

## PICUM QUARTERLY October - December 2013

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## BORDERS

### **BELGIUM / Three survivors of boat tragedy file complaint against Belgian army**

Three survivors of a shipwreck in 2011 that caused the deaths of 63 migrants in the Mediterranean Sea, filed a complaint at the Brussels Tribunal of First Instance against the Belgian army on 26 November 2013 for failing to provide assistance. In a dinghy coming from Libya and carrying a total of 72 people, they tried to reach Europe in 2011 but lost control of the boat. Their calls for help were registered but they received no assistance despite being seen by naval vessels and helicopters of various states. The complaint was lodged with the support of a coalition of NGOs with similar initiatives being underway in other countries. The Parliamentary Assembly of the Council of Europe published a report focusing on the case on 29 March 2012 '[Lives lost in the Mediterranean Sea: Who is responsible](#)'

Source: [Agence France Presse](#), 26 November 2013

### **BULGARIA / Government to get tougher on irregular migrants**

Bulgarian Deputy Prime Minister and Minister of Interior Tzvetlin Yovchev presented a plan for a tougher policy towards irregular migrants. The planned measures include significantly shorter time periods for removal of irregular migrants, increased security on the Bulgarian-Turkish border through greater numbers of police, the construction of a 30-kilometre fence and the construction of closed facilities. Moreover, police raids will be carried out in locations frequented by refugees and migrants. The government's goal is to reduce the number of people entering the country irregularly by three times and at the same time expel three times as many people from Bulgaria. Human rights activists are concerned that the new measures may lead to police harassment and social exclusion of all migrants.

Sources: [Capital](#), 4 November 2013; [Press release of the Ministry of Interior in English](#), 4 November 2013; [Dnevnik](#), 3 November 2013

### **GREECE / Alliance of the southern EU border countries**

In view of the Greek EU presidency in the first half of 2014, the Greek Prime Minister Antonis Samaras started discussions with

his counterparts in Italy and Malta on a common approach towards irregular migration. The three prime ministers called for a more concrete European strategy in order to address irregular migration. Antonis Samaras underlined that the strengthening of Frontex and repatriation of undocumented migrants are the key points at this stage.

Sources: [Kathimerini](#), 22 October 2013; [News.in](#), 21 October 2013

## UNITED NATIONS

### **OHCHR / Information sheet on trafficking in human beings**

In the frame of a series of information sheets on human rights issues, the Office of the United Nations High Commissioner for Human Rights (OHCHR) has published a [one-pager on trafficking](#) in human beings. The one-pager provides data on forms of trafficking and groups of victims of trafficking as well as outlining human rights treaties and decisions relating to the prevention and fight against trafficking in human beings.

Source: [Office of the United Nations High Commissioner for Human Rights](#), November 2013

### **UN / Children whose rights have been violated to submit complaints to the Committee on the Rights of the Child**

Children or their representatives will be able to submit complaints to the Committee on the Rights of the Child (CRC), which will then decide whether to review the case. Where a violation is found, it will recommend that the State concerned takes action to remedy the situation. Costa Rica became on 14 January 2014 the 10th country to ratify the [Optional Protocol](#) to the Convention on the Rights of the Child on a Communications Procedure, meaning that it will take effect three months after. Portugal and Montenegro ratified the Optional Protocol on 24 September 2013. The Special Representative of the Secretary-General (SRSG) on Violence against Children has also launched a child-friendly guide to the CRC's complaints procedure entitled: 'Raising Understanding among Children and Young People on the Optional Protocol on a Communications Procedure'. The [guide](#) aims to raise children's awareness about their rights and enhance their confidence to speak up and seek support.

Source: [Office of the High Commissioner for Human Rights](#) (OHCHR), 14 January 2014

## EUROPEAN POLICY DEVELOPMENTS

### **EU / European Border Surveillance System (EUROSUR) becomes operational**

The European Border Surveillance System (EUROSUR) became operational on 2 December 2013. It aims to reduce the number of irregular migrants entering the EU undetected and help member states to react faster to incidents regarding undocumented migrants and cross-border crime (see [PICUM Bulletin 31 October 2013](#)). Its main pillars are the 'national coordination centres', in which all authorities responsible for border surveillance are required to coordinate their activities. EUROSUR will be operational in a total of 30 countries. Critics have described this measure as extremely expensive (144 billion euro), discriminatory and anti-immigrant and that it will only be justified if there is a substantial decrease in the number of deaths involving migrants attempting to get into the EU.

Sources: [European Commission press release](#), 29 November 2013; [PressTV](#), 13 December 2013

### **COUNCIL OF THE EUROPEAN UNION / Debate on migration issues in the Mediterranean**

Following the EU Council meeting on 24 and 25 October 2013 in Brussels, ministers debated migration issues in the Mediterranean on 18 November 2013. They spoke in favour of assistance to the Libyan government to secure its borders and reduce trafficking in human beings. Through the EU Border Assistance Mission (EUBAM Libya), the EU aims to contribute to the capacity building of the Libyan border authorities. At the same time, the EU agreed on a mobility partnership with Tunisia which is expected to be signed officially soon. The mobility partnership foresees cooperation on migration and asylum and that the EU will deal with the challenge of the death of migrants at sea.

Sources: [Council of the European Union Foreign Affairs Press Release](#), 18 November 2013; [ANSA](#), 18 November 2013

### **COUNCIL OF EUROPE / "The right to leave a country" - new paper by Commissioner for Human Rights**

The Council of Europe Commissioner for Human Rights, Nils Muižnieks, published on 5 November 2013 an issue paper on the right to leave a country, including one's own, guaranteed in Article 2 of Protocol 4 to the European Convention on Human Rights. The paper highlights barriers to the fulfilment of this right, such as restrictive migration and border control policies or travel bans imposed by Council of Europe member states. The paper concludes by recommending states to ensure that their laws, policies and practices relating to migration and border controls are compliant with the right to leave a country and the international human rights framework. The Issue Paper is available in English [here](#).

Source: [Council of Europe, Press Release](#), 6 November 2013; [European Voice](#), 7 November 2013

### **NETHERLANDS / The European Committee of Social Rights invites Dutch government to take all possible 'immediate measures' to ensure basic needs of undocumented migrants**

Following a request for 'immediate measures' submitted by the Conference of European Churches in order to ensure undocumented migrants have access to shelter, food and clothing in the Netherlands and 'to safeguard their human dignity and prevent further harm', the European Committee of Social Rights on 25 October 2013 invited the Dutch government to take 'all possible measures with a view to avoiding serious, irreparable injury to the integrity of persons at immediate risk of destitution' and 'ensuring that their basic needs (shelter, clothes and food) are met'. The Conference of European Churches initially requested the suspension of the Dutch 'Linkage Act' which excludes undocumented migrants from accessing basic social services. The decision of the Committee can be accessed [here](#).

## NATIONAL DEVELOPMENTS

### **FRANCE / Government accused of not complying with electoral promise of changes in detention and deportation policies**

French President François Hollande had promised major changes in immigration policies during his election campaign in order to make detention the 'exception' and not the rule. However, organisations accessing French detention centers report that the situation improved only for migrant families and not for all migrants, as they are still detained in large numbers. If there was a decrease in the total number of detainees (23.500 in 2012 as against 27.000 in 2011), the associations say this is only due to the repeal of the 'garde a vue' regime following to a decision of the [European Court of Justice](#) (ECJ). The left-wing government was also criticised for worsening, instead of improving, the situation of deportations. The total number of those expelled from the mainland territory of France increased by 12 % in 2012 with 60 % of them with no access to a judicial authority before deportation.

Source: [Faim Développement magazine](#), 20 December 2013

### **ITALY / Debate about reforming the immigration law and repealing the criminalisation of irregular migration**

As a consequence of the tragedy of Lampedusa on 3 October 2013, in which more than 360 migrants died at sea, the Italian government has reopened the political debate around the 'Bossi-Fini' law. The Italian law criminalises irregular migration and therefore led Italian authorities to start a criminal trial against the survivors of the tragedy. Following a proposal of two members of the 'Five Star Movement'- the political party led by Beppe Grillo- the Justice Commission of the Senate approved an amendment that would repeal the crime of irregular migration, with no comprehensive reform of the Italian immigration law system. The proposed amendment still needs to be approved by the Senate and the Chamber of Deputies, as a political agreement still needs to be found. The Italian Minister for Integration, Ms Cécile Kyenge, urged the Parliament to promote the decriminalisation of irregular migration.

Sources: [Corriere della Sera](#), 10 October 2013; [Ansa](#), 21 October 2013

### **MALTA / Citizenship for 650,000 euros**

The Maltese Parliament approved new citizenship legislation on 12 November 2013 which enables foreigners to buy a Maltese passport without any residency or investment requirements for 650,000 euros. According to Prime Minister Joseph Muscat, the program's goal is to raise revenue for the country and attract "high-value" people who will ensure investment. At the same time, he has been calling on the EU to take action to relieve Malta of the burden of migrant arrivals and has been criticised for allowing the selling of citizenship to the rich.

Sources: [Spiegel online](#), 13 November 2013; [Malta Independent](#), 9 November 2013

### **MOROCCO / King Mohammed VI to regularise all undocumented migrants in Morocco**

Mohammed VI, King of Morocco, has decided to regularise undocumented migrants in Morocco. His decision was taken after a report entitled 'Etrangers et droits de l'Homme au Maroc: pour une politique d'asile et d'immigration radicalement nouvelle' ([Foreigners and human rights in Morocco: For a completely new asylum and immigration policy](#)) was published by the National Council for Human Rights (CNDH). The report shows the situation of migrants in Morocco and indicates four main areas that should be considered in current policies: 1) the situation of refugees and asylum seekers; 2) undocumented migrants; 3) the battle against human trafficking; and 4) the situation of documented migrants. Mohammed VI acknowledged the need to improve conditions for migrants in the country, mostly coming from sub-Saharan Africa.

Sources: [Yabiladi](#), 09 September 2013; [Toutsurlemaroc](#), 10 September 2013

### **RUSSIA / Police raiding migrants' apartments on a weekly basis**

The city of Moscow's police chief, Anatoly Yakunin, announced that police will raid apartments which are allegedly occupied by irregular migrants every Friday until the end of the year. He stated that police will hold a massive 'crime-prevention operation', code-named 'Signal on Fridays'. The measure was proposed after thousands of residents protested the stabbing to death of 25 year old Russian citizen, Yegor Shcherbakov, on 10 October 2013, allegedly done by a migrant.

[The Moscow Times](#), 21 October 2013

### **UK / Home Office accidentally publishes personal data of undocumented migrants**

Personal details of almost 1,600 undocumented migrants in the process of being returned to their country of origin, were accidentally published on the Home Office website from 15 to 28 October 2013.

In a [written statement to the UK Parliament](#), Immigration Minister, Mark Harper, stated that the department has taken steps to establish whether the data was viewed or accessed outside of the Home Office.

Source: [BBC](#), 12 December 2013

## **HEALTH-CARE**

### **DENMARK / Protest against deportations of mentally ill asylum seekers**

The revelation of increased deportations of asylum seekers with severe health problems has triggered a public debate about the justification of deportations. On 1 November 2013, protesters took to the streets of Copenhagen with signs around their necks saying 'I am mentally ill, let me stay in Denmark'. Among them were medical practitioners and lawyers who daily witness the deportations of victims of torture and violence diagnosed with severe mental illnesses. Availability of medication in the respective home countries has served as grounds for deportation. The speeches held on the day of the protest indicated the traumatic effects the return to countries of origin has on the migrants in question.

Source: [Sameksistens](#), 2 November 2013

### **UK / Limitation of access to healthcare for migrants**

Following the results of the public consultation initiated on 3 July 2013 on Access to Health Services for migrants, the UK Home Office aims to introduce and add charges. Temporary and non-EEA migrants will be required to pay for health services.

Moreover, asylum seekers, people with refugee or humanitarian protection status and trafficked persons will in addition to regular charging be obligated to pay an immigrant surcharge and apply for leave if entering or remaining in the UK. However, 69% of respondents of the consultation stated that access does not have to be based on permanent residence.

Source: [Migrants' Rights Network](#), 4 November 2013

## **LABOUR AND FAIR WORKING CONDITIONS**

### **IRELAND / Proposal for employment conditions for staff of foreign diplomats**

Following recent cases of exploitation of domestic workers in diplomat households in Ireland, the Irish Foreign Affairs Department has proposed a list of conditions for diplomats to abide by. Under the proposals, a diplomat's visa could be cancelled if they failed to abide by the conditions. There is no special charter addressing regulation for the employment of their staff. Irish authorities are currently investigating at least seven cases of foreign diplomats for alleged human trafficking and forced labour offences.

Source: [Independent](#), 21 October 2013

### **REPORT / Exploitation of migrant workers in Finland, Sweden, Estonia and Lithuania**

The European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI) published the report "[Exploitation of migrant workers in Finland, Sweden, Estonia and Lithuania: Uncovering the links between recruitment, irregular employment practices and labour trafficking](#)" on 24 October 2013. This publication is a compilation of four independent research reports commissioned under the umbrella concept of [ADSTRINGO](#). The ADSTRINGO project addressed trafficking in human beings for labour exploitation through improved partnerships, enhanced diagnostics and intensified organisational approaches. The report, a compilation of recruitment practices in both countries of origin and destination, provides new information on the vulnerabilities, factors, methods and channels that facilitate exploitation.

Source: [Council of the Baltic Sea States](#), 24 October 2013

### **REPORT / First Global Slavery Index estimates that nearly 30,000 people are living as slaves**

The Walk Free Foundation has published the first 'Global Slavery Index' which estimates that almost 30 million people are living as slaves, many who are migrants and victims of trafficking for forced labour or sexual exploitation. The report aims to show the global size and nature of the problem and its persistence. It provides a ranking of the world's countries in respect to modern slavery and a more in-depth analysis of the national situation of modern slavery in the ten worst and ten best-performing countries. The analysis includes government responses and a section with recommendations on what needs to happen to improve the situation. Western Europe has the lowest overall risk of enslavement by region and nine out of the ten best-performing countries are located in Europe. The forms of modern slavery that manifest in these countries mostly involve undocumented migrants, whether exploited as domestic workers, or in the sex industry. For example, all identified victims of modern slavery in Norway were non-nationals. The report can be accessed [here](#).

Source: [Al Jazeera](#), 18 October 2013

## UNDOCUMENTED WOMEN

### US / Immigration bill draft addresses some needs of undocumented women

According to [estimates](#), migrant women are three to six times more likely to experience domestic violence than US-born women and an estimated 77 per cent experience domestic violence if they depend upon their spouses for legal immigration status. The Senate-backed immigration bill currently being considered by US Congress includes provisions that address the protection of migrant women. The bill, for instance, foresees the doubling in the number of U visas granted to those who are willing to cooperate with law enforcement and have been victims of crimes in the US. However, the proposed major cuts to family reunification visas would be an additional obstacle for women who wish to be reunited with children or other family members. Sources: [In These Times](#), 12 October 2013; [Colorlines](#), 14 October 2013

## UNDOCUMENTED CHILDREN AND THEIR FAMILIES

### BELGIUM / Campaign to facilitate access to early education for undocumented migrants

The Flemish Ministry of Education is conducting an information campaign with the slogan "Look what I can do". The aim of this campaign is to improve participation in early-age education, especially amongst new migrants and children who speak foreign languages as a mother tongue. Parents with an insecure residence status, including undocumented migrants, are a particular target group for the campaign. *Kleuterschool* is not an obligatory level of education but encouraged by the government for children aged between three and six years.

Source: [Kleuterparticipatie](#), September 2013

### CYPRUS / Migration department accused of mistreatment of migrant families

The Cypriot Ombudsperson, Eliza Savvidou, and the Child Commissioner, Leda Koursoumba, have highlighted a number of cases in which the migration department has left teenagers to fend for themselves after detaining both parents, or have deprived children of at least one parent on charges of marriages of convenience lacking evidence. Leda Koursoumba called on the state, which is ultimately responsible for the migration department's policies, for a comprehensive policy to ensure that measures involving children are in accordance with children's rights.

Source: [Cyprus Mail](#), 10 November 2013

### COUNCIL OF EUROPE / Decisions concerning migrant children must always be based on their best interests

The Council of Europe's Commissioner for Human Rights, Nils Muižnieks, has commented on the rights of migrant children. He recounted the harsh treatments this group face, from the traumatising experience of being deported to having to return sometimes to a country that they don't even know. He concluded by saying that there is a need to review the policies regarding migrant children and that "children are first of all children and state authorities in Europe should always act with their best interests at heart."

Source: [Human Rights Comment](#), 19 September 2013

### UK / New factsheets by CLC: Paths to regularisation

Undocumented children, young people and families are facing many barriers to regularising their status following changes to the Immigration Rules and cuts to legal aid in the UK. For this reason, the Migrant Children's Project has recently put together factsheets providing individuals with some general advice about representing themselves in an immigration case.

Source: [Coram CLC](#), September 2013

### US / More American universities expressly welcome undocumented students

A number of American universities, including Dartmouth, Columbia, the University of Pennsylvania, Yale, Harvard, Princeton, Stanford, Duke, the University of Chicago and the University of Notre Dame have explicitly stated that they welcome applications from undocumented students, specifying also that they could be eligible for financial support. However, some undocumented students may hesitate to apply to schools without clear public statements about their policy for fear of revealing their status.

Source: [CNN Money](#), 1 October 2013

## DETENTION AND DEPORTATION

### GREECE / Court condemns detention of child

The European Court of Human Rights (ECtHR) condemned Greece in the case [Housein v Greece](#) concerning the detention of the 11-year old Ali Hussein from Afghanistan. The court ruled that Greece violated his right to liberty when detaining him in an adult facility for about two months. The ECtHR ruled that detention conditions violated Article 3 ECHR on the prohibition of degrading treatment, as well as Article 9 ECHR on the freedom of religion as the Muslim boy was allegedly forced to choose between eating pork or going hungry.

Sources: [Asylum Information Database](#), 25 October 2013; [Enet.gr](#), 24 October 2013

#### **NETHERLANDS / State Secretary for Security and Justice presents new proposal for immigration detention**

Fred Teeven, State Secretary of Security and Justice and Minister for Migration, presented his new plans for migration detention to the Lower House on 13 September. The new plans follow widespread criticism for the current detention policy after the suicide of a Russian activist in detention earlier this year. Despite Fred Teeven's more "humane" asylum regime, the new plan still allows the detention of children and families who enter the country through the airport Schiphol. Fred Teeven has promised to prohibit the detention of families who enter the country over land. One of the main proposed changes is reducing the number of detention cells to less than half of the current number. Detainees will be given more liberty to move within the detention facilities.

Sources: [NOS](#), 13 September 2013; [Defence for Children](#), 14 September 2013; [NU.nl](#), 13 September; [Humanistisch Verbond](#), 17 September 2013

#### **NETHERLANDS / Irregular migrants in Amsterdam can report crimes without fear of deportation**

Despite the pending proposed legislation to criminalise irregularity, the State Secretary for Security and Justice has agreed to a pilot project in Amsterdam which would mean that irregular migrants would be able to report crimes without facing imprisonment. The project was agreed upon by the city council of Amsterdam in December 2011 but it has taken over one and a half years to see its implementation. Currently, many irregular migrants will not report when they have become a victim of human trafficking, abuse or violence, because they fear being imprisoned and/or deported.

Source: [Republiek Allochtonië](#) 22 August 2013; [De Volkskrant](#) 22 December 2011

#### **SPAIN / Spain to cooperate with Morocco returning undocumented migrants**

The Interior Minister of Spain, Jorge Fernández Díaz, announced at the II Hispano-Moroccan Parliamentary Forum on 23 September that Spain will cover the costs of return of those irregular migrants that are in Morocco and want to cross the border into Europe. This programme, which he said is aimed at combating irregular migration, will be carried out in collaboration with the International Organisation for Migration (IOM), which will work to help migrants return to their countries of origin. Fernández Díaz said that 3,000 undocumented migrants have entered Ceuta and Melilla in 2013, which is twice the amount compared to the same period in 2012. 77 per cent of the migrants intercepted by Spanish authorities were sent back to Morocco.

Sources: [Libertad Digital](#), 23 September 2013; [Medias 24](#), 24 September 2013

#### **RESEARCH / New set of working papers on immigration detention**

The Global Detention Project has issued a new set of working papers on immigration detention. The paper '[The Hidden Costs of Human Rights: The Case of Immigration Detention](#)' by Michael Flynn explains how immigration detention has impacted some key human rights norms, which has helped spur states to adopt new institutions dedicated to this practice. The paper '["Crimmigration" in the European Union through the Lens of Immigration Detention](#)' by Izabella Majcher shows how the convergence of criminal and immigration laws can have a harmful impact on migrants. The third paper entitled '[Smoke Screens: Is There a Correlation between Migration Euphemisms and the Language of Detention?](#)' by Mariette Grange explores the consequences of language used to describe people moving across borders.

Source: [Global Detention Project](#), October 2013

## **PUBLICATIONS AND OTHER RESOURCES**

#### **GUIDE / Practical guide for local authorities to assist integration**

Dublin's local authorities, in collaboration with New Communities Partnership, an independent national network of 165 immigrant led groups, launched '[A Practical Guide to Assisting Integration for Local Authorities](#)', which promotes the integration of migrant communities and their involvement with the Irish County Councils. The guide outlines several objectives including increasing civic engagement of migrants, recruiting Intercultural Liaison Volunteers who serve as the link between communities and the local authorities; creating work placements for migrants within local authorities to provide migrants with work experience and create local forums that act as a platform for leaders from various migrant groups.

Source: [The Irish Times](#), 19 August 2013

#### **REPORT / World Migration Report 2013: Migrant Well-being and Development**

The International Organisation of Migration (IOM) published the 'World Migration Report 2013: Migrant Well-being and

Development' on 13 September 2013. The report aims to determine whether migration leads to improved personal circumstances for migrants, looking into the positive and negative effects of migration on the individual's well-being, as well as the impact of migration on the development of economies. The full report is available [here](#).

Source: [IOM](#), 13 September 2013