

Minutes from PICUM Workshop on Drafting an Ethical Code for social workers assisting undocumented migrants (Netherlands, March 2002)

Minutes of the PICUM Workshop, 8 March 2002 Oirschot (NL)

Drafting an Ethical Code for social workers assisting undocumented migrants

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Introduction

by Hans Arwert, Chair of the Ethical Code Working Group

During its last General Assembly in Cologne (31/08/2001-01/09/2001), PICUM organised a workshop on "Ethical arguments for working with undocumented migrants". The discussion that followed the theoretical introduction of Ms. Coene (University of Ghent, Dept. of Moral Philosophy) revealed the need for an Ethical Code for social workers that work in the field of undocumented migration.

PICUM established a small Working Group to draft such a Code. Ethicists and field workers from Germany, the Netherlands and Belgium met on 20 February 2001 to discuss issues such as the attitude of social workers towards the government, the desirability of a legal perspective when providing help, the possibility of engaging in illegal actions while helping undocumented migrants, etc.

The Working Group stated that the "Ethical Code" should rather be perceived as a "guideline". The discussion does and should not stop at the moment such a Code is drafted. Since we are operating in an environment of ethical pluralism, it is very difficult and at some points not desirable to agree on all ethical questions. We are facing the challenge to draft a guideline to which as much groups as possible can relate, a guideline also that could stimulate all the organizations in PICUM to a discussion, both at the internal and external level. (The Group noted that the implementation of

such a Code will always be rather problematic, since there is no real organization of the profession behind with the competency of enforcing the Code).

Ethical dilemmas in the work with undocumented migrants can be identified at three different levels:

1. At the level of the relation between the client and the help provider (which can be put on a scale from 'friendship' to 'professional')
2. At the level of the organization (an organization's policy, the choices it makes)
3. At the level of the relation between the organization and the outer world (public opinion, politics, finance, media,...)

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Group 1: "Nature of the relation between client and help provider"

Chair: Connie van den Broek (de Vuurdoop)

Participants:

Gill Baden (Barbed Wire), Nynke de Vlieger (ASKV), Hildegard Grosse (BAG Asyl in der Kirche), Gisela Penteker (Flüchtlingsrat Niedersachsen, IPPNW), Ellen Druyts (Medisch Steunpunt), Martin van Egmond (Sozialdienst Dreifaltigkeit), Fred Stangelaar (Netwerk religieuzen voor Vluchtelingen), Hans Arwert (SOW Kerken), Caroline Meijers (European Civic Forum), Tetty Rooze (Protestants Sociaal Centrum), Pieter Muller (Raad van Kerken)

Minutes: Michele Levoy (PICUM)

Aim of the discussion:

To have a clear position on:

- the necessity of a clear aim when providing help to undocumented migrants, and the contents of this aim
- the need to make a selection at the doors of your organization, and the criteria for this selection: who do you help? Who don't you help?

Statements:

- The relation between an undocumented migrant and the social worker assisting him is based on a unwritten contract, and the ultimate aim of the help provided is a durable solution.

- Good and efficient help can only be given to a limited number of persons. That is why we make a selection regarding the people we want to help. Criteria for selection can be humanitarian needs, the certainty of a solution in prospect etc.
- To enhance the quality of the help provided, it is necessary to register all data on the situation of the client and all his/her requests, and to report this on a regular basis to the policy makers and the public at large.

Minutes

Connie began the workshop by asking participants if there were any questions concerning the suggested statements for the workshop. Gill Baden asked if the statement referring to the professional social worker relation could also include non-professionals (e.g. volunteers). Connie said that these statements could refer to volunteers as well. Gill said that in her experience, there is a difference in that when you work with an individual, there isn't always a professional distance.

"The relation between an undocumented migrant and the social worker assisting him is based on an unwritten contract, and the ultimate aim of the help provided is a durable solution."

Connie began by asking participants how they viewed this statement – for example, would it be good to help an undocumented migrant if it would not be possible for that individual to have a durable solution? Gisela Penteker began by saying that it is very important when it's clear to you and to the client as to what the possible outcome could be, and to not make promises that you can't keep. It is not good to give a client hope for something which cannot be fulfilled afterwards. Hans Arwert said that when we think about the situation on the street, anything could be better than the present situation for an undocumented migrant. How do we know what their expectations are? Gisela said that it is hard to reject someone and although she personally wouldn't reject an individual, she would try to prevent that individual from thinking that she is able to solve all of his/her problems.

Connie gave an example that some refugee support groups only provide help when they know that an individual has a strong possibility of being granted asylum status. He phrased the question in a very direct way for participants: if you know that achieving status isn't possible, do you help an individual to remain in a country illegally? Is this good help? Is it "good practice" to contribute to such solutions?

Hildegard Grosse said that she personally contributes as long as she can. She helps according to the level of help that the client requests and also according to what she can give. She once met a mother of two small children from Algeria, who asked her only to meet once every two weeks and to give money. The woman's main aim was to migrate to Canada. Hildegard could not help her to get to Canada but her financial contributions helped the woman's immediate aim to provide food for her children.

Ellen Druyts said that there are some kinds of help which can be limited. For example, she knows of an organization in Belgium that provides a house with 14 rooms, which are limited to individuals who only have "durable" solutions. This is different, for example, from medical care, which in Belgium should be provided to anyone in need.

Connie asked if this meant that help should be provided for an unlimited period of time. Nynke de Vlieger said that this depends on means. Most help providers have such limited means that we have to prioritize. We have to set goals and work with them. If an individual has very pressing humanitarian needs, then we should provide help. But to change society on a long-term basis, we should focus on helping people who could have a more durable solution. If we help these people, then they can in turn help others. Nyncke has learned that it's necessary to go step by step.

Connie asked about ethical standards – what other criteria do you use on a moral basis? He uses a strategic consideration – providing help to a particular individual can contribute to the image of the organization. Nyncke said that it's necessary to make a selection of who to help, so that people realize that the organization will not provide unlimited help. Martin van Egmond said that based upon his situation in Bern, if a lot of people come to ask him for help, he has to make priorities from the beginning. He has to set his own priorities before making a contract with people. Gill said that the tragedy of this situation is that the people who are most desperate are most likely not to get help. She said that she visits people who are detained who do not have a solicitor. If she has three detained individuals, but can only get one lawyer, then she would propose a client who would be most likely to receive asylum. Yet her personal dilemma is that the other two clients are needier. Nynke said that she doesn't think that you can separate ethics from reality.

Hans said that we take responsibility when official authorities don't fulfill their obligations. He gave the example of a family that his organization took under their care, since the children had serious medical problems. In this case the children have no power and this means that other people have to take responsibility for them. Connie summarized what Gill had referred to: "If I can contribute to a durable solution, then my "head" tells me to go ahead, but my "heart" tells me otherwise." Martin said that it's hard to say what a durable solution is for an individual. He cannot make this decision – the individual knows what a durable solution is for him/her.

Pieter said that perhaps we could think about the definition of "durable" – could we widen it to mean a position in which an individual can have an acceptable, livable life, which does not necessarily mean a legal solution? He referred to a group of rejected Chinese asylum seekers in the Netherlands who could continue to try to find work and live in their particular village, and would not be harassed by the authorities. This could be a durable solution for them, although this wouldn't be a legal solution. He asked if there was a tension between humanitarian views (immediate help) regardless of perspectives for a durable solution and a situation in which no durable solution is in sight? Gisela said that at some point one should try to find a network of people to whom individuals could be referred to.

Caroline said that not everyone is in the same situation. She works with refugees and there is a clear, big difference between people in danger and those who are not. With asylum seekers, there is no choice. However, other undocumented migrants have different possibilities. She also said that her organization will also focus on the political struggle, in addition to working on individual cases. In Switzerland the church sanctuary movement works to denounce governmental policies towards undocumented migrants.

"Good and efficient help can only be given to a limited number of persons. That is why we make a selection regarding the people we want to help. Criteria for selection can be humanitarian needs, the certainty of a solution in prospect, etc."

Connie began by asking how you make a selection – who do you help and who don't you help? Do you only help one group and not another?

Ellen said that for her organization (Medical Support Center for Undocumented Migrants), selection is made based upon a durable solution but also is focused towards vulnerable groups (e.g. children, people needing psychiatric help, people with chronic illnesses, etc.). On the other hand, they also try to provide help to people who can have a durable solution. Caroline said that the main criteria that her organization has for providing help to undocumented migrants is that they are active in trying to find work, housing, etc.

Tetty Rooze said that she lives in a neighborhood in Belgium where there are many Kurdish people. Her organization also provides help to people based upon the possibilities that these individuals can have for receiving help within their own (ethnic) communities. If an individual can receive help within his/her social network, then this might be a reason why Tetty's organization would prefer giving help to someone else.

Hildegard said that her organization works with people on the basis of criteria that the parishes set, and also on the juridical perspective that a lawyer gives. In the absence of this juridical perspective, her organization cannot provide the help because it is necessary to convince a community to help undocumented migrants.

Connie said that he has the impression that humanitarian criteria are the most important in the Netherlands.

Fred said that most of the people that his organization helps are totally passive. His organization works to empower them to build their own perspective. If they can choose their own perspective, and if it's durable for them, then it's durable for the organization as well. He said that one has to look at the aims of the helper, and then make a contract with people. But before the contract can be made, there is a whole process of empowerment.

Hans asked if there were some criteria for who to help and who not to help. Fred answered that the bottom line is humanitarian help, but an organization could have two possible solutions: help the

most vulnerable, or help those who are most likely to have a durable solution. However, he feels that the latter choice is "paternalistic".

Ellen said that she makes a basic selection. For example, if she has 100 minutes, she will devote 50 minutes to individual cases, and 50 minutes to structural work. She aims to do structural work part-time within her total work.

Gill finds it very important to make a huge effort to do political campaigning/public education. Our governments haven't had the political will to change the laws and improve the situation for undocumented migrants and she personally finds it really difficult to categorize people into compartments. In England, the tabloid press has been flooded with bad reports against refugees/migrants. She personally thinks that political action is very important. A recent demonstration had the slogan that "people are not illegal" – they are only illegal because the law stipulates this. In Britain, they have a huge need of young, active workers. Meanwhile the government is raising the targets for deportation – making it harder for people to enter the country legally. She emphasizes the need for political strategies.

Connie referred to the Iranian asylum seekers in the Netherlands who went through a church asylum process. In the months before the campaign, they specifically looked for Iranians who could be considered for this special campaign. Caroline said that when you make campaigns and occupations of churches, there is always a risk that those who participate in the campaign could have more problems than before taking part in the campaign. Martin said that he had struggles in such campaigns because he wanted to include undocumented migrants with the refugees in the campaigns and by doing so, he brought in the political element. Connie said that the kind of support we give to people over a longer period is of symbolic value. Sometimes we find asylum seekers who want to go back. This is very rare but it does help an organization's image. An organization can look at this in a strategic way. In Germany, families that are selected for church asylum may be chosen for strategic ends. For example, if an individual might present a strong case for receiving asylum but would not be a good public figure (e.g. would not be easily able to talk to journalists), then this individual may not be chosen for the special campaign.

Ellen said that when you start a campaign, it is important to see if there is a good network and a good possibility of reaching a target. Tetty said that it's easier working on a campaign for a group than for an individual. But there can also be situations where a community would support a family, which would also be different.

Pieter said that in an ethical code for working with an undocumented migrant, the latter should be involved and you should work with him/her on the same level. You should never hide information from him/her. Hans said that you have to be very careful what you ask, since undocumented migrants are usually very vulnerable. You should strive towards an equal level, but you should also be aware that the situation is unequal. Caroline said that for example, if you help people to go into church asylum, they should be aware of the risks and should do it on their own free will. Tetty

asked what do organizations do when church asylum fails and they continue to work with these people? Martin said that he's in a situation where he can't help everyone, so he has to make choices. Connie asked about other dilemmas – for example, what do doctors do faced with hunger strikers? Ellen said that you have to make priorities and set these before entering into a contract with someone. You have to be clear until which point you can go to help someone. Martin reiterated that you have restricted responsibility – you should not and cannot be responsible for a whole movement of undocumented migrants – you can only do what you are able to do.

Gisela said that there is always a moral dilemma but her priority is individual help. If she cannot provide this help, then she refers the person to another individual who can help. She takes responsibility in this case. Hildegard referred to a failed political campaign of asylum for 400 church asylum seekers from Kurdistan. Now after four years, there has been an agreement to try to resolve the problem for individuals but the aim of trying to resolve the problem for the bigger group of people had to be stopped. Even if a political solution could not be found, at least individuals could be helped.

Summary presented to the plenary

1. Durable solution? It is important, but not necessary: any solution is possible. Definition of durable solution: It need not necessarily be a legal perspective, but a viable and permanent situation in which people can survive in ethically acceptable way. Even if it is not legal, it can be durable.

When people can not reach durable solutions, it does not mean you do not have to help, even if your help has temporary aims.

2. Expectations vs. reality: promises should be made only if they are realistic and must always be kept.

3. Volunteers can be included in the statements.

4. Criteria: the following is an enumeration of different criteria that can be used when referring to selection criteria: who you help and who you don't. It should be noted that there is no consensus, these are several different opinions.

- humanitarian (these criteria are especially supported by the Dutch organizations)
taking into consideration the vulnerability of the individual
self help potential
- legal perspective (these criteria are especially supported by the German organizations)
a more formalistic approach: who has the most chances to get a legal status.
- political/ symbolic
when political aims are served

cases that contribute to a good "image" (public opinion): eg you help people that voluntarily want to return

Important here is that there is always a consent of the client: he should be informed of the agenda!

Remarks of the plenary

Regarding the definition of aim and perspective, it is crucial to make "a professional mix": you should always make a contextual analysis, taking into account as much factors as possible.

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Group 2: "Conflicts between legal provisions and ethical considerations"

Chair: Rian Ederveen (Netwerk Relgieuzen voor Vluchtelingen)

Participants:

Richard Black (Sussex Centre for Migration Research), Johan Vanderauweraert (Haven), Henny Groenen (Vluchtelingen in Nood), Jorge Rodriguez (Jesuit Refugee Service), Ralf Rothenbusch (Pax Christi Deutschland), Marijn Uyen (ASKV), Helen Muggeridge (Joint Council for Welfare of immigrants), Alice Beldman (ASKV), Dominique van Huystee (ASKV), Myriam Defeyter (December 18)

Minutes: Nele Verbruggen (PICUM)

Aim of the discussion:

To have a clear standpoint for an Ethical Code on the possibility of engaging in illegal actions to help undocumented migrants.

Statements:

- To lead an independent and dignified life, it is crucial for undocumented migrants that they have a job. That is why it is a justified action for a help provider to assist the client to find a job on the informal market.
- When a person's asylum claim is rejected in your country, but you are sure it will be accepted in another country, it is justified to arrange a way for that person to come to that other country and file a second demand.
- If one of your clients is in urgent need for housing, you can advise him/her to step into the asylum procedure (also if the client is not a refugee) because it would give him/her, at least temporary, the desired material support

- Because the final aim of our work is to achieve structural solutions for the problems faced by undocumented migrants, our strategy to achieve this final aim should be based on legal activities.

Minutes

The first statement that was discussed was: do you advise your clients to (ab)use the asylum system for the material support that it offers?

Dominique stated that ASKV would only have objections to this if this advice were given to people that have no perspective at all, if this help would not lead them anywhere. Dominique gave the example of a pregnant woman, who really needs the material support for a certain limited time. In that case there is a clear perspective, which justifies the (ab)use of the asylum system.

Richard Black pointed to the fact that this case presumes that you can obtain housing through the asylum system, which is not true at all for the UK. To advise someone to enter into the asylum procedure would, in the UK, mean you lead him or her straight into detention. Against this background, it was made clear that the ethical question at stake here is whether you abuse procedures or not.

Henny Groenen stated that his organization advises clients to step into the asylum system on a frequent basis, and that it is part of the strategy of the organisation. They do it very often, and have no ethical problems whatsoever. Nele and Alice objected that by doing this, you negatively influence the asylum system in the long run. You put considerable pressure on the asylum system. As a consequence, the procedure becomes more restrictive, which results in genuine asylum seekers seeing their chances of acceptance reduced. So, if you consider the long term consequences of this practice, you'll find that by taking one group in, you throw the other group out. Henny's reasoning is different: many more people are out on the streets than should be. There is enough space for everybody. Moreover we have to help in all ways we can help.

The general tendency in these groups seems to be that when people really need help, you have to help them with all means. However, it was also recognized that it is important never to lose the structural side of the matter out of view. Henny states e.g. that his organisation is very open about his work. The basis of his work is: "protest".

The limit

An important question that was raised by the chair is where you draw the line. Do you also provide asylum seekers with new stories that you know will be better accepted or do you provide people with fake papers?

Henny's answer to this question is that their stories are most of the time shocking enough in their true version, the only things people need are new evidence, new documents, new lawyers. But apart from that it was recognized that providing fake papers is a kind of a limit, you come in

criminal atmospheres. However, it is a point at which there is no consensus anymore in the group whether it is acceptable. Some people see it as the limit, others state they just don't do it as a help provider because the undocumented migrants themselves can do it way better, others state they would like to do it because that creates a whole fuzzy gray zone, making it extremely hard to trace exactly who is legal and who is illegal.

There has been some discussion on the question what you do if you find out one's asylum story is not true. In general, nobody has too many ethical problems with it since it is not the task of a help provider to judge about one's asylum claim. A lot of the discussion in this working group has been focused on "asylum seekers" and on the asylum procedure. Although this is not exactly our target group, the reality is that many organizations have a lot of rejected asylum seekers among their clients.

A question of strategy

Regarding illegal actions and your relation with the authorities, it was stated that you need a strategy:

- you should keep it hidden if you want to have good relations
- you can be open about it if you see yourself as an opposition group

This is a question of strategy from your organization. However, the following discussion points out that the problem might be more complex than this.

Undeclared ("black") jobs

"To lead an independent and dignified life, it is crucial for undocumented migrants that they have a job. That is why it is a justified action for a help provider to assist the client to find a job on the informal market."

In general, the standpoint of the group is that it is the only real way in which you can help people. You should always be very open about it.

Jorge Rodriguez sees no ethical problem, it is indeed rather a question of being efficient, of wanting to provide efficient help. The real problem here may be found in the law: maybe it is not so ethical or even not so legal to prohibit people to earn their living. For Jorge personally, his ambition is rather to try to change the law. Jorge in his position is trying to do that.

Tension between individual level and structural implications

Helen points at the dilemma in this issue: if people face problems, like exploitation, industrial accidents, etc, they come also to your organisation. Confronted with their problems, what is your standpoint then on undeclared labour? You have to take into account the structural implications it

has. On the structural level it should be fought, so is it ethically justified to promote it on the level of the individual?

Ralf states that there is a difference between what an organization specialized in this field can do and what a private person can do. This comes down to the statement that there are no ethical problems at all, just strategic concerns.

However, Myriam points at the everlasting problem: the tension between wanting to help individual persons and fighting the structural abuses on the informal market. Richard pulls it even further: by assisting people to look for undeclared work, you stimulate people to migrate and to look for jobs in the first place.

The group agreed that it is important to take the 'general picture' into consideration. Dominique gave the example of undeclared work: some sectors would disappear if they would not have undocumented migrants. If we are confronted with the high number of workers in a certain sector, and with possible exploitation, we should make it public, we should speak out about it.

Structural aims and illegal actions

"Because the final aim of our work is to achieve structural solutions for the problems faced by undocumented migrants, our strategy to achieve this final aim should be based on legal activities."

This statement was firmly contested, and this on the basis of concrete examples. Ralf brought in an example of Germany where the constant breaking of the law eventually led to a change in the law. The question is then of course: when is it ethically justified to break the law?

Summary presented to the plenary

1. if people are in need, we have to help them with all means (except (maybe) for fake papers and fake asylum stories)
2. Openness and publicity of illegal actions is a question of strategy (dependent on the kind of organization)
3. Also illegal actions can change the law: it is not necessary to strictly walk the legal track to obtain legal and structural changes.
4. NO CONSENSUS: it should be taken into consideration that illegal actions on the individual level could have a negative effect on the general human rights situation of undocumented migrants

Remarks of the plenary

The general tendency of these end remarks was heavily contested by the Steunpunt Mensen Zonder Papier from Brussels. They oppose every form of illegal action/ criminal behaviour. Walter stated that if it is one of your main aims to fight exploitation at the black labour market, you can not at the same time promote this market. If it is your aim to fight trafficking of human

beings, you can not at the same time smuggle migrants yourself. Walter reaffirms that the Steunpunt tolerates "offences" such as black labour, but does not want to organize and promote it.

In response to this reaction, the question was raised how legal the laws are: is it legal to prohibit a person from working? Moreover, if in Germany the same reasoning would be followed, nobody would be able to do something at all for undocumented migrants.

Martin refers to a law that says that you can help people in they are in danger of life.

It was generally agreed and reaffirmed that it is always important to mention the reasons why you are doing certain things, why you are engaging in illegal actions. Didier stated that our work should always be in an atmosphere of "coming out".

The ethical dilemma seems to be the duty to the client as opposed to the duty to improve the structural situation.

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Group 3: "Tension between reporting criminal behavior (citizen-role) and protecting your client (help provider-role)"

Chair: Didier Vanderslycke

Participants:

Marijke Bijl (OKIA), Jürgen Holzapfel (European Citizens Forum), Walter Leenders (Steunpunt Mensen Zonder Papieren Brussel), Wolfgang and Margareta Müller (Flüchtlingsrat im Kreis Coesfeld), Timbo Ibrahima (Steunpune Mensen Zonder Papieren Brussel)

Minutes: Walter Leenders (Steunpunt Mensen Zonder Papieren)

Aim of the discussion:

To have a clear formulation on the protection of the client, who is in a vulnerable position because he is undocumented, and on the limits of this protection.

Statements:

- Filing a complaint against bad working conditions in a situation of informal employment is only justified if first a cooperation strategy with a trade union is elaborated.
- Concerning abuse at the housing market, it is not sufficient to file a complaint at a juridical instance. The residence interest of the undocumented migrant should always be considered and even given priority.

- When being confronted with criminal activities of the client, you can decide to stop providing help, but you can't report to the police. Any information you get in a helping relation can not be used outside this relation.

Minutes

This discussion is about the confrontation between our work and the society in which certain rules count that are sometimes difficult to obey for sans papiers.

"Filing a complaint against bad working conditions in a situation of informal employment is only justified if first a cooperation strategy with a trade union is elaborated."

Marijke states that according to her, cooperation with the trade unions is mainly dependent on the standpoint of the trade unions. According to Jürgen, most undocumented migrants are not member of a trade union, which means that they can not be of any help. The inscription fees are often too expensive to pay for undocumented migrants.

Didier asks the question whether if that is indeed the case, what should be the attitude of a social worker? Can a social worker file a complaint against bad working conditions without the support of the trade union? Marijke states that that is indeed the case, Jürgen says that if the client does not want to be helped, you can not ask the help of the trade union neither. Walter notes that this discussion is part of working group 1, where the central question is when help is provided to whom. According to him, it is possible indeed to work with the trade union, also if the client did not specifically asked for it.

Jürgen refers to the time of the conflict in El Ejido, when the workers were united in self-organisations. Trade unions haven't been involved from the beginning, they joined in only later. Because the self-organisations were so divided, the trade union assisted in the coordination and the organisation of the different actions. In Switzerland, local departments of the trade union are involved in the church asylum.

Didier explained the start of the action concerning Filipino workers in embassies and consulates in Belgium. The Steunpunt knows of some cases of Filipino workers that were fired without being given due notice, and without any good reason neither, which is extremely problematic for embassy -staff because mostly their residence permit is linked to their employer. Already since 1 ½ years there have been official contacts between the Steunpunt Mensen Zonder Papieren and the ACV (the Christian trade union). The action concerning the Filipino workers is a test-case on what the trade unions can do. It is set up as a joint action: the trade union investigates into the possibility of a court procedure against the employers and the Steunpunt collects files for the collective submitting of a regularisation demand (based on art 9.3 of the Belgian Aliens Law of 15/12/'80). Without the support of the trade unions, these file will not be submitted, for they are the experts on labour rights.

According to Marijke there have been several court cases in the Netherlands, but only after the employment had been finished. Persons that still work would beyond any doubt lose their job if they would start a court procedure against their employer.

Didier asked Jürgen what the result was of that action in Andalusia. The Spanish government did a collective regularisation of the illegal employers in the horticultural sector. In total 4 à 500.000 applications have been made, and 200.000 people got regularised. A consequence however is that many of the regularised workers lost their job because employers prefer to work with illegal workers, because of tax advantages. Thus the problem of seasonal employees persists to exist. (Walter stated that this also happened to a certain extent in Belgium with the regularised people, but not on a big scale.)

Jürgen states that according to him we should work more on the consumer awareness. The public should be aware that the fruit they eat is picked by undocumented migrants.

Conclusions of the first discussion:

- Nobody refuses to cooperate with the trade union
- The majority wants that actions are undertaken also without the support of the trade unions.
- Important in actions towards employers is to inform them, to build networks, to find the right persons to cooperate with.
- The working group also refers to the importance of raising awareness with the consumers.

"Concerning abuse at the housing market, it is not sufficient to file a complaint at a juridical instance. The residence interest of the undocumented migrant should always be considered and even given priority."

This statement raises again several problems. Actions against the landlord always contain the risk of expulsion. Moreover, a juridical action requires the publication of the address, and makes the danger of repatriation real. The importance of joint actions was again stressed. In this matter again, we should not focus too much on the 'illegal migrant', but rather at the problems in the total housing market. Timbo states that it is important to sensitise citizens (cf. consumer-action) for the shelter-situation of undocumented migrants and homeless people.

All participants point at the importance of involving local authorities. They are having an interest in helping undocumented migrants in their bad housing condition.

It was reaffirmed that everybody, regardless of status, should have the right on shelter. The reality is often different.

"When being confronted with criminal activities of the client, you can decide to stop providing help, but you can't report to the police. Any information you get in a helping relation can not be used outside this relation."

Because of the short time that is left, there has been no extensive discussion on this theme. All participants however agree on the following points:

- When we are confronted with crimes that are intrinsically linked to illegal residence (e.g. undeclared work, fake documents,...) we will not report them.
- For other crimes, it is more difficult, because then we are confronted with our own judgment on the seriousness of the crimes. We all agree that serious crimes (such as murder, assault, rape, etc) should be reported to the police. For less serious offences, we have to decide ourselves whether we report them. This is a discussion however that can't be concluded in the little time that rests.

Everybody agrees that a possible offence or a judgment for a crime can not stand in the way of providing help. Of course it is up to each help provider to decide personally on each individual case. We understand that confronted with certain serious crimes, one can prefer to stop the help.

Summary presented to the plenary

1. The personal living conditions and behaviour of undocumented migrants linked to their residence situations don't have to be reported to the police.
2. Bad living conditions of undocumented migrants have always to be reported to different authorities and to social and non-governmental organizations which have the mission to work on the improvement of those living conditions (trade unions, larger welfare organizations, social housing companies, ...)
3. For individual cases the concrete cooperation with (e.g.) a trade union has to be tried
4. It could be interesting to introduce the cooperation with consumer organizations

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