Legal Seminar 2023
EU Law and Undocumented Migrants

Racial Profiling, Policing and Immigration Control

29-30 November 2023
VUB University - U-Residence Building, Green Room
Boulevard Général Jacques 271, 1050 Ixelles, Belgium

This event will be hybrid*
To participate online, please register here
*except for the workshops on 30 November
Concept Note

In a 2018 report, the Special Rapporteur on contemporary forms of racism addressed racism in the context of citizenship, nationality and immigration. The report calls attention to “explicit ideologies of racial superiority and to structural racism that occurs through institutions and policies” and “that might otherwise be ignored due to the absence of explicit racial, ethnic or religious” ill will. She underscored how this ethno-nationalism “has deep historical roots, including in relation to Europe’s colonial past.” The growing use of technology in the migration context is linked to this phenomenon, with “digital technologies […] being deployed to advance the xenophobic and racially discriminatory ideologies that have become so prevalent, in part due to widespread perceptions of refugees and migrants as per se threats to national security.”

Across Europe, policing and immigration enforcement is becoming increasingly interconnected. This occurs both conceptually, in the pervasive narrative of migration and threat, and operationally, given the role of law enforcement in immigration control in many EU countries. Racialised people bear the brunt; in the form of heightened criminalisation of movement, increased stops and searches, and a heightened experience of violence. Research from 2021 by the EU Fundamental Rights Agency shows that people from an ethnic minority are disproportionately affected by police stops, both when they are walking and when in a vehicle. Another study from 2014 showed that 79% of surveyed border guards at airports rated ethnicity as a “helpful indicator” to identify people attempting to enter the country in an irregular manner before speaking to them. Earlier this year, in February 2023, the Dutch court overturned a lower-court ruling by prohibiting the country’s border police from using racial profiling to carry out identity checks at borders.

This legal seminar, co-organised with Equinox Initiative for Racial Justice, is the fourth in a series launched by PICUM in 2017 that looks at EU law and its impact on and relevance for undocumented people. This year’s seminar looks at the intersection of racial profiling, policing and immigration control. It aims to gather advocates, community organisers and legal practitioners working on racial justice, migrant justice, prison abolition and related movements to:

- Explore manifestations of racism and racial profiling in the context of migration control;
- Examine how the legal and policy framework of migration enforcement intersects with criminal justice and punitive approaches;
- Clarify the legal framework, under EU and international law, establishing rights and remedies for racial discrimination and related harms;
- Learn and build on existing efforts and opportunities to challenge discriminatory and harmful practices against migrants and racialised people linked to policing and immigration enforcement, in the courts and beyond.
13:00 - 19:00

13:00 - 14:00  Registration & light lunch

14:00 - 14:15  Introduction and Welcome  
PICUM

14:15 - 14:25  Keynote [video address]  
Tendayi Achiume, former UN Special Representative on Contemporary forms of racism

14:25 - 15:15  Racism and migration in the EU  
Moderator: Emmanuel Achiri, European Network Against Racism (ENAR)  
Speakers:  
• Karin de Vries, Utrecht University  
• Vida Beresnevičiūtė, European Union Agency for Fundamental Rights  
• Eleftherios Eleftheriou, DG HOME, European Commission  
• Alyna Smith, PICUM  
Q&A

15:15 - 15:30  Coffee break

15:30 - 16:25  Blurring the line between criminal law and immigration law – EU framework  
Moderator: Laurence Meyer, Digital Freedom Fund  
Speakers:  
• Ulrich Stege, International University College of Turin and Association for Juridical Studies on Immigration (ASGI)  
• Chloe Berthelemy, European Digital Rights (EDRi)  
• Silvia Carta, PICUM  
Q&A

16:25 - 17:20  Blurring the line between criminal law and immigration law – Case studies  
Moderator: Laure Baudrihaye, Independent expert  
Speakers:  
• Sara Traylor, Alarm Phone  
• Selma Benkhelifa, Progress Lawyers  
• Lamprini Gyftokosta, Homodigitalis  
Q&A

17:20 - 17:30  Final reflexions  
Mpanzu Bamenga, Human Rights Activist, Founder Human Rights Initiatives and Incleaders, the Inclusion Leaders Network and Future Dutch Parliamentarian

17:30 - 19:00  Reception
Thursday 30 November 2023

8:45 - 15:30

8:45 - 9:15  Registration & morning coffee

9:15 - 9:30  Welcome
Equinox

9:30 - 11:00  Racial profiling for immigration control across borders and within Europe
Moderator: Adla Shashati, Greek Forum of Migrants
Speakers:
• Ting Chen, Roses D'Acier
• Parvin Abkhoudarestani
• Laure Palun, Anafé
• Monish Bhatia, University of York
Q&A

11:00 - 11:15  Coffee break

11:15 - 12:45  Parallel workshops*
• Grassroots action and direct response. Led by Esra Ozkan (JET Table) and Jennifer Kamau (International Women* Space).
• Movement Lawyering. Led by Laurence Meyer.
• Anti-racism activism for migrant justice at EU level. Led by: Stephanie Richie (Equinox) and Alyna Smith (PICUM)

*The workshops will be available to in-person participants only

12:45 - 13:45  Lunch

13:45 - 15:15  The way forward - How can we challenge racial profiling in the immigration context?
Moderator: Sarah Chander, Equinox
Speakers:
• MEP Saskia Bricmont
• Jennifer Kamau – International Women* Space
Q&A

15:15 - 15:30  Concluding remarks
PICUM & Equinox
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