



## MARCH 2020 NEWSLETTER

Welcome to the new PICUM newsletter, where we will update you about issues concerning undocumented people once a month. The updates will focus on systemic issues including regularisations, criminalisation of solidarity, detention and returns, labour rights and channels, access to health-care, access to justice, undocumented children and families.

Let us know what you think of our newsletter on [communications@picum.org](mailto:communications@picum.org).



### HUMAN RIGHTS COURT VALIDATES PUSH BACKS AT SPANISH BORDER

[\[Français\]](#) [\[Español\]](#)

The European Court of Human Rights **ruled** on 13 February that Spain did not violate the human rights of two men were pushed back to Morocco, without any chance to explain their situation. The men had tried to climb over the Melilla border fence to enter Europe. All 17 judges making up the Grand Chamber of the Court agreed that the two men could have used regular channels to enter Spain instead. Find out why we think the Court was wrong in this [blog](#) from our Board member Adam Weiss.

## BORDERS AND RETURNS

### EU DIPLOMATS TURN THE SCREW ON OPERATION SOPHIA'S RESCUE CAPACITY

[\[Français\]](#) [\[Español\]](#)

The European External Action Service has called on EU governments to limit the saving of lives at sea by Operation Sophia. A **note** sent to the member states' permanent representatives in Brussels says the mission should prioritise the enforcement of a UN arms embargo on Libya, rather than monitoring migrant smuggling activities, and suggests that ships could be placed "at least 100km off the Libyan coast, where chances to conduct rescue operations are lower."

## UN MIGRATION ORGANISATION CALLS FOR ALTERNATIVES TO DISEMBARKATION IN LIBYA

[\[Français\]](#) [\[Español\]](#)

The International Organization for Migration **has called** on the European Union to find an alternative safe disembarkation mechanism for migrants rescued fleeing Libya by boat. The call came in response to the return of roughly 200 migrants to Tripoli, hours after the city's main port had been heavily bombarded.

Separately, the Council of Europe's Commissioner for Human Rights **has urged** the Italian government to introduce human rights safeguards in the Memorandum of Understanding between Italy and Libya. In particular, the Commissioner has urged Italy to suspend co-operation with the Libyan Coast Guard in returning people intercepted at sea to Libya.

## MALTA HELPED RETURN MIGRANTS TO LIBYA UNDER SECRET DEAL

[\[Français\]](#) [\[Español\]](#)

Maltese government official Neville Gafà recently revealed that he helped broker an agreement with the Libyan authorities to prevent people from reaching Maltese waters and to return them to Libya. The deal was directly ordered from the Office of the Maltese Prime Minister. Gafà said he "used to receive information of boats departing from Libya and their coordinates from the Armed Forces of Malta and would relay this directly to the Libyan coastguard". More on [Malta Today](#).

## GREECE FREEZES ASYLUM APPLICATIONS FROM PEOPLE WHO CROSSED THE BORDER IRREGULARLY

[\[Français\]](#) [\[Español\]](#)

The Greek government has decided to stop asylum applications from people entering the country irregularly. The measure will be valid for one month starting from 1 March. Where possible, the authorities will immediately return them to the country they entered from, according to Greece's government spokesman Stelios Petsas. The announcement was made at the conclusion of a cabinet meeting on national security. More on [Ekathimerini](#).

## NEW MEDIA REPORTS EXPOSE FRONTEX BRUTALITY

[\[Français\]](#) [\[Español\]](#)

The [Balkan Insight](#) has reported acts of brutality by Frontex on the Hungarian-Serbian border, including the deployment of dogs against migrants, and complicity in serious rights violations by Hungarian officers. Frontex's Consultative Forum had recommended to suspend operations in 2016. However, the article reports that the Frontex Executive Director decided to ignore this and other recommendations, and continued operations. The report also notices the inadequacy of internal accountability measures such as the Serious Incident Reports system, the risks entailed by the current expansion of Frontex' operations and the de facto immunity that Frontex staff enjoys during operations in third countries.

## FRONTEX ASKS NEARLY 24.000€ IN LEGAL FEES TO TRANSPARENCY CAMPAIGNERS

[\[Français\]](#) [\[Español\]](#)

Validating Frontex own request, the European Court of Justice has imposed nearly 24.000 € in legal fees to transparency campaigners who had challenged the agency's policy on disclosure of information before the General Court of the European Union. Frontex request runs contrary to common practice among EU bodies not to seek the refund of legal fees, even in case of a legal victory. The freedom of information activists had sought access to the name, flag and type of each vessel deployed by Frontex in the central Mediterranean under its Joint Operation Triton in 2017. The General Court, however, ruled that Frontex is not obliged to disclose information on their border operations. More on [EU Observer](#).

## NEW STUDIES ON MIGRANTS' HUMAN RIGHTS AT BORDERS

[\[Français\]](#) [\[Español\]](#)

German foundation Heinrich Böll Stiftung has recently published a [report on the EU's policy of outsourcing responsibility](#) from the perspective of international law of the sea and EU human rights law. The report investigates whether states can, by law, avoid responsibilities by disembarking rescued migrants in Northern African countries, by directing private shipmasters to do so, or by calling upon Northern African authorities for search and rescue operations. The report finds that states can in no way avoid this responsibility and that neither Libya, nor Tunisia, Morocco or Algeria can be considered "places of safety" for disembarking.

The European Network of National Human Rights Institutions has released the report [Protecting human rights of migrants at the borders](#) which looks at how national human rights bodies register human rights violations at the borders and how they have used their mandate to promote and protect migrants' human rights.

## MAN WRAPPED IN PLASTIC WRAP IN DEPORTATION TO CAMEROON

[\[Français\]](#) [\[Español\]](#)

Media outlets have recently reported the case of a man who was wrapped in plastic wrap on an aircraft of Turkish Airlines during a deportation from Istanbul to Cameroon, his country of origin. Videos of his treatment were widely circulated in Cameroon and sparked outrage. The man has denounced violent and humiliating treatment on the part of Turkish Airlines and the Turkish authorities. More on [France 24](#) (in French).

# DETENTION

## UK HOME OFFICE ORDERED TO REMEDY LACK OF ACCESS TO LEGAL COUNSEL FOR PEOPLE IN IMMIGRATION DETENTION

[\[Français\]](#) [\[Español\]](#)

In early February, a British Court of Appeal ordered that the UK Home Office stop the planned deportation of several detainees to Jamaica, because their right to legal assistance had been violated. In fact, days before the deportation day, a phone outage around two detention centres near Heathrow had left the detainees without any means to contact their lawyers. As a result of the court ruling, 25 people were prevented from being deported. More on [The Guardian](#).

## TUNISIAN ACTIVISTS DENOUNCE POOR DETENTION CONDITIONS FOR 800 MIGRANTS IN SPAIN

[\[Français\]](#) [\[Español\]](#)

Activists from the Tunisian Forum for Economic and Social Rights denounced that over 800 undocumented Tunisian migrants, including women and children, have been detained for more than five months in inhuman and humiliating conditions in Melilla, in cluttered and dirty plastic tents, exposed to cold and lack of food. More on [InfoMigrants](#).

## CRIMINALISATION OF SOLIDARITY

### GREECE ADOPTS NEW LAW TO POLICE NGOS WORKING WITH MIGRANTS

[\[Français\]](#) [\[Español\]](#)

On 4 February the Greek government passed a new bill which would require all NGOs working on migration and social inclusion to register their individual members, personnel and partners in a special registry. Advocates fear the measure only aims to control and intimidate NGOs and volunteers assisting migrants in Greece, where **53 people have been criminalised in Greece** for helping migrants and refugees since 2015. More on [Euractiv](#).

### ITALIAN SENATE GREENLIGHTS TRIAL AGAINST SALVINI FOR KIDNAPPING RESCUED MIGRANTS

[\[Français\]](#) [\[Español\]](#)

The Italian Senate has authorised legal proceedings against former Minister of the Interior Matteo Salvini for kidnapping rescued migrants after delaying the disembarkation of 164 people on board the Open Arms rescue ship for 19 days in August 2019. Salvini could eventually face up to 15 years in jail if found guilty. More on [NBC News](#).

### FRENCH WOMAN CONDEMNED FOR REGISTERING UNACCOMPANIED CHILD IN HIGH SCHOOL

[\[Français\]](#) [\[Español\]](#)

Chantal Raffanel, member of the Réseau Education Sans Frontiers (Network education without borders), was condemned on 6 February by the Court of Appeal of Nîmes to pay 500€ for registering an unaccompanied child in high school pretending to be his legal guardian. As with similar cases of solidarity with migrants, the court of first instance had acquitted her in June 2019, however the public prosecutor appealed the decision. More on [France 3](#) (in French).

## DATA RIGHTS

### EU MIGRATION DATABASES: WHAT CONSEQUENCES FOR UNDOCUMENTED PEOPLE?

[\[Français\]](#) [\[Español\]](#)

PICUM has published a [new blog](#) on the Migration Policy Centre's website about the recent EU interoperability regulations, which scale up the connection of existing migration databases to unprecedented levels. In the blog, our Director Michele LeVoy

and Advocacy Officer Alyna Smith explore how the new regulations could threaten migrants' fundamental rights.

## LABOUR

### ADVOCATES CALL FOR EFFECTIVE COMPLAINTS MECHANISMS FOR UNDOCUMENTED WORKERS IN THE EUROPEAN PARLIAMENT

[\[Français\]](#) [\[Español\]](#)

Last December, PICUM, La Strada International and Victim Support Europe collaborated with MEP Domènec Ruiz Devesa to organise an event in the European Parliament to address the current shortcomings in support and compensation for migrant workers who experience violence and exploitation. A clear take away from the event was the need for firewalls to be implemented between reporting mechanisms and immigration enforcement, so people will feel safe reporting crimes or labour rights violations. More in our [blog](#).

### IRELAND: IMMIGRATION RAIDS TARGET WAREHOUSE WORKERS IN DUBLIN AND MEATH

[\[Français\]](#) [\[Español\]](#)

Between January and February, the Garda National Immigration Bureau conducted two multi-agency search operations at warehouses in Dublin and Meath, which led to immigration enforcement against 25 people working with irregularities related to their work and/or residence permits. No information is available regarding outstanding complaints of the undocumented workers about working conditions or unpaid wages, or efforts to ensure their access to remedies. The inspections were carried out in conjunction with the Workplace Relations Commission and the Department of Employment Affairs and Social Protection. More on [The Journal](#).

## TERMINOLOGY

### NEW ITALIAN LANGUAGE GUIDE FOR PUBLIC ADMINISTRATION RECOMMENDS NOT USING "CLANDESTINE"

[\[Français\]](#) [\[Español\]](#)

The Italian government has released a [new version](#) of the language guide for the public administration, where it recommends using the term “irregular migrants” as opposed to “clandestine”. The guide further recommends using accurate terminology when writing about migrants, distinguishing between asylum-seekers, refugees, and irregular migrants.

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