

PICUM QUARTERLY January - March 2017

[BORDERS](#)

[UNITED NATIONS](#)

[EUROPEAN POLICY DEVELOPMENTS](#)

[NATIONAL DEVELOPMENTS](#)

[HEALTH CARE](#)

[LABOUR AND FAIR WORKING CONDITIONS](#)

[UNDOCUMENTED WOMEN](#)

[UNDOCUMENTED CHILDREN AND THEIR FAMILIES](#)

[DETENTION AND DEPORTATION](#)

BORDERS

EUROPE / New 'return experts' to support deportation of migrants

The European Border and Coast Guard Agency, FRONTEX, has established a pool of experts who will support the deportation of migrants across the EU. This will ultimately consist of 690 return monitors, return escorts and return specialists. According to Statewatch, in both 2016 and 2017, €66.5 million have been allocated to Frontex' return related activities, up from €9.5 million in 2015.

Sources: [Frontex News](#) 10 January 2017; [Statewatch](#), 27 January 2017

HUNGARY / Migrants to be detained in container camps

The Hungarian parliament passed a bill on 7 March 2017 which allows the detention of irregular migrants in converted shipping containers. According to a government spokesperson, people in the container camps would only be able to leave the camps if they received permission or if they volunteered to leave the country and be brought to Serbia. Over 320 shipping containers were placed in two transit zones between Hungary and Serbia. The Ministry of the Interior has said that only unaccompanied children below the age of 14 would not be detained but rather placed in childcare institutions in the country. Reports of violence against migrants at the country's borders persist. Doctors without Borders (MSF) [reported](#) that between January 2016 and February 2017, they treated over 100 patients with injuries resulting from violence by Hungarian border patrols. This included beating injuries, dog bites, irritation from tear gas or pepper spray, and other injuries.

Sources: [EU Observer](#), 7 March 2017; [EU Observer](#) 15 March 2017

MEDITERRANEAN / Thousands of migrants rescued, over 520 die, rescue missions face allegations of collusion with smugglers

According to the International Organization for Migration's (IOM) Missing Migrants Project, 525 people died at sea from 1 January 2017 until 19 March 2017, and 20,484 migrants and refugees entered Europe by sea within

the same period. Within few days in March, 6,000 people were rescued on the central Mediterranean route from Libya to Italy. During one of the rescue operations, a baby girl was born on board a ship. Previously on 21 February, Libya's Red Crescent reported that 74 bodies washed ashore in the Libyan city of Zawiya on the Mediterranean Sea. Meanwhile, Carmelo Zuccaro, a chief prosecutor in the Sicilian city of Catania, has formed a task force to investigate whether the non-governmental organisations rescuing migrants and refugees are funded by smugglers. Sea-Watch, SOS Mediterranee, MSF and the other NGOs operating in the Mediterranean denied the accusations.

Sources: [Reuters](#), 28 March 2017; [Al Jazeera](#) 21 March 2017; International Organization for Migration, [Press Release](#) 21 March 2017; [La Vanguardia](#), 27 March 2017

UNITED NATIONS

UN / UN Committee underscores all migrants' right to health under international law

The UN Committee on Economic, Social and Cultural Rights issued a statement on 13 March 2017 on "Duties of States towards refugees and migrants under the International Covenant on Economic, Social and Cultural Rights" (ICESCR). According to the Committee, the fact that undocumented individuals are systematically barred from access to health care, employment, education for their children, and social housing "cannot be tolerated". The Committee urges "strict walls" between health care personnel and law enforcement, so that people do not need to fear to be reported when seeking medical assistance. It also acknowledges the contribution of migrant workers to social security systems, and underscores the need to ensure their protection from abuse and to ensure they can file complaints without fear of deportation. The statement is available [here](#).

EUROPEAN POLICY DEVELOPMENTS

EUROPEAN COMMISSION / New return policy measures criticised for leading to more harm and suffering

The European Commission presented a renewed EU Action Plan on Return, and a Recommendation to EU member states aiming at increasing the rate of deportations. The measures urge member states to systematically issue return decisions and to detain migrants who have received a return decision and 'show signs' they might not comply with the decision and cooperate in the return process. The measures also allow for the detention of children and suggest restrictions to appeal rights and other procedural safeguards. A group of over 90 civil society organisations addressed the European Commission in a [joint statement](#) expressing concern about prolonged detention, recalling EU values, and underlined the absence of evidence that detention and deportation deter irregular migration. A group of child rights organisations, highlighted in a [joint press release](#) how the measures put children's lives at risk and would be in violation of the UN Convention on the Rights of the Child. The Office of the United Nations High Commissioner for Human Rights (OHCHR) called the EU recommendation on return procedures a "slippery slope" to solve European migration challenges and stated that alternatives to detention, such as registration and reporting requirements, should be developed and implemented.

Source: European Commission, [Press Release](#), 2 March 2017

EU – LIBYA / Proposed cooperation to stop migratory movements through Libya

EU leaders adopted a [declaration](#) at an informal meeting in Malta on 3 February 2017 which proposes cooperation with Libya to limit migratory movement from Libya to Europe. Among others, the 'Malta Declaration' foresees training, equipment and support to the Libyan national coast guard and other relevant agencies, as well as ensuring adequate reception capacities and conditions in Libya for migrants. In a joint letter addressed to all heads of state of the European Union, a group of over 70 organisations highlighted that the plans will exacerbate arrests and detention of migrants in Libya and increase exposure to severe human rights abuses; that the focus on tackling smugglers will not prevent migration, nor provide solutions to human suffering; and that the EU-Turkey agreement cannot be taken as a good practice example. The letter is available [here](#) in English, German, Greek, French, Italian, Spanish, Dutch and Polish. Ahead of a meeting of EU heads of state and government in Malta on 3 February 2017, the European Commission published a joint communication, entitled "Migration on the Central Mediterranean route: Managing flows, saving lives". Proposed actions include reducing the number of crossings and saving lives at sea; stepping up the fight against smugglers and traffickers;

increasing resettlement and promoting assisted voluntary return as well as managing migrant flows through the southern Libyan border, and increased cooperation with Egypt, Tunisia and Algeria. To read the communication, click [here](#).

Sources: [Council of the European Union](#), 3 February 2017; [European Commission News](#), 25 January 2017

NATIONAL DEVELOPMENTS

EUROPE / Citizens charged for helping undocumented migrants

Several cases of citizens who faced criminal charges for helping irregular migrants were reported by media. Pierre Mannoni, a 45-year-old French geography professor, was arrested at a highway toll booth while driving three injured Eritrean girls to Nice for medical care. He was acquitted in court in January 2017 but the prosecution has appealed and called for a six-month prison term. In a separate development, Houssam El Assimi was arrested during a police raid on a Paris camp in September 2016. According to reports, Mr El Assimi had helped migrants and translated between French and Arabic. He was arrested for "violence against persons holding public authority" when he protested police force during a raid on a Paris camp. His trial was adjourned until May 2017. A retired British soldier who attempted to bring a four-year old Afghan girl to rejoin her family in the UK from the camp in Calais, France (See [PICUM Bulletin](#), 2 March 2016) and just narrowly avoided jail, stated that he subsequently received hate mail including a message saying that he should be hung for smuggling. Sources: [The Guardian](#), 7 January 2017; [Al Jazeera](#), 25 January 2017

GREECE / Increase in cases of self-harm among migrants, suicide attempts of children and deterioration of migrants' health

A Syrian refugee set himself on fire on the Greek island of Chios on 30 March 2017 and sustained burns to 85% of his body. A few days before the incident, a man carrying asylum application papers and believed to be a refugee, was found hanged at the port of Piraeus. A string of migrant hunger strikes across Greece was also seen in February 2017 to protest the poor living conditions. The latest strike started at Elliniko camp, an abandoned sports complex housing 1,000 people. Migrant children as young as nine years-old have attempted suicide in Greece. A 12-year-old boy was reported to have filmed his suicide attempt after witnessing others trying to kill themselves. The organisation Save the Children stated that living conditions have driven increasing numbers of migrant and refugee children to harm themselves and have increased drug abuse among children. Migrants and refugees often lack access to warm water and sanitation, endure freezing temperatures in tents designed for summer conditions, and stay in highly overcrowded facilities. Published by Médecins Sans Frontières (MSF) on 14 March 2017, the report '[One Year on from the EU-Turkey Deal: Challenging the EU's Alternative Facts](#)', found that the physical and mental health of migrants and refugees staying in Greece has significantly deteriorated since the EU-Turkey agreement in March 2016. MSF psychologists carried out over 760 mental health consultations and observed a mental health deterioration immediately after the implementation of the EU-Turkey deal. They witnessed a significant increase in the number of patients with symptoms of anxiety and depression and patients with post-traumatic stress disorder over the year following the deal.

Sources: [Al Jazeera](#), 30 March 2017; [Al Jazeera](#), 28 March 2017; [EU Observer](#), 6 February 2017; [Reuters](#), 16 March 2017

SWITZERLAND / 'Operation Papyrus' to help regularise thousands of undocumented migrants in Geneva

The new regularisation initiative 'Operation Papyrus' in Switzerland aims to regularise thousands of undocumented migrants in the Geneva canton. The initiative also aims to address informal work and gather information on employers who hire irregular workers. Several migrant rights groups, including a trade union, have worked for six years to develop this project. Regularisation is possible for irregular migrants who have been living in Geneva and are considered 'integrated', according to the following criteria: families with schooled children need to have lived five years in Switzerland, other applicants 10 years; applicants need to be financially independent; prove 'successful integration' by having a certain level of French or having their children enrolled in Swiss schools; and have no criminal record. Applications for regularisation will be individually assessed.

Sources: [Tribune de Genève](#), 21 February 2017; [Le Temps](#), 21 February 2017; [Collectif de soutien aux sans-papiers](#) March 2017

USA / New Trump administration targets undocumented migrants

Following his inauguration as the 45th President of the United States on 20 January 2017, Donald Trump has started taking actions targeting undocumented migrants. He signed an executive order to initiate the construction of a wall along the U.S.-Mexico border. He called for an expanded force to crack down on irregular migrants in the country and revived programmes that allow the government to work with local and state law enforcement agencies to arrest and detain irregular migrants with criminal records. With another executive order on 27 January 2017, Donald Trump suspended entry of all refugees to the United States for 120 days, blocked Syrian refugees indefinitely from entering the United States, and temporarily suspended migration from several predominantly Muslim countries namely Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen, including people with valid visas and permits, those in transit and some dual nationals. Another executive order foresees that sanctuary cities, cities which have adopted policies to protect undocumented migrants from enforcement of federal immigration laws locally, can be stripped of federal grant money. Several mayors from cities across the U.S. stated that their cities would remain safe spaces, and resist efforts by federal efforts to pinpoint and deport people. More than 60 police chiefs also took a public stand against President Trump's immigration laws. Los Angeles Police Department's officers stated that enforcing immigration laws would create difficulties between police and migrant citizens and generate fear.

Sources: [The New York Times](#), 25 January 2017; [The Guardian](#), 25 January 2017; [New York Times](#), 27 January 2017; [New York Times](#) 29 January 2017; [Los Angeles Times](#), 30 January 2017

HEALTH CARE

BELGIUM / REPORT / Damaging effects of migration measures on health of migrants in transit

Médecins du Monde (MDM) Belgium published the report 'Invisible Emergencies? How Legal Entitlements to Health and Practice Diverge for Migrants in Transit in Belgium' on 23 February 2017. The report details the hardships experienced by migrants in Belgium and the impact on their health. The report documents research collected by the Médecins du Monde's clinics treating individuals at Brussels' main train stations, and medical consultations with migrants. Despite undocumented migrants' right to health care under Belgian law, there are many barriers to receive health care. The report makes several recommendations, including the creation of safe and regular migration channels for migrants, equitable access to primary health care, ending the practice of medical examinations purely for migration control purposes, an end to the criminalisation of solidarity, and the simplification of procedures for obtaining medical assistance. The report is available [here](#).

UK / Home Office increasingly requests confidential patient records for immigration law enforcement

The Home Office in the UK has required the National Health Service (NHS) to share patient details - including last known addresses - for purposes of immigration enforcement. Details of more than 8,100 people have been passed to Home Office immigration enforcement in the past year. According to reports, the requests concerned people with whom the immigration authorities have had no contact or have stayed in the UK despite the expiration of their visa. Various health and human rights organisations have criticised the sharing of personal data and have demanded to suspend the practice.

Sources: [The Guardian](#), 24 January 2017; [The Guardian](#), 1 February 2017; Migrants Rights Network; [Docs not Cops, Press Release](#), 2 February 2017.

LABOUR AND FAIR WORKING CONDITIONS

GLOBAL / ILO General principles and operational guidelines for fair recruitment

The International Labour Organization has issued non-binding General principles and operational guidelines for fair recruitment, including for migrant workers. The principles outline that legislation and policies on employment and recruitment should apply to all workers and all aspects of the recruitment process; and that written contracts should be understandable to the worker. Freedom of workers to move within a country, or to

leave a country, should be respected. Workers' identity documents and contracts should not be confiscated, destroyed or retained. Migrant workers should not require their employers' or recruiters' permission to change employer. Governments should also take steps to ensure workers' rights across borders after a worker has returned to their country of origin. The guidelines also address governance of labour migration; matching recruitment to labour market needs and labour migration policies; and ensuring standards and oversight of recruitment in bilateral/multilateral agreements on labour migration, as well as their implementation. The guidelines are available [here](#).

LEAFLET / Guidelines for developing an effective complaints mechanism for migrant workers

PICUM has published guidelines for developing an effective complaints mechanism in cases of labour exploitation or abuse. The guidelines explain what components are needed for a complaints mechanism to be effective in preventing and responding to labour exploitation of migrant workers. Personal data about the worker cannot be shared between labour authorities and immigration authorities. This 'firewall' should also apply for labour inspections and labour courts to ensure that workers can file complaints without fearing deportation. Other key elements include providing legal representation and a residence permit – at least for the time of the proceedings with possibilities to extend – so that the worker can participate in procedures. The guidelines are available in [English](#), [Dutch](#), [German](#) and [Czech](#).

UNDOCUMENTED WOMEN

GERMANY / TESTIMONIES / Migrant women share their stories in prayers

The organisation Maisha, which works for the rights of migrant women, published a collection of prayers by women from African countries in March 2017. The prayers tell experiences of violence and reasons why women embarked on their journey to come to Europe, and speak about the perils and hardships they faced during the journey and situations and difficulties in the destination country. Many women share stories of rape, circumcision, stories of trying to provide for their children and keeping them safe and stories of desperation including the fear of being deported back to unsafe environments. The collection of prayers is available in [English](#) and [German](#).

GLOBAL / International women's network calls for human rights of migrant women

On 8 March 2017, International Women's Day, the Women in Migration Network (WIMN) released a statement, 'For Mobilization and Resistance to Claim the Human Rights of Women in Migration'. In a climate of increased detentions, deportations, and heightened racism and xenophobia, WIMN underscores the human rights of all migrants and refugees, regardless of citizenship or migration status. The statement also highlights examples of solidarity and resistance around the world, including numerous women's marches. The statement is available [here](#).

UNDOCUMENTED CHILDREN AND THEIR FAMILIES

EU / Recommendations to EU and national leaders to end the disappearance and exploitation of children in migration

45 child rights organisations have issued [recommendations](#) to address the situation of missing migrant children. The recommendations include improving reception conditions and procedures, and ensuring access to trained guardians, information and the right to be heard, regular channels and durable solutions, among others. They are based on the research, expertise and recommendations put forward by stakeholders at the conference '[Lost in migration](#)' held in January. Organisations can still endorse the recommendations [here](#).

GLOBAL / Six million stateless children, particular risks of statelessness for children of undocumented migrants

A child is being born without nationality somewhere in the world every 10 minutes. The report "The World's Stateless" and its sister website (www.worldsstateless.org) by the Institute on Statelessness and Inclusion states that there are over six million stateless children globally, an issue in most countries and all regions. The report

calls for immediate action to address childhood statelessness through mobilisation, advocacy, litigation and other means. Denied nationality, stateless children often miss out on health care, education and other basic rights. The report includes a chapter highlighting particular risks of statelessness facing children of undocumented migrants in Europe. Read the report [here](#).

SWEDEN / 'Resignation syndrome' – migrant and refugee children show symptoms of losing the will to live

More and more reports have emerged in Sweden of migrant and refugee children who fall into a state of apathy as a consequence of the hardships they have been facing. Referred to in Swedish as 'de apatiska' or 'uppgivenhetssyndrom', meaning 'resignation syndrome', there is no underlying physical or neurological disease, but the affected children show signs of having lost the will to live. The disease has been recognised since the early 2000s. In an open letter to the Swedish minister of migration, a group of 42 psychiatrists asserted that the new restrictions on asylum seekers and the time it took the Migration Board to process their applications were causing the disease. In some cases, children have stayed in limbo for years or feared to be separated from family members or deported with their families. The Migration Board have begun allowing apathetic children and their families to stay in Sweden.

Source: [The New Yorker](#), March 2017; [The Independent](#), 2 April 2017

DETENTION AND DEPORTATION

GERMANY / Government aims to increase deportations, opposition from federal states

German Chancellor, Angela Merkel, and Tunisian President, Beji Caid Essebsi, made an agreement in March 2017 that refused Tunisian asylum seekers will be deported to Tunisia through faster procedures. In return, Germany will provide €250m in aid for job training and support for small businesses in Tunisia. Angela Merkel meanwhile appealed to governors of German federal states for greater effort to deport irregular migrants, which was met with opposition and objections from leaders of some federal states such as Thuringia and the Social Schleswig-Holstein. These federal states particularly objected to planned deportations to Afghanistan. On 10 March 2017, the German Federal Assembly (Bundesrat) rejected the law of the government to declare Morocco, Algeria and Tunisia 'safe countries of origin'. The organisation Pro Asyl stated that deportations to these countries are nonetheless possible and will continue.

Sources: [Pro Asyl News](#), 10 March 2017; [Der Spiegel](#), 9 March 2017; [Agence France Presse](#), 14 February 2017

MALTA / Malian migrants' detention in breach of law

In an open letter to Maltese Prime Minister, Joseph Muscat, and Home Affairs Minister, Carmelo Abela, NGOs urged the government to release nine men from detention immediately. The migrants were part of a group of 33 Malians who were rounded up and detained in November 2016, as part of a joint EU programme which granted EU aid to Mali in return for the West African country's commitment to accept rejected asylum seekers. The NGOs argue that the men's prolonged detention is in breach of national and EU law and of their human dignity. The Maltese government is still awaiting documentation from the Malian authorities for the nine migrants. In January, Mr Abela indicated that the government might be open to releasing the migrants from detention if their documents take too long to arrive.

Source: [Malta Today](#), 12 February 2017