

PICUM Strategic Plan 2021-2025

PICUM seeks a world where all people are guaranteed their human rights regardless of migration or residence status, and where human mobility is recognised as a normal reality.

Undocumented migrants have a dignified standard of living and are able to realise their rights

OUR GOAL

PICUM is grounded in principles and values of social justice, anti-racism and intersectional equality.

A society that includes everyone in service provision and fosters the social inclusion and well-being of undocumented migrants

CHILDREN & YOUTH Poverty-reduction services include undocumented children, families and young people	Solidarity with and recognition of work of undocumented workers	BOUR Improved pay and working conditions for undocumented migrants	HEALT Progress on health equity and wellbeing of undocumented migrants	H CARE Improved access to health care for undocumented migrants	
CHILDREN & YOUTH Migration procedures and policies work better for children Support and regular pathways for children becoming adults	A policies	REGULARISATION Regularisation is recognized as a policy option	DETENTION A Working towards ending deprivation of liberty of undocu- mented migrants	ND RETURNS Case resolution options are accessible and assessed	Undocumente migrants have dignified standa of living and are to realise thei rights
3 Undocument and remedies	ed migrants have acces and are protected fro	ess to justice Im harm	ACCESS TO JUSTICE		
		Developing an enabling environment for human rights defenders	Improved awareness of the impact of policing and surveillance	Access to accountability measures and remedy for undocumented people	

ted e a dard e able eir



Table of contents

Who we are
Vision and mission
Process and structure of the strategy
The external context impacting the strategy
Cross cutting priorities
PICUM's objectives
1. Strive towards a society that includes everyone in service provision
and fosters the social inclusion and well-being of undocumented migrants
Children, Families and Youth15
Labour
Health Care
2. Advocate for human-centred, fair and just migration policies
Children, Families and Youth
Labour
Regularisation
Detention and Return
3. Work to ensure that undocumented migrants have access to justice and
remedies and are protected from harm
Justice

Who we are

Founded as an initiative of grassroots organisations, the Platform for International Cooperation on Undocumented Migrants (PICUM) represents a network more than 160 member organisations working with undocumented migrants in more than 30 countries.

With two decades of evidence, experience and expertise on undocumented migrants, PICUM promotes recognition of their human rights and provides an essential link between local realities and the debates and decisions taking place at policy level.

Based in Brussels, Belgium, PICUM provides regular recommendations and expertise to influence policymakers and institutions within the European Union, Council of Europe and United Nations as well as on national and local levels.

PICUM

Vision

normal reality.

Mission

Grounded in principles and values of social justice, anti-racism and intersectional equality, PICUM is committed to ensuring that undocumented migrants have a dignified standard of living and are able to fully realise their rights.

Vision and mission

PICUM seeks a world where all people are guaranteed their human rights regardless of migration or residence status, and where human mobility is recognised as a

Process and structure of the strategy

This strategic plan is the result of a multi-phase process involving the active participation of PICUM's staff, Board and members over a six-month period. After an initial kickoff meeting with the staff and Board in December 2020, PICUM organised a series of thematic consultations with its members to determine the advocacy and policy goals for the next four years. Despite the Covid-19 pandemic forcing PICUM to manage the strategic planning process exclusively online. PICUM was able to hold several rounds of thematic discussions with members as well as a specific session on intersectionality. The draft strategy was presented and discussed with members at PICUM's 2021 General Assembly.

The strategy gives an overview of the change PICUM would like to see in society, describes the external context that has impacted this strategy as well as how PICUM approaches its work more broadly and what the key overarching goals are in this regard for the coming four years. This is followed by concrete thematic advocacy goals that PICUM will strive to reach with this strategy. These goals can be divided into three big strategic change areas. First, PICUM works to ensure that undocumented migrants can access services, are part of inclusion policies and can exercise their rights. Second, PICUM strives to ensure that undocumented migrants are protected from harm and, when they are harmed or mistreated, can achieve accountability and redress. Third, PICUM works to influence the policies that specifically target migrants and the migratory process to ensure that they are human-centred, fair and just.

The external context impacting the strategy

The COVID-19 pandemic has dominated the policy agenda in Europe, as elsewhere. There has been a renewed focus on the strength, responsiveness and resilience of health systems - and a growing recognition that equity must be a guiding principle in national responses. The economic crisis that accompanied the pandemic, as a result of confinement and other measures to limit the virus' spread, has also revealed deficits in our social protection systems and working conditions, and the inequitable burden of infection, job loss and economic precarity on migrants and people of colour, among others, due to systemic and longstanding forms of exclusion.

All of this is a critical backdrop to PICUM's work in the coming years. PICUM members reported having more trouble reaching the people they support because of pandemic-related restrictions, and in some cases struggling to meet stronger demand for their services, because of greater need among undocumented people, including the risk of destitution. Funding cuts and shifting funding priorities that could affect the work of PICUM members present a real risk. At the same time, the pandemic provides an opening to strengthen our advocacy on issues of social inclusion and equitable access to services, and to offer a more positive narrative about migration and the presence and contributions of undocumented people already living and working among us, in a context

where there is greater recognition of the "essential" work of people who have for too long been invisible and undervalued.

PICUM will respond to these new realities by deepening our efforts to advocate not only for better access to health care, but also for improved inclusion in broader social protection measures. PICUM will work to expose the link between criminalisation and exclusion from services and support structures and make the case about its impact on public health and social goals. We will continue to press the EU to remove barriers to funding for organisations supporting undocumented people, and for more sustainable financial support to their critical efforts.

2020 was also a year of racial reckoning, as the killing of George Floyd by the police in the United States galvanised protests against police violence and racism around the world. In response, the EU adopted an Anti-Racism Action Plan, convened its first ever Anti-Racism Summit and appointed its first Anti-Racism Coordinator. These developments have been welcomed by civil society, but there is broad recognition that the road to change - on an institutional and policy level - in the EU will be a very long one.

Evidence of this is that, less than one week after the adoption of its new pledge to address racism, the EU adopted its Pact on Migration and Asylum. This new proposal doubles down on detention and deportation as the main focus of the EU's response to irregular migration, with extremely limited attention to other dimensions such as social inclusion, non-discrimination and regular pathways.

In this context, PICUM is committed to our ongoing work to develop an intersectional approach across our organisation and all our thematic areas. The Anti-Racism Action Plan opens the way for additional engagement on racial justice issues for instance, related to discriminatory policing and profiling, as well as racial discrimination in the broader contexts of migration policies and control, and as deeply connected to questions around who is undocumented or has precarious status and employment in Europe.

This strategic plan will cover two EU legislative cycles and Commission mandates: the current mandate, from 2019 to 2024 and the upcoming one, from 2024 to 2029, creating opportunities to prepare and shape policies for the next decade. We will identify and aim to seize these opportunities with our members and with our civil society partners and allies.

Cross cutting priorities

PICUM brings together a broad range of experiences and expertise, generates and coordinates a humane and informed response to undocumented migrants' realities and provides a platform to influence policy makers and engage the general public in the full realisation of their rights.

PICUM works to foster an enabling and safe environment for civil society organisations and for the participation of undocumented migrants in society and PICUM itself. An enabling environment for civil society is a precondition for success in all different areas of PICUM's work.

In the next four years PICUM will:

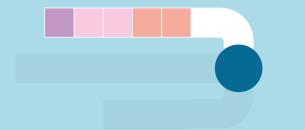
- Strengthen undocumented migrants' self-representation by supporting and lifting up migrant-led initiatives, lived experiences and calls for change
- Increase the participation of undocumented migrants across the work of the organisation
- Advocate for adequate support and funding for civil society organisations in EU budgets and representation in civil dialogue structures
- Develop a narrative that approaches migration with a positive lens, engages new audiences and enables a constructive, positive approach

- Apply a renewed visual identity that better communicates its mission, vision and values to diverse audiences
- Further improve the quality of PICUM's engagement with members so that members feel they are supported and benefit from the membership and the expertise of members is fully utilised in PICUM's work
- Initiate a process to develop and implement an intersectional feminist approach to PICUM's work. After the first strides in applying an intersectional analysis to the rights of undocumented and our work, the next step will be to meaningfully integrate the approach across all thematic areas of our work as well as internally in the organisation
- Analyse and challenge harmful the impacts of criminalisation, policing and incarceration across PICUM's areas of work.

PICUM's objectives



1. Strive towards a society that includes everyone in service provision and fosters the social inclusion and well-being of undocumented migrants



Children, Families and Youth

Inclusion of undocumented children, families and young people in policies and practices on services and poverty-alleviation

Housing and access to services by undocumented children and families have long been a central aspect of PICUM's work. Positive change is visible at the EU level, with formal recognition by the European Commission that undocumented children should benefit from free key services like early childhood education and care, education, healthcare and nutritious (school) meals. However, this recognition does not necessarily translate into effective access to services or inclusion of undocumented children and families by member states' poverty-alleviation efforts or even other EU institutions adopting similar positions.

PICUM's long-term goal is for children, families and young people to be able to access services and benefit from poverty-alleviation initiatives based on their needs, regardless of their residence status.

- Commitment by European entities (EU, Council of Europe) to include undocumented children, families and young people in relevant social and child rights policies
- Broader recognition and commitment by EU and global civil society partners of the needs and rights of undocumented children and families
- Expanded evidence base of barriers experienced by undocumented children, families and young people when trying to access services, the impact it has on their lives, and inclusive national and local policies and practices
- PICUM members supported in their national-level advocacy to ensure access of undocumented children and families to poverty-alleviation initiatives and basic services, especially the Child Guarantee national action plans
- Effective use of narratives and storytelling to increase awareness about undocumented children, families and young people's experiences of exclusion and the need for effective access to services and poverty-alleviation policies and practices.

Labour

Improved pay and working conditions for undocumented migrants

PICUM's work on labour rights for undocumented migrants has focused in recent years on increasing access to formal complaints mechanisms. Being able to exercise and enforce labour rights through formal complaints is essential both to empower undocumented workers in negotiations with their employers and provide access to remedies and due salaries when not paid. Some progress is being made already and there is a strong need to continue with this focus. Systematic under-payment and over-work have enormous and direct impacts on all aspects of undocumented workers' quality of life, health, family life and well-being.

PICUM's work in this area will focus on two components: influencing EU legal frameworks and actions across different policy areas to provide for undocumented workers' rights and improving formal complaints mechanisms to be more accessible and effective for undocumented workers.

While seeking to increase the use and efficacy of civil complaints procedures, this area of work also links closely with the work on protection from harm and access to justice for victims of crime, including human trafficking.

PICUM's work in this area will also continue to analyse and address particular risks and intersectional discrimination experienced by (undocumented) migrant workers, for example, linked to their gender, nationality and type of work.

Outcomes after four years:

- Increased commitment by civil society and trade unions to strategically incorporate undocumented workers' rights in their advocacy in different EU policy areas (e.g. due diligence, agricultural policy, care and ageing, minimum wage and other employment legislation)
- Recognition by EU level bodies and groupings of labour authorities of the need for effective complaints mechanisms/firewalls for undocumented workers (e.g. Undeclared Work Platform, European Labour Authority, DG Employment)
- Increased evidence and intersectional analysis of the impacts of criminalisation, employers' sanctions, and exclusion from the labour market and social protection on fundamental rights and equality, on irregular migration, labour markets and specific sectors, and exploitation.
- Progress towards more accessible and effective complaints mechanisms for undocumented workers, or regression mitigated, on national or local level in three key countries (through e.g. new rules or procedures on confidentiality, providing information, evidential requirements, mechanisms to ensure compensation actually received, access to residence/work permits).
- Increased mobilisation by trade unions and NGOs to support (undocumented) migrant workers to file complaints and to organise.

Solidarity with and recognition of work, rights and lives of (undocumented) migrant workers

We recognise that public and political narrative change around labour migration and labour migrants is crucial to create the environment to achieve policy change.

PICUM has consistently worked with the trade union movement to achieve its policy objectives, and to build solidarity with and support by trade unions for undocumented workers. Further work is needed to achieve this. The trade union movement remains a key actor to build awareness and recognition of (undocumented) migrant workers' roles in the workers' movement and social and economic development. A broader public will also be reached. While a complex issue, labour rights implicates all consumers. PICUM will focus on groups that may be mobilised around more fair, social and ethical economies and consumption, and just transition.

- Increased uptake by traditional and social media of messages and stories around need for migrant workers in different jobs and sectors (and need for decent work permits), as well as challenges facing undocumented workers.
- Undocumented workers' voices and stories are a part of influencing change.
- Increased support of the notion that work is work and labour rights for all means labour rights for everyone

Health Care

Improved access to health care for undocumented migrants

PICUM's work on health has traditionally focused on access to health care for undocumented people, analysing the barriers they face in different national contexts through a comparative lens, highlighting initiatives to improve access, often through local efforts, and making recommendations.

In addition to working with our members to support improvements in access at the national and local levels, we have strengthened our work and collaboration with various health partners at the EU and global levels, including the World Health Organisation. In the context of COVID-19, PICUM has worked to draw attention to the intersections between public health and socio-economic exclusion and vulnerability faced by undocumented people due to restrictive policies.

Improved access to the mainstream health system not only involves access to diagnostic and therapeutic services; it also means access to health information, which can inform life choices that can have a lasting impact on a person's wellbeing. It is also therefore linked to empowerment and opportunities for human flourishing.

Outcomes after four years:

- Shift in narratives on universal access to health care for people who are marginalised, including undocumented people, towards solidary and inclusive policies
- Expanded evidence base of promising practices at the national and local levels, including community-based, participatory initiatives to improve access to integrated, quality services; and of the positive impact of inclusive health and social policies on individuals and society
- Empowerment of our members, through tailored support, exchange of opportunities and tools, to achieve advocacy goals around improved access at the national level, including to leverage privacy and data protection regulations to support creation of firewalls
- Increased and sustained engagement on social and traditional media through strategic communications on health-related themes

Progress on health equity and wellbeing of undocumented migrants by addressing determinants of physical and mental health

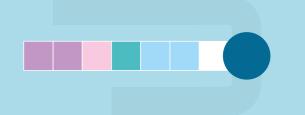
In recent years, PICUM's work on health has extended to the health-related impact of policies that restrict undocumented people's access to decent work and housing, and the damaging health-related effects of migration enforcement policies and criminalisation more generally.

We have started to look not only at access to health services, but also at those structural factors that negatively affect the mental and physical health and wellbeing of undocumented people, which includes looking at policies outside of the health sector.

This is important not only because health provides an important lens to demonstrate in a human and relatable way the harms of certain policies; but also because improving the health and wellbeing of undocumented people requires addressing those broader factors - related to criminalisation and restrictive social and economic policies - that increase their risk of injury, exploitation, and ill health.

- Expanded evidence base on the health-related impact on undocumented people of immigration enforcement measures like detention and of restrictive social policies
- Increased understanding and use of participatory research methods involving undocumented migrants and migrants' rights organisations
- Increased solidarity and joint advocacy with EU networks working with other excluded groups on social inclusion and access to services to influence the EU agenda
- Reduced barriers to EU social funding to support undocumented people
- Clear messaging adopted within the network and among civil society partners on the effects of immigration control measures on health and wellbeing, including related to social rights and access to services, and related exclusion

2. Advocate for human-centred, fair and just migration policies



Children, Families and Youth

Migration procedures and policies that work better for children and lead to durable solutions

PICUM has repeatedly stressed the child safeguarding gaps and harmful practices in migration policies and decision-making, especially in return policies and practices. Building on previous work, we will continue to advocate for migration decision-making procedures that result in a durable solution by promoting and unpacking the best interests of the child procedure developed jointly with UN agencies and civil society organisations in 2019.

Only when governments make residence decisions in the best interests of the child can children and families be sure that their long-term well-being and development is taken into account. However, not only decision-making or return-related policies are harmful to children, families or youth: it is clear that more and better safeguards need to be integrated into migration-related procedures and policies across the board so that children, young people and their parents are not (re) traumatised, harmed or made vulnerable.

In addition, it remains crucial to counterbalance policy makers' predominant focus on unaccompanied children by continuously underlining the different, but equally important (safeguarding) needs of unaccompanied children and children in families.

- Expanded evidence base of harmful migration policies and practices and their impact on children, families and young people's well-being
- Joint civil society guidelines on child-specific safeguards for migration and residence procedures, and openness at EU level to develop or adopt such guidelines or norms, including for children in families
- Inclusion of more and improved child-specific safeguards in migration policies, norms and procedures at EU and national level (e.g. in the Migration and Asylum Pact instruments and the recast Return Directive)
- Continued attention at the global level to the need for child-rights compliant migration procedures and norms
- Empowerment of members and civil society partners to advocate for best interests procedures and durable solutions for children, through tailored support, exchange opportunities and tools
- Increased recognition by national-level governments and EU institutions of best interests procedures and durable solutions for children
- Structural integration of undocumented and formerly undocumented children, families and youth's experiences of migration policies and practices throughout PICUM's work (e.g. in events, presentations, interventions, multimedia, written outputs and research)
- Increased uptake by traditional and social media of messages and stories around undocumented children as European "Dreamers", as children who are part and parcel of our societies, with a view to increase support for regularisation schemes and fair and just migration procedures.

Support during transition to adulthood and increased access to pathways for stay linked to childhood and ageing out

Undocumented children and some children with temporary residence statuses age out to become undocumented adults. Their transition to adulthood is most often abrupt and ill-prepared: they lose support they received as children, can become homeless, especially when they are unaccompanied, and some are detained and forcibly returned shortly after their 18th birthday. Their mental health also takes a hit when they also see their peers get on with their lives and fulfil their dreams, be it studying or working, while their ambitions are thwarted and their plans forcibly put on hold.

Although several governmental programmes prepare regularly residing unaccompanied children for their transition to adulthood and independent living, undocumented children and unaccompanied children who will become undocumented once they turn 18 are rarely informed or prepared for this life-changing event. This needs to change.

PICUM's long-term goal is threefold. First, undocumented children and young people should be prepared for their transition to adulthood and the loss of rights it causes. Second, governments should prevent children from ageing out into undocumented adulthood by providing them with a long-term residence status beforehand. Third, young undocumented people who have already aged out should be able to regularise their stay.

Outcomes after four years:

- Shift in narrative of key institutional stakeholders and civil society partners from a primary focus on unaccompanied children with status to include children in families and transition into undocumented adulthood
- Commitment at EU level to develop guidelines on transition to adulthood that benefit undocumented children and young people
- Members empowered to advocate for pathways for stay/ regularisation linked to childhood and ageing out, through tailored support, exchange opportunities and tools
- Clear understanding of PICUM members and key civil society partners of the primary elements of pathways for stay linked to childhood and ageing out
- Expansion of funding and programmes that support children transitioning into undocumented adulthood
- Increased mobilisation and participation of undocumented young people and formerly undocumented young people (e.g. through PICUM youth exchanges, campaigns and other support)

Labour

Increased and improved pathways to regular work

PICUM began deepening its work on labour migration pathways with a major report in 2020. "Pathways" is intended to include all ways for people to access necessary authorisations and permits to reside and work regularly, both from outside the country and within countries. This therefore includes regularisation, which features across all PICUM's strategic areas of work.

The long-term objective is to improve migration governance, to address and avoid the reasons people work irregularly or in precarious and dependent situations; and to enable migration and residence policies that promote regularity, decent work and social inclusion.

Strategically, PICUM will focus on increasing pathways to work regularly, and improving the quality of the associated procedures and statuses. In particular, we will focus on making general work permit schemes more inclusive and accessible across jobs and sectors and improving the quality of work permits provided to migrant workers. In terms of quality of permits, we will focus on advocating for workers to have greater options and time to change employer (on the same permit or with minimal administration), and to have work permits that are more stable and long-term (as opposed to seasonal, circular and temporary). We will also advocate for in-country applications for work permits, work permits for people who had a permit but lost it due to the actions of their employers, and for regularisation to be recognised as a vital part of labour migration policies.

Strategic priorities for us for the next for the next four years are the inclusion of the point of view of labour migrants in policy design and evaluation, and promoting specific measures to reduce exploitation through recruitment practices.

- Increased capacity of members and tools to advocate on national and regional level for new pathways related to employment and/or improvements in labour migration governance corresponding with key criteria to promote decent work and social inclusion.
- Key criteria to promote decent work are consistently articulated by partner organisations.
- Possibilities for migrant workers to change employer are improved by EU level norms (linked to the revision of the Single Permit Directive).
- Specific standards to protect labour migrants are included in EU regulated or supported pathways (e.g. existing legal framework, "Talent Partnerships").
- Steps are taken at the EU level towards improving regulation of temporary work and recruitment agencies.
- Increased awareness of the lack and need of decent work permits, including through sustained communication on social media and news outlets

Regularisation

Increased recognition of regularisation as a vital policy option

PICUM strives for a world where all people can enjoy a decent standard of living and full realisation of their rights, regardless of their residence status. At the same time, an important way to fundamentally improve the situation and opportunities of undocumented people is to resolve, or regularise, their status. Regularisation is a vital migration policy instrument, and a priority for undocumented people; it has been and will remain a cornerstone of PICUM's work.

Our work to increase and improve possibilities for undocumented people to regularise their status cuts across all our areas of work. We look at regularisation in the context of employment, child rights, justice, health, and immigration procedures. Our context-specific objectives on regularisation can be found in the different thematic sections. Our broader objectives on regularisation - in all contexts - are set out below.

Outcomes after four years:

- A coherent, consistent approach to regularisation that informs our advocacy across different dimensions of our work, and situates regularisation within our broader vision and approach
- Increased capacity of PICUM members to carry out advocacy and campaigns around regularisation on national level
- Broader multi-stakeholder support for regularisation as a vital policy instrument
- Improved evidence base on regularisation schemes in Europe, across policy and thematic areas
- Recognition by EU institutional actors of the relevance of regularisation as a policy instrument
- Increased awareness of the benefits of regularisation measures for both undocumented people and society at large, and increased support of the notion that undocumented people belong where they live, including through sustained communication on social media and news outlets

Detention and Return

Working towards ending deprivation of liberty of undocumented migrants and promoting community-based solutions

As EU and national policies increasingly resort to immigration detention to deter irregular migration and increase returns, PICUM will continue advocating for migration systems that do not rely on detention, and to promote rights-based, community-based solutions. One key trend that has been observed at the EU level is the increase in *de facto* detention, for instance at the EU's external borders or in airport transit zones. To encompass these practices, it was decided to frame our work in terms of "ending deprivation of liberty" rather than "detention".

Our long-term goal in this area is to end deprivation of liberty for all in the context of migration. At the same time, this should be accompanied by the expansion of case management-based solutions, which play a key role in supporting people to work towards the resolution of their case while living in the community. Progress in this sector is thus closely interrelated with PICUM's criticism of the EU predominant focus on returns and our call to consider different options for case resolution.

- Expanded evidence base and articulation of the different practical circumstances and legal frameworks under which undocumented people are held in *de facto* detention in the EU
- Better coordinated use of strategic litigation against deprivation of liberty in the context of immigration enforcement policies
- Clarity at the EU level on safeguards and individual assessment before a decision to detain is adopted, with the aim to reduce immigration detention and end immigration detention of children and people in situations of vulnerability
- Political progress at EU level towards ending detention of children and people with vulnerabilities
- Increased multi-stakeholder support at the European and national levels for the implementation of community-based solutions
- Increased uptake on traditional and social media of stories and messages around the harms of immigration detention on people's lives, and in particular for children and people with vulnerabilities, with a view to contributing to build support for an end to immigration detention.

Different options for case resolution are accessible and assessed

Recent PICUM work has highlighted the EU focus on increasing returns at all costs, while shedding light on the extremely harmful impact of deportation on people's lives.

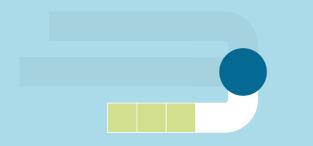
PICUM's long-term priorities are to challenge the prevailing paradigm that exclusively focuses on return as the only option for irregular migrants who do not qualify for international protection, and to promote fair and humane migration policies, in which different options for case resolution, including access to residence permits, are assessed and considered. This requires, on the one hand, ensuring that return procedures are rights-compliant and that safeguards are respected; on the other hand, expanding the accessibility of residence permits, to reduce the number of people in return procedures.

Outcomes after four years:

- Norm setting and joint civil society guidance on rights-compliant return procedures, with a focus on the pre-return phase
- Increased safeguards to ensure the accessibility of different residence permits for migrants in an irregular situation
- Increased capacity of members and civil society partners to advocate for the consideration of different options for case resolution at national and EU levels
- Improved accountability mechanisms for fundamental rights violations in the context of return procedures (e.g. work on Frontex)

PICUM - Strategic Plan 2021-2025 27

3. Work to ensure that undocumented migrants have access to justice and remedies and are protected from harm



Justice

Improved recognition of harm and access to accountability measures and remedies for undocumented people who experience mistreatment

PICUM's advocacy on access to justice has focused in recent years on safe reporting for undocumented victims of crime, building on the 2012 EU legislation that sets out minimum rights for victims of crime that extend to all victims, regardless of residence status. The policy landscape on victims' rights has improved at the EU level, with an EU strategy on victims' rights announced in June 2020 that specifically addresses undocumented victims of crime and the creation of a victims' rights platform that opens avenues for engagement with the European Commission on victims' rights.

The prioritisation of EU responses to gender-based violence, with possible new legislation, also creates opportunities, alongside some risks. For its part, the EU's strategy on trafficking in human beings recognises key challenges in access to protection and remedies for victims, though it largely continues to strengthen an approach focused on criminal law and border controls that causes harm to migrants, especially when undocumented.

At the same time, the situation at the national level has remained largely unchanged for undocumented people, in terms of their exposure to harm and ability to access support services and justice when they are mistreated.

- EU-level guidance or norms on the creation of "firewalls" to improve safe reporting and access to justice and remedies for undocumented victims and witnesses
- EU-level norms on improved access to services for undocumented women and women with insecure residence status who have experienced gender-based violence
- Members supported to achieve progress towards "firewalls" in two national or local contexts, including by leveraging data protection rules and strategic litigation where relevant.
- Expanded evidence and analysis of local/national practices that encourage reporting of victimisation to authorities and facilitate access to holistic support.
- Improved awareness and recognition among EU policymakers of the need for access to unconditional services for undocumented people who have been victimised.
- Mitigation of the negative impacts of new anti-trafficking measures that are harmful to undocumented migrants.
- Effective use of narratives and storytelling to increase awareness about how criminalisation affects the safety, protection and access to justice for undocumented people, for specific communities and groups of undocumented people, and perpetuates discrimination more generally.

Improved awareness of the impact of policing and surveillance, including through digital technology

PICUM will step up its challenge to the criminalisation of migration by analysing and addressing the long-standing and emerging trends in the policing of migration, from the use of criminal law sanctions and penalties, infrastructure and enforcement bodies to the impact of criminalisation in reinforcing discrimination, marginalisation and precarity.

In particular, to better understand and address the systemic factors that increase undocumented migrants' risk of harm and limited protections through the criminal justice system, our work on safe reporting has begun to delve more into how policing practices reinforce intersecting forms of discrimination against undocumented people, and to explore other models of accountability for harm outside the criminal justice system, including those based on more community-based frameworks for support and empowerment.

We also started by looking into how data protection relates to our work on the firewall and its application in the context of migration management and policing. As part of this work, we have developed strong collaboration with researchers and NGOs working on privacy and digital rights, and begun to draw connections between the expanding use of digital technology and large-scale processing of personal data and the stepped up surveillance and policing of undocumented people, at the EU and national levels. Developments in this area are often opaque and couched in highly technical language, which makes it extremely challenging for civil society and non-experts to engage with and to challenge them. We therefore see a growing need for migrants' rights advocates to have a voice in this space.

Outcomes after four years:

- Improved evidence, through work with members, of the impact of the deployment of digital technology for immigration control and policing on individuals and communities
- Improved awareness among PICUM's members and partners of the deployment of digital technology to support immigration and law enforcement aims, and the fundamental rights implications
- Improved analysis and messaging on the intersectional and racial justice dimensions of criminalisation and its impact on safety, wellbeing, and justice for undocumented people, with a focus on discriminatory policing and securitisation of migration policy
- Stepped-up engagement and joint actions with anti-racist and digital rights partners to influence EU policy on artificial intelligence (AI) and the use of digital technology and IT infrastructures for enhanced surveillance, policing and immigration control
- Clarity about strategic opportunities for PICUM's advocacy on issues related to digital rights and improved capacity to address them more systematically

Develop an enabling operating environment and supporting NGOs and human rights defenders facing criminalisation

Promoting an enabling environment for NGOs and human rights defenders working on migrants' rights has two components: on the one hand, supporting the work of PICUM members and migrant-led initiatives through coalition building, member exchanges and mobilisation of support in cases of criminalisation. On the other hand, this requires policy-level work at the EU and national levels to protect civil society organisations and migrants' rights defenders from judicial and other forms of harassment, in particular by preventing the abuse of law to criminalise acts of solidarity; and to grant access rights to NGOs.

This area is strictly interconnected with the criminalisation of migration itself as well as the criminalisation of service provision to undocumented migrants, as well as their right to housing.

- Evidence base on the impact of EU policies in the areas of crime prevention and security, and in particular counter-smuggling policies, on migrant communities and their supporters
- Increased understanding and awareness of the harmful impact of EU counter-smuggling policies on migrants' rights
- Stronger EU action to support and protect migrants' rights defenders and NGOs from judicial and other forms of harassment
- EU legal clarity granting NGOs the right to access places of deprivation of liberty and border areas
- Increased uptake by traditional and social media of messages and stories around criminalisation of European citizens for their solidarity with migrants, with a view to build public support for decriminalisation and everyone's right to help.

In addition to the support provided by PICUM members, we wish to thank the following foundations and institutional donors for their financial support:



This report has received financial support from the European Union Programme for Employment and Social Innovation "EaSI" (2021-2027). For further information please consult: <u>http://ec.europa.eu/social/easi</u>. The information contained in this publication does not necessarily reflect the official position of the European Commission

SIGRID RAUSING TRUST



Photos: © PICUM Published: January 2022 Design: Chocolate Jesus



Supported by a grant from the Foundation Open Society Institute in cooperation with the Open Society Initiative for Europe of the Open Society Foundations.









Rue du Congres / Congresstraat 37-41, post box 5 1000 Brussels Belgium Tel: +32/2/210 17 80 Fax: +32/2/210 17 89 info@picum.org www.picum.org