

PICUM QUARTERLY April - June 2014

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BORDERS

BULGARIA / Political opposition asks Defence Minister to resign over delayed border fence construction

The Bulgarian oppositional party Citizens for European Development of Bulgaria (CEDB) called on the country's Minister of Defence, Angel Naydenov, to resign as he did not keep the requirement to finish construction works for a fence at the Bulgarian-Turkish border. The construction of a fence at the Bulgarian-Turkish border was initiated in late 2013 aiming to deter irregular migration. Authorities announced that the fence would be completed in spring 2014. The 30 kilometre fence requires 600 kilometres of razor wire and will cost almost five million euros.

Sources: [Novenite](#), 16 January 2014; [Focus News Agency](#), 10 July 2014

SPAIN / Report on situation of human rights at southern Spanish border

The organisation Asociación Pro Derechos Humanos de Andalucía (APDHA) released its annual report "Derechos Humanos en la Frontera Sur 2014" (Human Rights in the Southern Border 2014) in April 2014. APDHA highlighted the violations of fundamental rights at the Spanish border during irregular border crossings in Ceuta and Melilla. The report concludes that a change of policy is needed to meet the realities of migration in the long term. The organisation proposes political and legal actions such as providing more regular channels for migration and

expanding family reunification criteria. Over 500 people have entered the Spanish enclaves since the beginning of the year. To view the full report, please click [here](#).

Source: [Periodismo Humano](#), 22 April 2014

ITALY / Call on the EU as number of migrant arrivals rises

More than 52,000 migrants have arrived in Italy since January 2014, which will likely lead the country to surpass its record of 62,000 arrivals in 2011. Ahead of the EU Council meeting on 26 and 27 June 2014 in Brussels, Italian Prime Minister Matteo Renzi pressed for more support but EU Commissioner for Home Affairs, Cecilia Malmström stated that the EU won't take over the costs for Italy's search-and-rescue operation, Mare Nostrum. While the 'Mare Nostrum' operation – which has been carried out since last October by the Italian government - has rescued and saved thousands of lives, deaths at sea continue.

Sources: [The Wall Street Journal](#) 25 June 2014; [The Wall Street Journal](#) 26 June 2014

UNITED NATIONS

UN / Migrant Workers' Committee Day of General Discussion on Workplace Exploitation and Workplace Protection

The United Nations Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) held a Day of General Discussion (DGD) on Workplace Exploitation and Workplace Protection in Geneva on 7 April 2014. The DGD took place in the frame of the Committee's 20th session in Geneva from 31 March to 11 April 2014. Several of the speakers addressed the particular vulnerability of undocumented migrant workers and the need to effectively implement the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. For speakers' presentations and written submissions by civil society organisations, click [here](#). For more information on the UN Committee on Migrant Workers, click [here](#).

CRC / Children's complaints mechanism comes into force

The [Third Optional Protocol to the Convention on the Rights of the Child](#) (OP3) entered into force on 14 April 2014, meaning that children may submit a complaint to the UN Committee on the Rights of the Child (CRC) when their rights are violated, in countries where the mechanism has been ratified. These are the following countries: Albania, Bolivia, Costa Rica, Gabon, Germany, Montenegro, Portugal, Slovakia, Spain and Thailand. OP3 provides three possible mechanisms to challenge violations of children's rights: individual complaints, inquiries (looking at serious or widespread violations) and inter-state communications. For more information read the Child Rights Information Network's [Toolkit on the complaints procedure](#).

Source: [ESCR-Net](#), 14 April 2014

REPORT / Labour exploitation of migrants

The United Nations Special Rapporteur on the Human Rights of Migrants, François Crépeau, released a report on labour exploitation of migrants on 3 April 2014. The report notes that irregular migration is frequently the result of a lack of regular migration channels, despite an often unrecognised need for their labour in countries of destination. Acknowledging the particular vulnerability of irregular migrant workers, the report recommends, among others, to effectively sanction exploitative employers of irregular migrants. To read the full report, click [here](#).

EUROPEAN POLICY DEVELOPMENTS

COUNCIL OF EUROPE / Report addressing young migrants rights at age 18

The Council of Europe adopted a report entitled "Migrant children: what rights at 18?" on 13 March 2014. The report considers the vulnerability that young migrants' face – either unaccompanied or accompanied by parents or other caregivers – when they reach the age of majority and lose any protections that have been afforded to them as children. The report's recommendations call for the establishment of a transition process between the ages of 18 and 25 to help youth with special policy measures and assistance until they can act independently. The report and resolution are available [here](#).

COUNCIL OF EUROPE / Resolution on access to nationality calls for access to birth registration regardless of residence status

The Parliamentary Assembly of the Council of Europe adopted a resolution on “Access to nationality and the effective implementation of the European Convention on Nationality” on 9 April 2014 (Resolution 1989 (2014)). Among the recommendations, the Assembly calls on member states to “strengthen procedures for birth registration, if need be, so as to eliminate obstacles to birth registration for newborn babies, irrespective of their immigration status”. Read the resolution [here](#).

Source: [University of Girona Chair of Immigration Rights and Citizenship](#), Bulletin of Legal and Institutional Policies 23, March 2014

COUNCIL OF EUROPE / Convention on Violence against Women to come into force

On 1 August 2014, the Council of Europe Convention on preventing and combating violence against women and domestic violence entered into force. More than half (36 of 47) of the Council of Europe member states have signed the convention, and to date, [14 countries have ratified it](#). Known informally as the “Istanbul Convention”, it is the first European treaty specifically targeting violence against women and domestic violence. Source: [Council of Europe](#), May 2014; [Human Rights Watch](#), 24 April 2014

EU COMMISSION / Update of communication on the work of the Task Force Mediterranean

The European Commission published an update on 22 May 2014 of the ‘Implementation of the Communication on the Work of the Task Force Mediterranean’. The update describes the actions being taken under the five identified main areas: reinforced border surveillance, assistance and solidarity between member states, regional protection programmes, resettlement and legal ways for migrants to access Europe, cooperation with third countries, and the fight against trafficking, smuggling and organised crime. To read the ‘Implementation of the Communication on the Work of the Task Force Mediterranean’, click [here](#). To read an annex providing a list of the actions of the task force, click [here](#).

Source: [European Council on Refugees and Exiles](#) (ECRE), 30 May 2014

EU COMMISSION / Proposal for amendment of Dublin Regulation regarding unaccompanied children

The European Commission presented a proposal to amend the Dublin II Regulation regarding unaccompanied children on 26 June 2014. The proposals state that the member state where an unaccompanied child is present is responsible for lodging an application for protection, even if the unaccompanied child has already lodged an application in another EU member state. The proposals aim to address the vulnerability of unaccompanied children but only apply to those who have no family, siblings or relatives on EU territory. This proposal for amendment follows the [ruling of the EU Court of Justice](#), on 6 June 2013, stating that the member state responsible for examining an asylum application made in more than one member state by an unaccompanied child is the one where the child is present.

Source: [European Commission Press Release](#); 26 June 2014

EU COUNCIL / Conclusions: Tackling irregular migration “resolutely”

The European Council met from 26 to 27 June 2014 in Brussels. In its conclusions, the Council agreed the strategic guidelines for legislative and operational planning in the area of freedom, security and justice for the next five years. The European Council Conclusions stressed that one of the key priorities should be to effectively implement the legal instruments and policy measures already in place. The Council highlighted that the treaty principles of solidarity and fair sharing of responsibility, in accordance with Article 80 of the Treaty on the Functioning of the European Union (TFEU), should guide member states and the EU towards an efficient and well-managed migration, asylum and borders policy. The Council also called for the development of strategies to maximize the opportunities and regular channels for people to migrate to Europe, while “tackling irregular migration resolutely”. The European Council Conclusions are available [here](#).

Sources: [European Council Conclusions, 26-27 June 2014](#)

NATIONAL DEVELOPMENTS

FRANCE / Regularisations increased in 2013

The French Minister of the Interior, Manuel Valls, released figures on 10 April 2014 regarding regularisations for the year 2013. Overall, 35,204 regularisations were registered in France. This is a 50% increase compared to 2012. The increase in regularisations is said to be primarily due to Manuel Valls' 2012 circular which established preconditions for regularisation and aimed to simplify regularisation based on employment. Although regularisations increased in 2013, the rate of deportations remains high.

Source: [Le Monde](#), 10 April 2014

ACTION WEEK / Participants of international protest march assemble in Brussels

Participants of the 'Caravane des sans-papiers et réfugiés' (Caravan of undocumented migrants and refugees), arrived in Brussels on the 20 June 2014 after crossing four countries on their march from Strasbourg. Participants expressed their demands for freedom of movement, the end to the Dublin regulation and the need to address migrant detention. Until 28 June a week of action took place in Brussels, including assemblies of supporters of migrants and refugees, protests in front of EU institutions, film screenings and a major demonstration on 26 June, at the same time as the EU Council meeting which addressed migration issues.

Sources: [La Caravane des Sans-Papiers et Réfugiés](#), June 2014 ; [Freedom not Frontex](#), June 2014

USA / Senate passes overhaul for immigration reform

The U.S. Senate approved the overhaul of the country's immigration system with a vote of 68 to 32 on 26 June 2014. The immigration bill contains a path to citizenship for the estimated 11 million undocumented migrants living in the US but also increased funds for border control. Following the Senate's vote, the House of Representatives, under Republican leadership, announced not to take up the Senate's measure and instead focus on much narrower legislation that would not provide a path to citizenship for undocumented migrants.

Source: [New York Times](#), 27 June 2014

HEALTH-CARE

COUNCIL OF EUROPE / New HIV resolution adopted

On 23 May 2014 the Standing Committee, on behalf of the Parliamentary Assembly of the Council of Europe (PACE), adopted a resolution on 'Migrants and refugees and the fight against AIDS'. The resolution aims to ensure access to affordable HIV/AIDS prevention and treatment services for migrants. It notes the need for a distinction between immigration and health policies, including the removal of obligations on health care professionals to report irregular migrants.

Source: [Resolution 1997 \(2014\) 'Migrants and refugees and the fight against AIDS'](#), 23 May 2014; [PACE: News](#), 23 May 2014

GERMANY / Staff of reception centre fined for denying urgent medical assistance to migrant child

A court in the Bavarian city of Fürth ruled on 15 April 2014 that three staff members of the reception centre in Zirndorf, Bavaria have to pay fines for denying urgent medical assistance to a boy of a Roma family from Serbia. In 2011, the boy suffered a life threatening meningococcal infection with visible black spots on his face, arms and legs. Two janitors of the reception centre, however, did not call an ambulance when the parents asked for help. The family finally walked to the next village where they got help from a paediatrician. The family filed charges against the reception centre staff with support of the Bavarian Refugee Council. On the day of the ruling, media reported on another case in the area of Hannover where a migrant mother whose one-month old baby was seriously ill, was rejected at the reception of a hospital as she did not have a certificate of illness. The baby died one hour later.

Sources: [Süddeutsche Zeitung](#) 15 April 2014; [Nürnberger Nachrichten](#), 30 October 2013; [ProAsyl](#), 16 April 2014

REPORT / Médecins du Monde publishes findings on the health condition of the most vulnerable people in Europe

Médecins du Monde published its report "Access to healthcare for people facing multiple vulnerability factors in 27 cities across 10 countries" on 13 May 2014. Based on data collected over the course of 2013, the report

focuses on the care of pregnant women and children taking into account the cases of almost 17,000 patients treated through Médecins du Monde's programmes. Over 60 percent of pregnant women who approached Médecins du Monde's services in the 27 cities had no residence permit. The report is available in English and French and accompanied by information, data and videos in English, French and Spanish. For more information, click [here](#).

LABOUR AND FAIR WORKING CONDITIONS

TREATY / ILO protocol and new report on forced labour

The International Labour Organisation (ILO) approved a new treaty on 11 June 2014 at the International Labour Conference (ILC), aimed at further preventing forced labour and contemporary forms of slavery, [Protocol of 2014 to the Forced Labour Convention, 1930](#). ILO also released a new report entitled '[Profits and Poverty: The Economics of Forced Labour](#)' on 20 May 2014. The report states that forced labour in the private economy generates US\$ 150 billion in illegal profits per year, about three times more than previously estimated. About US\$ 99 billion came from commercial sexual exploitation, while another US\$ 51 billion resulted from forced economic exploitation, including domestic work, agriculture and other economic activities such as construction. Sources: [Human Rights Watch](#), 11 June 2014; [Panapress](#), 11 June 2014

USA / Manuals for U visas for victims of workplace crime and page on temporary foreign worker visas

The U.S. National Employment Law Project (NELP) released a practice manual entitled '[U Visas for Victims of Workplace Crime: A Practice Manual](#)' on 19 May 2014. The 190-page manual outlines terms of the U visa, a visa for migrants who are victims of crimes, and provides attorneys, advocates and other practitioners serving migrant communities with a guide to workplace crime including a legal analysis and examples of qualifying criminal activity in the workplace. The Global Workers Justice Alliance launched "'Visa Pages" - U.S. Temporary Foreign Worker Visas', an online resource providing information on temporary foreign work visas on 31 March 2014. The resource explores the nine most common non-immigrant visas that U.S. employers use to bring temporary foreign workers to work in the U.S. For more information click [here](#).

REPORT / Impact of regularisation programmes on employment opportunities for undocumented migrants

On 28 March 2014, the International Centre for Migration Policy Development (ICMPD) released its report about a study on the impact of regularisation on employment opportunities for irregular migrants in seven EU countries. The report, entitled "Feasibility Study on the Labour Market Trajectories of Regularised Immigrants within the European Union (REGANE I)", was carried out from October 2012 to December 2013. It concludes that opportunities to escape the informal labour market are due to factors such as the recognition of qualifications, access to (vocational) training, the length of residence (until regularisation), gender, the welfare system, the labour market structure and, finally, the migration regime. To view the full report, please click [here](#).

UNDOCUMENTED WOMEN

USA / Undocumented domestic workers establish cooperative to uphold their labour rights

Reporting that forty-six percent of domestic workers are immigrants, and 35 percent are non-U.S. citizens, the National Domestic Workers Alliance have also estimated that wage theft - underpaying workers for overtime hours or simply not paying them at all - accounted for an estimated \$105 billion a year. To address their precarious working situation, some of these workers have formed their own cooperatives. Motivated by low wages, wage theft, and abuse, there are now four undocumented women-owned cleaning cooperatives registered with the New York City Network of Worker Cooperatives. Forming cooperatives enables undocumented women day-workers to better control their workplace conditions.

Source: [Aljazeera America](#), 12 May 2014

USA / Migrant women key for economic support of families

A study by the Inter-American Dialogue, a Washington-based independent think tank, shows that migrant women in the U.S. send remittances more frequently to their countries of origin than migrant men. Surveying

2,000 migrants in five U.S. metropolitan areas, the study found that women sent increased amounts and sent money more often to their country of origin in 2013. Manuel Orozco, remittance scholar of the think tank stated that if irregular migrant workers got a residence status through immigration reform enabling them to earn higher wages, remittances could grow more.

Source: [The Wall Street Journal](#), 6 April 2014

UNDOCUMENTED CHILDREN AND THEIR FAMILIES

FRANCE / French courts rule on child's right to access courts

The Conseil d'Etat, France's highest administrative court, ruled in March 2014 that a child can initiate legal proceedings when his or her fundamental freedoms are at stake. In the past, children only had standing before the courts if they had been legally emancipated (from dependence on their parents). Now, where a child does not have the capacity to take legal action, he or she can still have standing before a judge when emergency measures are necessary to protect a fundamental freedom.

Source: [CRINmail](#) 33, 24 March 2014

ITALY / Italy to grant citizenship to children born to refugees

Italy has announced plans to give citizenship to children born to refugees. Italian citizenship is currently regulated by Law no. 91/1992 and it is mainly based on "ius sanguinis" (right of blood), according to which a child born to an Italian mother or father is Italian. Children born to migrants do not automatically acquire Italian citizenship even if they are born on Italian soil and spend their whole lives in Italy.

Source: [Stranieri in Italia](#), 4 June 2014; [UNHCR](#), 5 June 2014

NETHERLANDS / Court finds asylum criteria for Children's Pardon justified

The Court of Appeal has found that the different treatment of children with and children without an asylum history in the Children's Pardon regulation is justified. The Children's Pardon (kinderpardon) is a mechanism to regularise children who have lived in the Netherlands continuously for more than five years before turning 18, and who had previously claimed asylum unsuccessfully. Read the judgment [here](#) (in Dutch).

Source: [Stichting LOS, Newsletter, Volume 4 No. 9, 28 April 2014](#)

REPORTS / Migrant children at risk of poverty and social exclusion

Save the Children has launched a new report entitled "Child Poverty and Social Exclusion in Europe: A matter of children's rights" urging a comprehensive rights-based approach to tackling poverty and social exclusion in Europe. The report recognises the persistent risks of poverty and social exclusion faced by children with a migrant or minority background. The report is available for download [here](#). The EU Network of Independent Experts on Social Inclusion has also launched country reports for the 28 member states, as well as a synthesis report, on implementing the Commission Recommendation "Investing in Children: Breaking the cycle of disadvantage". It is entitled "Investing in children: Breaking the cycle of disadvantage: A study of national policies". The reports are available [here](#).

USA / Surge of unaccompanied child arrivals

An unprecedented number of unaccompanied children are entering the United States across its border with Mexico. According to estimates of government authorities, the numbers could approach 66,000 this year. U.S. Customs and Border Protection reported over 47,000 unaccompanied children have been detained so far this year after crossing the border, almost double the number for all of 2013 and almost five times the number from 2009. President Obama has described the situation as a "humanitarian crisis". The Department of Health and Human Services is using an air force base in Texas as a temporary shelter for up to 1,000 unaccompanied children. Some of these children are as young as three years. Meanwhile, a group of human rights organisations filed a [complaint](#) on 11 June 2014 addressing the Department of Homeland Security which alleges that the children were subjected to physical and verbal abuse.

Sources: [The New York Times](#), 16 May 2014; [Democracy Now](#), 13 June 2014

DETENTION AND DEPORTATION

FRANCE / Unaccompanied children detained in transit zones

Each year, about 500 unaccompanied migrant children are detained in France's transit zones at the borders. According to Human Rights Watch (HRW), unaccompanied children can be held in one of more than 50 transit zones for up to 20 days, during which time the government claims they have not entered France. This allows the French government to deny due process rights to these children.

Source: Human Rights Watch, 8 April 2014 <http://www.hrw.org/news/2014/04/08/france-unaccompanied-children-detained-borders>

MALTA / Malta commits to ending detention of migrant children

The Prime Minister of Malta has issued a statement committing to end the detention of children in the country, on the occasion of Malta's Freedom Day on 30 March 2014. Malta's policy of mandatory detention of asylum seekers and migrants has been heavily criticised by civil society and the international community.

Source: [International Detention Coalition](#), April 2014

HUNGARY / Hungarian Helsinki Committee releases statement on detention conditions

The Hungarian Helsinki Committee (HHC) released on 28 March 2014 a report outlining migration detention conditions in Hungary. The report is based on findings of the Hungarian Helsinki Committee's visits to several detention centers in the country. In July 2013, Hungary adopted new asylum laws which allows the detention of migrants on grounds such as a perceived risk that they might go into hiding from authorities and when identity or nationality of the person seeking recognition is uncertain. The report records human rights abuses and notes cases of children below the age of 18 who were detained. To read HHC's report (in Hungarian), click [here](#). To read the English language National Country Report on detention in Hungary by the Asylum Information Database (aida), click [here](#).

Source: [Migrant Solidarity Group Hungary](#), May 2014

LIBYA / Torture in detention centres

According to new findings of Human Rights Watch (HRW) released on 22 June 2014, migrants have been systematically tortured and abused in detention centres in Libya. The findings of an investigation in April 2014 in Libya revealed that about 100 of the 138 interviewed migrants experienced torture and other forms of abuses. The interviewed migrants reported whippings, electric shocks, beatings and people being hung upside down from trees. Besides physical abuse, massive overcrowding, dire sanitation conditions, and lack of access to adequate medical care were noted. According to HRW, the EU and Italy have committed at least €12 million over the next four years to these centres.

Sources: [Human Rights Watch \(HRW\)](#), 22 June 2014; [The Guardian](#), 22 June 2014

UN / Voices of Children in Ending Immigration Detention

PICUM, Terre des Hommes, and the International Detention Coalition delivered a joint oral [statement](#) at the UN Human Rights Council on 13 June 2014 highlighting testimonies from migrant children about their experiences in detention. This was followed by a side event, entitled 'Ending Child Immigration Detention' on 19 June 2014, where the voices of detained children were again shared and strategies explored for ending child immigration detention consistent with the recommendations of the Child Rights Committee. To read more about the side event, click [here](#).

PUBLICATIONS AND OTHER RESOURCES

CAMPAIGN / New leaflet promotes accurate terminology

The Platform for International Cooperation on Undocumented Migrants (PICUM) published a pocket-size [leaflet](#) on accurate terminology when referring to undocumented migrants on 20 June 2014. The leaflet provides reasons why not to use the term 'illegal migrant' and instead the recognised 'undocumented' or 'irregular' migrant as well as it includes a lexicon with translations of the latter terms in all EU languages. The publication

marks the launch of a wider campaign to end discriminating and criminalising language in reference to undocumented migrants. For more information on PICUM's terminology campaign, click [here](#).

EVENTS

EVENT / Global Forum on Migration and Development

The seventh Global Forum on Migration and Development (GFMD) took place from 14-16 May in Stockholm, Sweden. National and global leaders discussed the benefits of migrants to destination countries and to society as a whole and addressed urgent issues such as irregular migration and labour migration. The GFMD Civil Society Days, chaired by PICUM Director Michele LeVoy, were held from 12-14 May in Stockholm, Sweden bringing together nearly 300 migration and development leaders from all over the world. The Civil Society Days aimed to drive forward the [five-year eight-point Action Plan](#) which was proposed at the UN High Level Dialogue on International Migration and Development in October 2013. Both events were preceded by the People's Global Action on Migration, Development and Human Rights (PGA) in Stockholm from 9 to 11 May 2014 which gathered grassroots migrant and diaspora networks and communities from around the world. To read the PGA's key messages, click [here](#). To watch key speeches during the opening ceremony of the GFMD, including by UN Secretary General and other dignitaries, click [here](#).

OTHER NEWS

FILM / "Documented: A Film by an Undocumented American"

Pulitzer Prize-winning journalist, Jose Antonio Vargas, made a documentary about his life as an undocumented migrant in the United States, entitled "Documented: A Film by an Undocumented American". In 2011, Mr Vargas made his irregular status public in an essay published in The New York Times Magazine. In his documentary, Mr Vargas emphasizes that he is American but without documents and the dream to have a path to citizenship for the estimated 11 million undocumented migrants in the United States. To find out more about the documentary, click [here](#).