

PICUM QUARTERLY July – September 2013

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BORDERS

ITALY / Calls for reform of EU migration policy after tragedy near Lampedusa

The European Union has come under pressure concerning its migration policies after a boat coming from Libya with about 500 migrants, mostly from Eritrea and Somalia, capsized near the island of Lampedusa on 3 October 2013, leaving only 155 survivors. Those who died in the incident near Lampedusa received Italian citizenship while the survivors were placed under investigation and face up to 5,000 euro fines per person for irregular entry under an Italian law for "clandestine immigration". EU Home Affairs Commissioner, Cecilia Malmström, asked ministers from the 28 member states at a meeting in Luxembourg on 8 October 2013 to allow a major operation by the EU's Frontex border agency "covering the whole Mediterranean, from Cyprus to Spain". Meanwhile, human rights groups criticised the EU for its increased focus on border security which, according to them, pushes more migrants into taking unsafe routes. They demanded the EU to revise its policy of cooperating with third countries on migration control, while turning a blind eye to human rights abuses suffered by migrants, asylum-seekers and refugees in these countries. Thousands of migrants have arrived at the southern Italian borders, mainly Sicily and Lampedusa, in recent months, many of them coming from Syria, Egypt or Libya. Italian Prime Minister, Enrico Letta, had recalled the EU principle of solidarity in August 2013 after several incidents led to the death at sea of hundreds of migrants.

Sources: [The Guardian](#), 8 October, 2013; [El País](#), 6 October 2013 [Adnkronos](#), 11 August 2013

MALTA / International responsibilities towards rescued migrants

The crew of the Liberian-flagged oil tanker Salamis rescued 102 shipwrecked migrants on 5 August 2013. Being on route to Malta, the captain of the ship aimed to disembark in Malta. However, Malta refused the disembarkation which led to an EU-wide debate about the humanitarian responsibilities of EU member states. The tanker was eventually received by Italy despite the EU Commission's call for Malta to take appropriate action and allow the boat to disembark. Maltese Prime Minister Muscat stated that he would take the same stance again in a similar scenario. In July 2013, the Commissioner for Children, Helen D'Amato, had condemned the policy and practice of 'push backs' – preventing the arrival of irregular migrants – as a violation of children's rights and the principle of non-refoulement, and formally expressed her concern to the Home Affairs and National Security

Minister. The Commissioner has also voiced concerns to the Minister of Health regarding unaccompanied children and families with children being detained in Malta, despite the policy of non-detention of children.

Sources: [EUROPA Press Release Rapid](#), 6 August 2013; [Malta Today](#), 8 August 2013; [Malta Independent](#), 13 July 2013

REPORT / New Amnesty International report draws attention to the situation of migrants and refugees

Amnesty International (AI) released a report entitled "Frontier Europe - Human rights abuses on Greece's border with Turkey" on 9 July 2013 as part of the campaign "Greece: Stop putting lives at risk. No more push backs!". The report highlights that migrants and refugees trying to reach the EU through Greece are being regularly returned to Turkey by the Greek border police and coastguards. They are pushed back without an assessment of the circumstances of each person. This practice puts lives of people, including children, at risk and is against domestic, international and EU law. The full report is available [here](#). To be part of the campaign, click [here](#).

Source: [Amnesty International](#), 9 July 2013.

REPORT / Measures and fundamental rights challenges for arrivals of migrants at sea

The European Union Fundamental Rights Agency (FRA) released a report in August 2013, entitled 'EU solidarity and Frontex: fundamental rights challenges' which analyses the extent to which fundamental rights are implemented during joint EU and Frontex operations at sea. The report is available for download [here](#).

UNITED NATIONS

UN / High-Level Dialogue calls for measures to protect the rights of millions of migrants

The second United Nations High-Level Dialogue on Migration and Development took place in New York from 3 to 4 October 2013. The two-day dialogue aimed to identify concrete measures to strengthen cooperation and enhance the benefits of international migration for migrants and countries, while reducing its negative implications. The dialogue addressed issues such as the links between migration and sustainable development, labour mobility and working conditions as well as the situation of particularly vulnerable groups such as migrant women and children. The 193-member assembly also adopted a declaration to work towards an effective and inclusive agenda on international migration that integrates development and respects human rights by improving the performance of existing institutions and frameworks. Moreover, the assembly condemned racism and discrimination of all migrants. To watch plenaries and roundtable debates of the event, please click [here](#). Ahead of the HLD, the UN General Assembly had brought civil society leaders and networks from around the world to New York on 15 July 2013 to present their experience and recommendations to governments in interactive hearings. The hearings focused particularly on the key issues of civil society's 5-year agenda: migrant labour and mobility, migrant rights and protection, human development and diaspora action and migration governance and partnerships. Speeches of the interactive hearing are available [here](#). For more information on the High Level Dialogue and civil society engagement, click [here](#).

Sources: [Press release](#), UN News Centre, 3 October 2013

UN / ILO Domestic Worker Convention comes into force

The International Labour Organisation Domestic Workers' Convention (No. 189) came into force on 5 September 2013, extending basic labour rights to all domestic workers. According to the last ILO report entitled '[Domestic Workers Across the World](#)', there are around 53 million domestic workers around the world, mostly women from Asia and Latin America. This number does not include child domestic workers, which are estimated to number 10 million worldwide. To date, [ten countries have ratified the convention](#). The convention is currently in force in Uruguay, the Philippines and Mauritius, and will enter into force one year after the actual date of ratification in the remaining seven countries.

Sources: [International Labour Organisation](#), 5 September 2013; [IDMW](#), 4 September 2013

UN / International Youth Day celebrated under the theme of migration

This year's International Youth Day on 12 August was celebrated under the theme of 'Youth Migration: Moving Development Forward'. According to the UN, there were 27 million young international migrants in 2010. The 2013 observance aimed to raise awareness of the opportunities and risks associated with youth migration and engage young people in discussions on their migration experiences. Stakeholders reminded of the potential of young migrants to drive development and change but also warned of poor working conditions and discrimination based on gender, ethnicity or religion. For the United Nation's upcoming World Youth Report 2013, click [here](#).

Sources: UN Department of Economic and Social Affairs (DESA) [Newsletter](#), Volume 17, No.08, August 2013; [Associated Press](#), 12 August 2013

EUROPEAN POLICY DEVELOPMENTS

EU PARLIAMENT / Surveillance system EUROSUR approved

The European Parliament adopted the Commission's proposal for establishing the [European Border Surveillance](#)

[System](#) (EUROSUR) on 9 October 2013. EUROSUR is a pan-European border surveillance system which was publicized with the following three main objectives: to reduce the number of irregular migrants entering the EU undetected, to reduce the number of deaths of irregular migrants by saving more lives at sea, and to increase the internal security of the EU as a whole by contributing to the prevention of cross-border crime. Operations will be carried out by member states in cooperation with the European Agency for the Management at the External Borders of the European Union (Frontex). The EU Commission and several media highlighted that EUROSUR could prevent future tragedies of migrants' death at sea such as the one near Lampedusa, Italy on 3 October 2013 where more than 360 people died. However, EUROSUR had been in planning since 2008 and critics argue that the aim is not to improve rescue operations but to secure the EU's external borders more to make them even more impenetrable.

Sources: [European Commission, Press Release](#) 9 October 2013; [Deutsche Welle](#), 11 October 2013

EU COMMISSION / EU Commissioner Malmström sends warning on push-backs during relocation forum

EU Commissioner for Home Affairs, Cecilia Malmström, emphasized at the Relocation Forum on 25 September 2013 that push-backs of refugees and migrants are illegal and contrary to the principle of non-refoulement and that access to the asylum procedure must be guaranteed by EU member states. The Relocation Forum aims to discuss current pressures and lessons learnt from relocation and to share information on the practicalities of relocation among EU member states. The instrument of relocation could provide an opportunity for those member states that have few asylum seekers to take more responsibility in the EU's common system.

Sources: [Speech by Commissioner Cecilia Malmström](#), Relocation Forum, 25 September 2013; [Malta Today](#), 26 September 2013

NATIONAL DEVELOPMENTS

UK / Government committed to reducing irregular migration

After figures from the [Migration Statistics Quarterly Report](#) of August 2013 showed a rise in net migration in the UK, government officials announced new efforts to bring net migration further down. According to shadow immigration minister Chris Bryant, irregular migration is "getting worse and worse with fewer people being stopped at the border, absconsions up and deportations down". This comes after legal complaints against the Home Office in the United Kingdom's controversial campaign targeting undocumented migrants in London that used vans with a 'go home or face arrest' message (see [PICUM newsletter](#) 22 August 2013), forced the UK Home Office to withdraw from the campaign. Meanwhile, the UK Home Office carried out three consultations on recent proposals to curb irregular migrants: The proposal to require landlords to check the migration status of tenants, access to health for undocumented migrants and a consultation on irregular work. The consultations were criticised by migrants' rights groups for the limited choice of answers provided in the questionnaire. Prime Minister, David Cameron, firmly rejected a proposed amnesty scheme of British MP Nadhim Zahawi for the estimated 570,000 undocumented migrants living in the UK which aimed to be politically advantageous and convince large numbers of non-white Britons that the Conservative Party is capable to represent them.

Sources: [BBC](#), 29 August 2013; [The Guardian](#), 12 August 2013; [The Huffington Post](#), 3 July 2013

REPORT / Migration in Croatia and Macedonia

A new report from Jesuit Refugee Services (JRS) entitled '[From back door to front door: Forced migration routes through Macedonia to Croatia](#)', released on 29 July 2013, explores the experiences of migrants in Macedonia and Croatia. The report illustrates that both countries tend to be countries of transit rather than destination with a rise in migrants transiting the region to reach EU countries to claim asylum. In light of Croatia's recent accession to the EU the number of migrants is expected to continue to rise. But according to the report, the asylum system in Croatia is already operating at the limit of its capacity. The report makes a number of key recommendations including proper implementation of EU asylum rules in Croatia, improved processing capacities and standard of care, and the continued positive Croatian policy of engaging in dialogue and cooperation with civil society organisations.

RUSSIA / Makeshift camps with more than 1,000 irregular migrants

After police round-ups, thousands of irregular migrants, mostly from Vietnam, have been temporarily detained in makeshift camps in Russia. According to news sources, a total of 2,400 people were detained by Moscow police within a week and makeshift camps hold more than 1,000 people. In many cases, employers confiscated the migrants' passports which make the procedures longer and their stay in detention indefinite. Human rights activists urged to investigate cases of trafficking and forced labor instead of only persecuting the migrants for irregular stay.

Source: [Ria Novosti](#), 4 August 2013; [Al Jazeera](#), 15 August 2013

HEALTH-CARE

BELGIUM / Deportation of asylum seekers with AIDS

The number of deportations of unsuccessful asylum seekers with AIDS has increased in Belgium. The President of the Socialist Group, Philippe Mahoux, asked the Secretary of State for Asylum and Migration, Maggie De Block, to provide a written clarification on the matter as an interruption of antiretroviral treatment could cause serious health problems for the affected asylum seekers and migrants.

Source: [Le Soir](#), 30 August 2013

SPAIN / Access to health care for undocumented migrants

Amnesty International denounced on 4 July 2013 that 873,000 undocumented migrants in Spain do not currently hold a health insurance card, as a consequence of the recent amendments within the Spanish health care system. With the legal reform, undocumented migrants are only entitled to receive urgent health care, childbirth and postpartum services. However, this law is being applied differently around the autonomous regions in Spain; for example, in Asturias undocumented migrants are guaranteed assistance, whilst in the Madrid region, they face huge barriers to accessing health services. Different NGOs working on the issue have informed the relevant government bodies of the continuous problems migrants face.

Sources: [El País](#), 1 September 2013; [El Mundo](#), 4 July 2013

UK / Medical justice report on pregnant women in detention

The British based charity, Medical Justice, recently released the report '[Expecting Change: The Case for Ending the Immigration Detention of Pregnant Women](#)', which analyses the history, policy and legislation of immigration detention of pregnant women.

The Home Office does not have a record of how many pregnant women are detained, which raises questions about how effectively the policy of detaining pregnant women only in very exceptional circumstances is implemented.

Source: [Medical Justice](#), 20 June 2013

LABOUR AND FAIR WORKING CONDITIONS

GREECE / Continuous reports of exploitation of irregular migrant workers

After the publication of a report entitled 'We dreamt of Europe but awoke as slaves in Megara', in the Greek newspaper *Elftherotypia* on 31 August 2013 explaining the precarious conditions migrant workers face in the Greek town of Megara, further investigation has been carried out by a prosecutor. One of the most serious complaints of the report concerned the Pakistani community in Megara. The head of this community said that there are about 1,000 regular and 700 undocumented Pakistanis living there in poultry sheds, working up to 15 hours a day for little or even no pay. The group was allegedly victim of a massive trafficking scam run by a local man who made a false promise to help their friends and relatives to obtain visas and defrauded them of their earnings. This follows the case of the shooting of 28 Bangladeshi migrant workers during a pay dispute for outstanding wages on a strawberry plantation in Manolada, Greece on 17 April 2013 which also brought to light the plight of thousands of migrants who mainly work in the agricultural sector (See [PICUM Bulletin](#), 17 May 2013). The Greek government granted a temporary residency permit only to the 35 injured migrants. However, the Greek Council for Refugees (GCF) is demanding a residence permit for all the 150 migrant workers involved, as well as recognition that the crime was racially motivated. According to Greek media, the All-Workers Militant Front (PAME) and the Amaliada Labour Center, among others, demanded punishment for criminal employers through filing a complaint with the country's Supreme Court.

Sources: [EnetEnglish](#), 5 September 2013; [Elftherotypia](#), 31 August 2013; [El País](#), 30 June 2013

UNDOCUMENTED WOMEN

TRAFFICKING / New guide on the experience of women victims of trafficking

Border Women (Mujer Frontera), a network of migrant women, many of whom have been victims of trafficking, released a new guide on trafficking. The guide, available in English, French and Spanish, gives advice to victims, identifies the existing support mechanisms, analyses the main policy instruments and summarising the experience of the women themselves. To download it, please click [here](#).

GLOBAL / Launch of the Women and Global Migration Working Group website

The Women and Global Migration Working Group (WGMWG) was first established at the Association for Women's Rights in Development ([AWID](#)) in April 2012. The Working Group aims at strengthening a gender analysis within the migrant rights movement globally and is currently made up of national, regional, and global organisations. WGMWG has launched a new [website](#) and presented the Women and Global Migration Caucus [advocacy document](#) for the UN High Level Dialogue on Migration and Development. The document is available in [English](#), [French](#) and [Spanish](#).

UNDOCUMENTED CHILDREN AND THEIR FAMILIES

REPORT / Implementing the Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016

The International Labour Organisation recently published a training guide titled '[Implementing the Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016](#)'. The guide provides the necessary knowledge, capacity and tools for national policy makers, practitioners and other key stakeholders to tackle child labour and mentions undocumented children as vulnerable to child labour, exploitation and trafficking.

SPAIN / High Court of Justice states that the protection of migrants' family life can prevent their expulsion

In a judgment of 15 March 2013, the Madrid High Court of Justice (Tribunal Superior de Justicia de Madrid) overturned the expulsion order of a migrant father, finding that the right of his child "to be and to grow up with, and to be raised and educated by his or her parents" is predominant. Although Spanish law does not expressly state that the expulsion of a migrant can be made conditional upon private or family life, the Court ruled that if it is possible to deduce this limit from the general goals pursued by the law, then migrants cannot be expelled and that Art. 39 of the Spanish Constitution, which provides juridical protection to family life, is a guiding principle of the Spanish legal system, hence, also applying to migrant families in cases of expulsion.

Source: [Colegio de Abogados de Madrid](#), 29 May 2013

EU PARLIAMENT / Resolution on the situation of unaccompanied children

The European Parliament (EP) adopted a resolution on 12 September 2012 calling on the EU to draw up strategic guidelines for use by all member states to better protect unaccompanied children. The report responds to the Commission's mid-term review of its action plan on unaccompanied minors. The strategic guidelines call on member states to provide unaccompanied minors with adequate protection, irrespective of their status. This includes access to legal and psychological support, education and health services as well as a stable accommodation, separated from adults and never in closed centres. To view the resolution and guidelines, click [here](#).

EU / New ruling of member state responsibility for the asylum application of unaccompanied minors

The Court of Justice of the European Union in Luxembourg announced a new decision in respect to the Dublin II regulation on 6 June 2013. If an unaccompanied minor has lodged an application for asylum in a member state and then moves to another member state and lodges another application for asylum, the member state responsible for examining it will be that in which the minor is present. The decision follows the requirement that all actions taken by authorities in relation to children should always be in the child's best interest which means that transfer to other member states should be avoided.

[Press release Court of Justice of the European Union](#), 6 June 2013

UK / Court reaffirms local authority duty to provide support to children in need with pending applications or appeals

In a recent judgment, the Court of Appeals reaffirmed the duty established by prior case law (*Birmingham City Council v Clue* [2010] EWCA Civ 460), for local authorities to provide accommodation support and assistance to families with children that have a pending application or appeal with the immigration authorities or other impediment to returning to their country of origin. The case involved a Nigerian couple who had been residing irregularly in the UK since 2002 and have three children, all born in the UK, aged between 2 and 8 years old. The County Council agreed to provide accommodation to the family during judicial review proceedings. The Court found that the local authority should not have withdrawn support from the family when they were refused leave to remain, before they had the opportunity to pursue their right to appeal the decision and protect their right to private and family life, given the arguable case and adequate evidence base. Read the full judgment [here](#).

Source: [Migrant Children's Project Newsletter](#), August 2013

DETENTION AND DEPORTATION

UK / Children continue to be detained

According to figures from the UK Home Office, children under 18 continue to be detained in various adult immigration detention centres two years after the coalition government announced such detention would stop. Recent figures published by the Home Office demonstrate that the number of detained immigrant children almost doubled from 127 in 2011 to 242 in 2012. A total of 444 children have been detained since 2010 despite several government statements this year proclaiming that child detention was no longer a reality in the UK.

Sources: [Children & Young People Now](#), 30 July 2013; [The Independent](#), 1 September 2013

USA / The monetary costs of detention

In August 2013, the National Immigration Forum released "The Math of Immigration Detention", a report which illustrates the savings the US government could make if they invested in more effective alternatives to detention. According to the report,

Immigration and Customs Enforcement (ICE) detained a total of 429,247 migrants during the year 2011 and spends almost \$2 billion each year on immigration detention. However, if alternative measures were introduced for detainees, it is estimated that expenses would be reduced by 80% which equates to a saving of \$1.44 billion per year. Nonetheless, the House of Representatives budget for the 2014 fiscal year indicates that immigration detention will in fact increase to \$5.6 million per day, much of which is paid to large private-prison corporations in charge of detention centres.

Source: [The National Immigration Forum](#), 29 August 2013; [The Huffington Post](#), 29 August 2013

SWITZERLAND / Compensation for inadequate detention conditions

A court in Geneva recently awarded compensation to a migrant who had been detained under conditions that failed to satisfy minimum European standards. The complainant, along with five other people, spent 24 nights in a detention cell of 23m² which falls below the minimum living space measurement of 4m² per person, as required by the European Committee for the Prevention of Torture. The conditions also infringe Article 3 of the European Convention of Human Rights (ECHR) under which the ECtHR has held that depending on surrounding circumstances, living space between 3m² and 4m² could amount to inhuman and/or degrading treatment. The Geneva court emphasised that lack of resources could not justify improper detention conditions, and drew attention to fact that over 80 detainees had to sleep on the floor in the detention centre.

Source: Migration Policy Group 'Migration News Sheet', July 2013 issue

UK / Inquest jury finds that Jimmy Mubenga was “unlawfully” killed

An inquest jury in the UK found on 9 July 2013 that Jimmy Mubenga, an Angolan who died during his deportation from London to Angola, was unlawfully killed. Mr Mubenga died on 12 October 2010 (See [PICUM Bulletin](#) – 7 December 2010), 40 minutes after boarding a British Airways (BA) flight while being restrained by three G4S guards in his airplane seat, belted and with his hands handcuffed behind his back. According to the passengers, Mr Mubenga was shouting that he could not breathe, that he was being killed and asked for help. None of the passengers or the BA crew came to his assistance. The three guards from G4S, a private security company, were not found guilty.

Source: [The Guardian](#), 9 July 2013

PUBLICATIONS AND OTHER RESOURCES

STUDY / 'Illegal' most used descriptor for 'immigrants' in British media

To examine the critical role of British newspaper in the discourse on migration and the media's influence, the Migration Observatory of the University of Oxford conducted a study looking at all 20 of Britain's main national daily and Sunday newspapers between 2010 and 2012. Through computer technique and coders, the study identified the terminology of about 58,000 written pieces. 'Illegal' was the most common modifier of 'immigrant' while 'failed' was the most common reference for 'asylum seeker'. The analysis focuses on describing the findings rather than drawing conclusions about debates on migration. To read the full study, click [here](#).

Source: [The Migration Observatory](#), August 2013