aliasid=2131)

*HIV and People on the Move: Risk and Vulnerabilities of Migrants and Mobile Populations in Southern*



*Africa*, a joint publication of Health and Development Networks (HDN) and the International Organization for Migration (IOM) Partnership on HIV/AIDS and Mobile Populations in Southern Africa (PHAMSA) has been published as part of the 'Speak Your World Primer' series. The summary report of the structured discussion on HIV/AIDS and mobile populations in Southern Africa that took place from April–August 2005. A PDF version of this publication can be downloaded from [www.hdnet.org](http://www.hdnet.org) or [www.iom.org.za](http://www.iom.org.za)

*Close to Slavery: Guestworker Programs in the United States*, by the Southern Poverty Law Center. This report, based on interviews with thousands of guestworkers and dozens of legal cases, describes the systematic abuse of workers under what is known as the H-2 system administered by the U.S. Department of Labor. The program was created in 1943 to allow the sugar cane industry to bring in temporary workers and was revised by Congress in 1986 to include non-agricultural workers. <http://www.splcenter.org/news/item.jsp?aid=247>

*Contemporary slavery in the UK. Overview and Key Issues*, a report commissioned by the Joseph Rowntree Foundation (JRF) trustees and written by Gary Craig, Aline Gaus, Mick Wilkinson, Klara Skrivankova and Aidan McQuade. The report analyzes the nature and extent of slavery in contemporary Britain as a contribution to the debate about slavery and the conditions under which it is still possible for it to happen. It reviews the different forms modern slavery takes, such as trafficking of women and children for sexual or domestic labour or forced labour. <http://www.jrf.org.uk/bookshop/eBooks/2016-contemporary-slavery-UK.pdf>

## 7. PICUM News

**PICUM has started a new project on fighting discrimination-based violence against undocumented children.** This project, co-financed by the DAPHNE Programme of the European Commission, DG Justice Freedom and Security, aims at fighting discrimination-based violence against undocumented children in Europe. The project will run from February 2007-February 2009 and is focused on discrimination-based violence against undocumented children in gaining access to housing, education and health care in 10 EU member states: Belgium, Denmark, France, Hungary, Italy, Malta, the Netherlands, Poland, Spain and the UK. As part of this project and PICUM's ongoing work in this area, a new category has been added to PICUM's newsletter, grouping together news items concerning undocumented children.

### Upcoming events:

- PICUM, in cooperation with EURO-CITIES, will hold an international conference in Brussels on 28-29 June 2007 on **Access to health care for undocumented migrants in Europe**. Deadline for registration: 15 June 2007. More information and registration forms are available at [www.picum.org](http://www.picum.org).
- PICUM is one of the supporting organizations for a conference entitled "**The right to HIV/AIDS prevention, treatment, care and support for migrants and ethnic minorities in Europe: The community perspective,**" which will be held on 7-8 June 2007 in Lisbon, Portugal. The conference is organised by the European Aids Treatment Group and Grupo Português de Activistas sobre Tratamentos de VIH/SIDA Pedro Santos. The conference aims to create conditions for positive changes in Europe for universal access to prevention, treatment, care and support for migrants and ethnic minorities with HIV/AIDS. <http://www.eatg.org/pages/article.php?id=880>



### PICUM events in March 2007:

- The **fourth partner meeting of the EU project “Access to health care for undocumented migrants”** that PICUM is currently running with 19 partners from 11 EU member states was held on 19 March 2007 in Brussels. The main themes discussed during the meeting were: policy recommendations; stay permits for medical reasons in partner countries; health care needs of elderly undocumented migrants; and preparations for the final conference (see item above).
- ***Undocumented Migrants Have Rights! An Overview of the International Human Rights Framework***, by PICUM. The purpose of this guide is to give an overview of the human rights which apply to undocumented migrants in international human rights law. This publication was launched at a **joint workshop held by PICUM and Migrants Rights International (MRI) in Brussels on March 30, 2007**. The workshop was attended by civil society actors from throughout Europe and from different regions of the world, who exchanged information about the discrimination of undocumented migrants and strategies for defending their rights. The publication is available on PICUM's website and the report of the workshop will also be available shortly.
- The **PICUM General Assembly** was held in Brussels on 30-31 March 2007, following the workshop on undocumented migrants and the international human rights framework.

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

- **“ENAR ad-hoc expert group on Social and economic inclusion of disadvantaged ethnic and religious minorities,”** 16 March 2007, Brussels, organized by the European Network Against Racism (ENAR). PICUM director Michele LeVoy made a presentation on “The Value and Limitations of the Open Method of Coordination,” outlining PICUM's experience of capacity-building of local actors working in the area of access to health care for undocumented migrants within the framework of the EU Social Inclusion-Social Protection Process.
- **“Protecting Undocumented Migrant Workers,”** 26 March 2007, University of Kent at Brussels. PICUM director Michele LeVoy made a presentation for students and faculty during a course on international migration law.
- **Meeting of the Steering Committee of Migrants Rights International (MRI),** 28-29 March 2007, Brussels. PICUM director Michele LeVoy and chair Don Flynn represented PICUM in the meeting of the MRI Steering Committee which was attended by representatives from the following organizations throughout the world: CADI (Europe), CELS (Latin America), NNIRR (North America), and MFA and Unlad Kabayan (Asia).

## 8. Miscellaneous

- IRENE International (Network on Labour and Development) is looking for original film material (film or electronic material) to be included in a film clip on domestic work to be shown at the ILO's International Labour Conference in Geneva in June. This film clip can later be used for trade union education work and NGOs. For further information contact: [AvLuijken@irene-network.nl](mailto:AvLuijken@irene-network.nl).
- From 16 April-3 June 2007, the French Studies Department at the University of Freiburg, Germany, will host Olivier Jobard's photographic exhibition “Carnet de route d'un immigrant clandestin” (Travel journal of an undocumented migrant – see PICUM Newsletter December 2006). This exhibit describes the 4 ½ month journey of 22-year-old Kingsley Kum Abang from Cameroon, who crossed

Africa heading for the Canary Islands where he was arrested by Spanish border police.  
<http://www.fz.uni-freiburg.de/>

---

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

---