

# solidar

## SOLIDAR MIGRATION BULLETIN

Issue 4, 28<sup>th</sup> February 2007

*Welcome to the first 2007 edition of our Bulletin! I hope you find it useful and look forward to comments and news about your activities.*

Giulia Laganà, Solidar Migration Project Officer

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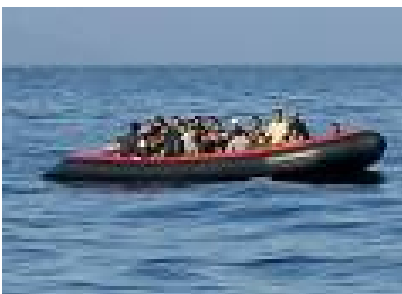
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#### EU AND COUNCIL OF EUROPE POLICY UPDATE

##### 1.1 European Commission 'Migration centre' to open in Mali



On 8<sup>th</sup> February the BBC broke the news that EU Commissioner for development and humanitarian aid, Louis Michel, was in Bamako to discuss opening a 'job centre' for migrants in the Malian capital, Bamako. Though Louis Michel's visit was not made public by

the European Commission, information on the working document on the centre, obtained by the BBC, seemed to echo proposals laid out in the EC's November 2006 Communication on 'The global approach to migration: one year on'. 'Migration centres' in Africa, tasked with providing information on legal migration channels to the EU, were envisaged in the Communication.

The centre which should open in Mali, however, goes further than this by reportedly offering migrants job opportunities for seasonal work in agriculture, construction or domestic work, and providing them with visas and residence permits. According to the working document, France and Spain have pledged to provide the centre with a number of yearly quotas, something the European Commission would be unable to do given that its mandate does not extend to this area. The centre will be co-financed by the EC and member states.

Regional migration centres are also planned in rural areas of Mali. Their function would be to alert potential migrants to job opportunities within the country and the region rather than exclusively in Europe. In another attempt to create opportunities for would-be migrants in Africa, the main facility in Bamako should also include a joint initiative with the Grameen Bank to disburse micro-credit for small-scale entrepreneurial activities in Mali.

The working document also mentions return and circular migration to counter the brain drain, though it is not clear how this will be achieved, given that member states retain control over admitting migrants to their territories and definitions of what constitutes a 'highly skilled' migrant vary significantly across Europe.

Migration centres should also be set up in Senegal and Mauritania in the future.

The EU's new member states have reacted angrily to news of the planned migration centres in Africa as their citizens still face restrictions in accessing labour markets in the EU-15. In their view, quotas for seasonal work should be granted to labourers from countries like Lithuania, Poland, Romania and Bulgaria before they are handed out to African migrants.

#### Useful links:

BBC article on the 'job centre' in Mali (8/02/07):  
<http://news.bbc.co.uk/2/hi/africa/6341487.stm>

European Commission Communication on 'The global approach to migration one year on: towards a comprehensive European migration policy' (30/11/06):  
[http://eur-lex.europa.eu/LexUriServ/site/en/com/2006/com2006\\_0735en01.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/com/2006/com2006_0735en01.pdf)

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## **1.2 European Parliament reports on regular and irregular migration**



The European Parliament's Civil Liberties Committee organised a public hearing on 30<sup>th</sup> January on 'The EU and the challenge of migration'. Socialist MEPs Lilli Gruber and Javier Moreno Sánchez, the rapporteurs on, respectively, the 2005 European Commission Communication on a 'Policy Plan on legal migration'

and the 2006 EC Communication on 'Policy priorities in the fight against illegal immigration of third-country nationals', presented their working documents on the Communications. The two reports should be ready by May and will probably be voted in plenary either before or after the summer break.

Moreno Sánchez's preliminary findings call on the Council to implement the so-called *passerelle* (or simplified revision procedure) clause, outlined in article 67 of the Treaty establishing the European Community and article 42 of the Treaty of European Union, to legal migration and integration. The *passerelle* clause allows the Council to move specific areas in the field of Justice and Home Affairs from the third (police and judicial co-operation) to the first pillar (European Communities), thus granting the European Parliament co-decision powers and allowing the Council to use QMV (Qualified Majority Voting) rather than unanimity. The clause has been used to place asylum, irregular migration and border control, but not legal migration, in the first pillar.

The Spanish MEP also upholds the EC's drive to sign readmission agreements with sending and transit countries and stresses that the agreements should foster co-development. Respect for human rights, the 1951 Refugee Convention or even the Barcelona *acquis* are not mentioned as binding tenets which should be inserted in the agreements. Border management, the working document argues, should not violate the right to asylum and the principle of *non-refoulement*. Respect for the human rights of all individuals involved, be they potential refugees or economic migrants, should also be cited in this context.

The document also underlines how, in the fight against trafficking, the victims should not be punished instead of, or more harshly than, the traffickers. It would be useful to note that a number of European countries, such as the Netherlands, foresee measures to protect the victims of trafficking such as granting them temporary residence permits if they decide to press charges against the traffickers.

The working document also welcomes the EC's decision to crack down on employers who hire irregular migrants. However, it is vital that irregular migrants, much like the victims of trafficking, do not bear the brunt of measures to combat irregular employment by being deported. The Italian government has, to this effect, put forward a proposal to grant exploited undocumented migrants the right to stay in Italy (see Section 2.1).

The rapporteur also urges his colleagues in the Agriculture, Employment and Civil Liberties Committees to organise a joint hearing on the issue of the exploitation of undocumented migrants in the EU.

Italian MEP Lilli Gruber's working document on the EC's Policy Plan on legal migration focuses on a series of points, ranging from the problem of defining 'highly skilled' migrants to the fact that sectors which employ the most migrants, such as construction and healthcare, are not mentioned in the Plan. Gruber also puts forward a number of proposals such as allowing migrants on seasonal permits to apply for long-term ones and granting remunerated trainees (a category which will be addressed in a specific directive) the right to seek employment once their internships are over.

Useful links:

European Commission Communication on a 'Policy Plan on legal migration' (21/12/05):

[http://eur-lex.europa.eu/LexUriServ/site/en/com/2005/com2005\\_0669en01.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/com/2005/com2005_0669en01.pdf)

European Commission Communication on 'Policy priorities in the fight against illegal immigration of third-country nationals' (19/07/06):

[http://eur-lex.europa.eu/LexUriServ/site/en/com/2006/com2006\\_0402en01.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/com/2006/com2006_0402en01.pdf)

Documents from the European Parliament Civil Liberties Committee hearing on legal and illegal immigration (30/01/07):

[http://www.europarl.europa.eu/meetdocs/2004\\_2009/organes/libe/libe\\_20070130\\_1500\\_hearing.htm](http://www.europarl.europa.eu/meetdocs/2004_2009/organes/libe/libe_20070130_1500_hearing.htm)

Lilli Gruber MEP's working document on the Policy Plan on legal migration (19/01/07):

[http://www.europarl.europa.eu/meetdocs/2004\\_2009/documents/dt/648/648908/648908en.pdf](http://www.europarl.europa.eu/meetdocs/2004_2009/documents/dt/648/648908/648908en.pdf)

Javier Moreno Sánchez's working document on the EC Communication on illegal immigration (29/01/07):

[http://www.europarl.europa.eu/meetdocs/2004\\_2009/documents/dt/649/649078/649078fr.pdf](http://www.europarl.europa.eu/meetdocs/2004_2009/documents/dt/649/649078/649078fr.pdf) (French version only)

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### **1.3 Parliamentary Assembly of the Council of Europe Opinion on agriculture and illegal employment in Europe**

The Committee on Migration, Refugees and Population of the Parliamentary Assembly of the Council of Europe recently adopted an Opinion on a report on 'Agriculture and illegal employment in Europe' drafted by the Committee on the Environment, Agriculture and Local and Regional Affairs, which, in turn, draws on a 2003 report on migrants in irregular employment in the agricultural sector of southern European countries.

The Opinion underscores the importance of ensuring that irregular migrants employed in agriculture are granted minimum rights, as outlined in the Resolution and Recommendation on the rights of irregular migrants adopted by the Parliamentary Assembly, and that their human dignity is respected.

The root causes of illegal employment, such as the economic costs faced by employers and European citizens' unwillingness to take up certain jobs, should also be addressed, and steps should be taken against employers who do resort to irregular employment.

The Opinion cites article 3 (prohibition of torture, inhuman or degrading treatment or punishment) and article 4 (prohibition of slavery and forced labour) of the European Convention on Human Rights as evidence of the protection irregular migrants can already claim on European soil. Migrants in irregular employment also have the right to fair wages, 'reasonable' working conditions, compensation for accidents, access to the courts and freedom to form and join a trade union.

[Useful links:](#)

Text of the Committee on Migration's Opinion (23/01/07):

<http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc07/EDOC11148.htm>

Resolution of the Parliamentary Assembly on the rights of irregular migrants (27/06/06):

<http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta06/Eres1509.htm>

Report of the Committee on Migration on migrants in irregular employment in the agricultural sector of southern European countries (18/07/03):

<http://assembly.coe.int/Mainf.asp?link=http://assembly.coe.int/Documents/WorkingDocs/doc03/EDOC9883.htm>

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## NEWS FROM EU MEMBER STATES

### 2.1 Italian government proposal to grant residence permits to exploited migrants and cut EU funds for employers who hire irregular migrants



The proposed legislation would extend the benefits of art. 18 of Italy's 1998 immigration bill, which currently targets the victims of trafficking for the sex trade, to undocumented migrants who report exploitation. Under the new law the latter would be granted residence permits if the authorities certify that they are being 'severely exploited', though, unlike the victims of trafficking, irregular migrants will not be able to access training programmes and will not be offered accommodation.

'Severe exploitation' is defined as occurring when workers lack job contracts and a) are paid at least a third less than the minimum wage for the sector they are working in; or b) have suffered 'systematic and severe' violations of their rights as regards working hours; or c) are working in conditions where health and safety rules are being 'severely' breached and their health, safety and physical integrity are at 'grave' risk; or d) have been recruited by gangmasters.

The bill put forward by the Italian government also strengthens provisions against gangmasters, who will face up to eight years in jail, and bans employers who are found to be exploiting at least four undocumented migrant labourers from a) receiving regional, national or EU subsidies of any kind for the year they are found to be in breach of labour and immigration legislation; b) being able to apply for calls for tender launched by the state. Those who employ at least three undocumented migrants may also see their activities blocked for a month, though this does not apply to entrepreneurs working in organic farming or breeding livestock.

The law has yet to be approved by Parliament and is currently being discussed in the Italian Senate's Constitutional Affairs Committee.

A recent regional law enacted by the regional government of Puglia (the region where journalist Fabrizio Gatti uncovered massive exploitation during the tomato harvest in September 2006) bans employers in all sectors who hire workers irregularly, be they Italian citizens or migrants, from receiving local, national or EU funding for up to 5 years. The bill also covers companies carrying out services for the regional authorities in sectors such as healthcare or catering. Employers are also ultimately responsible for violations which occur in their supply chains and/or which are carried out by sub-contractors.

The regional government, unions and employers' associations will also establish a set of indexes which should define the number of hours' work which are needed for given outputs in each sector. The indexes will allow labour inspectorates, which are run through regional agencies, to target employers who are found to be employing fewer workers than they should according to their output.

Incentives are also offered to employers who decide to grant regular contracts to workers they are already employing illegally.

The Italian government's proposal (no. 1201/2006, presented on 5/12/07):  
<http://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=Ddlpres&leg=15&id=224937> (Italian version only)

Puglia regional law on measures to counter the exploitation of migrants (no. 28/2006, presented on 26/10/06):  
<http://www.regione.puglia.it/index.php?page=burp&opz=getfile&file=1.htm&anno=xxvii&num=139> (Italian only)

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## 2.2 UK curtails undocumented migrants' access to social services



The British government is planning a crackdown on irregular migrants' right to access both public services such as housing, benefits and healthcare and private ones such as banking (which allows migrants to send remittances home in a cheaper, safer way than through money transfer companies). John Reid, the home secretary, said that "Living here illegally should become ever more uncomfortable and ever more constrained", while the Home

Office minister, Liam Byrne, claimed that "We need to switch off the privileges of being in Britain if you are here illegally".

The irregular employment of migrants will be tackled by strengthening labour inspectorates and introducing a credit system whereby firms which have a good track record of not hiring irregular migrants will be awarded extra points.

Biometric ID cards, which are currently being handed over to newly arrived migrants, will be rolled out in an effort to allow employers to verify migrants' legal status more effectively.

As part of its reform of the Esol (English for Speakers of Other languages) system, the British government has also announced that asylum seekers under the age of 19 will no longer be granted the right to free English lessons. Only those who have obtained permanent residence permits (which will require passing an English test as from April 2007) and are on unemployment benefits will still enjoy fee remission. Campaigners argue that the measures will target socially excluded groups such as low-paid migrants, spouses and asylum seekers who cannot prove that they have little or no income.

Deportation of failed asylum seekers and irregular migrants will also be stepped up. The government missed its target for 2006 of repatriating more failed asylum seekers than the number of 'bogus' asylum claims lodged throughout the year, but 2006 still saw a 16% increase in deportations. Military planes are now being used to deport people to countries such as Iraq and the Democratic Republic of Congo. Applications for asylum in 2006 were down to 27,000, against 100,000 in 2002.

#### Useful links:

'Anger mounts as door closes on learners', *Guardian Weekly*, 19/01/07:

<http://education.guardian.co.uk/tefl/story/0,,1993567,00.html>

'English tests to be part of a tougher new strategy on immigration', *The Guardian*, 24/02/07:

<http://www.guardian.co.uk/immigration/story/0,,2020478,00.html>

'Jobless Poles swell rise in migrants from the east but asylum seeker numbers fall', *The Guardian*, 28/02/07

<http://www.guardian.co.uk/immigration/story/0,,2023047,00.html>

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## REPORTS AND DOCUMENTS

### 3.1 UK Home Office report on the decision making of Immigration Officers



The British Home Office, or interior ministry, published a report in January 2007 in which it attempted to assess how and why decisions to question arriving passengers further or to refuse entry are taken by immigration officers. Researchers dispatched to Heathrow and Gatwick airports for a period of four weeks carried out qualitative research on the issue and collected data for a feasibility study to determine whether there is a potential for monitoring what they defined as the 'ethnicity' of passengers who were subjected to further questioning or refused entry.

Officers, the report argues, base their decisions on intelligence, information received during training as well as 'instinct' or 'intuition'. 'Despite some stereotyping', officers seemed to be aware of the dangers of relying excessively on personal judgement.

However, 'Black' passengers were stopped for further questioning 17 times more often than 'White Northern' passengers, with 'White Southern' passengers being stopped at the second-highest rate. The researchers argue that black passengers are not being stopped because of their 'ethnicity' (or skin colour), but because of their 'economic credibility', relating both to their personal circumstances and the economic situation in their home country, because of their travel histories and of the plausibility of the reasons they gave for travelling to Britain. '*Black* passengers are generally more likely to be from poorer backgrounds', the report states.

The researchers omit to adjust the data to take occupation into account, something which *Guardian* reporter Gary Younge does, showing that factoring occupation in only widens the discrepancy between rates for white and black South Africans or Canadians. Non-white South Africans thus became 18 times more likely to be stopped. Younge also points out that on average a black Canadian's income is double that of a white South African, yet the former is 4 times more likely to be stopped by immigration officers than the latter.

As Younge argues of immigration officers' decisions, an 'individual's hunch' appears to be 'little more than the accumulated weight of assumption, presumption and prejudice, entrenched by global economics and sustained by local politics'.

Useful links:

The Home Office report:

<http://www.homeoffice.gov.uk/rds/pdfs07/rdsolr0107.pdf>

Gary Younge article on the Home Office report (*Guardian Weekly*, 19/01/07):

<http://www.guardian.co.uk/guardianweekly/story/0,,1998446,00.html>

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## SOLIDAR'S ACTIVITIES

### 4.1 Joint PICUM-ETUC-Solidar position on irregular migration and sanctions against employers



Solidar, the ETUC (European Trade Union Confederation) and PICUM (the Platform for International Cooperation on Undocumented Migrants) are preparing a joint position on the European Commission Communication on illegal migration and on the forthcoming proposal for a Directive on 'minimum sanctions for employers of illegally resident third-country nationals'.

A number of small, informal consultations have been carried out in Brussels by the EC's Directorate General for Justice, Liberty and Security, which is charged with drafting the directive, but no formal mechanism is in place to ensure that a thorough, wide-

ranging consultation is carried out with all stakeholders, including employers, unions and NGOs. Involving relevant actors would also increase the likelihood that measures laid out in the document are accepted and will be implemented more effectively.

An 'impact assessment', or a study on irregular migrants' working and living conditions, is currently being carried out by a consultancy. It is potentially of concern that interviews being carried out with NGOs working on migrants' rights seem to be very short and too broad to provide sufficient data on specific topics. The involvement of irregular migrants themselves in the study seems to be extremely limited or inexistent.

Solidar, PICUM and the ETUC all share concerns that sanctions against employers who hire irregular migrants may end up penalising the migrants themselves as the latter are often deported when apprehended by the authorities. It is thus vital that there are mechanisms in place to ensure that irregular migrants are able to report exploitation without fear and that labour law and immigration legislation are decoupled.

Irregular migrants have rights which are enshrined in the international treaties all EU states have signed up to, such as the European Convention on Human Rights.

The three organisations also set out a series of concrete proposals for effective sanctions which include safeguards for those performing irregular work.

The joint position will be published in April 2007, whilst the EC proposal for a directive on employer sanctions should be ready by the end of May.

Please email Giulia ([giulia@solidar.org](mailto:giulia@solidar.org)) for more information on the draft PICUM-ETUC-Solidar position.

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## FOCUS ON...

### 5. FIC's projects on ethnic minorities' labour market integration

*Written for us by FIC*



FIC - the new Solidar member organisation in Denmark – is, amongst other activities, actively involved in projects aimed at integrating ethnic minorities into the Danish labour market.

**Fagligt Internationalt Center** FIC focuses mainly on social and labour market issues in Denmark, in Europe and internationally.

'Ethnic minorities' can be first-generation migrant workers or the second generation, both Danish citizens and non, whose parents travelled to Denmark from countries outside the EU. The definition of 'ethnic minorities' FIC uses may also be persons who have come to Denmark as refugees. Those who have Danish citizenship are seen as Danes, but when it comes to integration in the labour market, many of those

with foreign backgrounds from outside Europe can experience difficulty in finding a job.

FIC focuses on two types of integration in the labour market:

- The 'first wave', or finding a job.
- The 'second wave', or keeping a job, i.e. integrating actively in the work place, with colleagues and in trade unions.

FIC has been - and is - working on different projects on ethnic integration in the labour market:

- Ethnic minority integration in the energy sector (finished). Supported by the EU Social Fund.
- Ethnic minority integration in the waste sector (finished). Supported by the EU Social Fund.
- Vocational training for young people, including ethnic minorities in the biggest waste company in Denmark, R98 (finished). Supported by the EU Social Fund and the Copenhagen Municipality.
- EU EQUAL project with ethnic minority women aiming at their integration in the workplace, in trade unions and in society (ends in spring 2007). Target group includes 30 ethnic minority women. Supported by EU EQUAL funding.
- Ethnic minorities in the private security sector. Supported by the EU Social Fund.

All projects are carried out in close cooperation with trade unions, the private sector, vocational training institutions, other NGOs, public authorities, etc. FIC has set up an 'Ethnic Network', which will include an 'Ethnic Women's Network' as from spring 2007. FIC has obtained funds for European training activities for ethnic minorities. FIC plans to produce a pamphlet and a brochure on its activities, which link ethnic integration, equal opportunities and strive to achieve a citizens' Europe.

Persons with an ethnic minority background have more difficulty in finding a job than persons of Danish origin. This of course depends on individuals' social and educational background, vocational training, knowledge of the labour market, their fluency in Danish, and their employment situation. Historically unskilled and semiskilled workers are those who face the biggest risk of marginalisation and may lose their job, particularly when unemployment is high. Those with the same educational background who are also from an ethnic minority group have a higher risk of not finding employment. With high employment, on the other hand, it is also easier for those from ethnic minorities to find jobs.

The unemployment rate in Denmark is around 3.5%, but still there is a need for vocational training and other initiatives to get many with an ethnic minority background – but also many of those of Danish origin – back to work. 20,000 workers, mainly from Poland and the Baltic states, have found jobs because of a lack of workers in many sectors.

The biggest Danish trade union federation, 3F, published an analysis on the future job situation for unskilled and low-skilled workers in Denmark, focusing on new technologies, globalisation and skills. In 2015 the need for unskilled and semiskilled workers will fall by 135,000 adult workers and 33,000 young people. On the other hand there will be a lack of 136,000 skilled workers and of 66,000 people with a university degree. The need for training/education (life-long learning), the integration of ethnic minorities, and the challenge of getting the elderly to work a little longer, as outlined in the EU Lisbon process, must be priorities in order to tackle changes in the future workforce and demographic changes. Because of the

extremely good economical and employment situation in Denmark, the funding of pension schemes, and the labour market flexicurity model (which combines high levels of organisation, social security, flexibility and mobility), Denmark is a frontrunner in Europe. However, there is a long way to go to ensure all persons and groups are integrated in the labour market. Ethnic minorities are a key group to focus on.

Useful links:

<http://www.fic.dk/en/>

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***Please remember to let us know about your migration-related activities and projects! Email project presentations or details of upcoming events to Giulia ([giulia@solidar.org](mailto:giulia@solidar.org)).***

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