

Legal Seminar 2023

EU Law and Undocumented Migrants

Racial Profiling, Policing and Immigration Control

29-30 November 2023

Hosted by White & Case LLP

Rue de la Science 37, 1000 Brussels

*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.

Wednesday 29 November 2023

13:00 - 19:00

- ◆ **13:00 - 14:00** **Registration & light lunch**
- ◆ **14:00 - 14:15** **Introduction and Welcome**
White & Case, 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: Ojeaku Nwabuzo, European Network Against Racism (ENAR)
Speakers:
 - Karin de Vries, Utrecht University
 - Sarah Chander, Equinox Initiative for Racial Justice
 - Alyna Smith, PICUM
 - Eleftherios Eleftheriou, DG HOME (tbc)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, PICUMQ&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, HomodigitalisQ&A
- ◆ **17:20 - 17:30** **Closing day 1**
Equinox
- ◆ **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 Ashashati, 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 - 12:30** **Parallel workshops***
 - Grassroots action and direct response
 - Movement Lawyering
 - Anti-racism activism for migrant justice at EU level
**The workshops will be available to in-person participants only*
- ◆ **12:30 - 13:30** **Lunch**
- ◆ **13:30 - 15:00** **The way forward - How can we challenge racial profiling in the immigration context?**
Moderator: Sarah Chander, Equinox
Speakers:
 - MEP Saskia Bricmont
 - Mpanzu Bamenga, Human Rights Initiatives
 - Jennifer Kamau – International Women* Space
Q&A
- ◆ **15:00 - 15:30** **Concluding remarks**
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