

# EU Year 2010 – Contributing to Ending Poverty Amongst Migrants

## Report of EAPN's Conference on Migration & Poverty

CYPRUS, 11 JUNE 2010

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This report aims at outlining EAPN's orientation and principles in relation to Migration and Poverty.

In recent times, EAPN has also started to address these issues from the perspective of the impact of Globalisation. The conference, held as part of the 2010 General Assembly, was built on EAPN's past work and aimed at deepening EAPN's reflection on the impact of globalisation and in particular migration, so as to encourage EAPN and its members to better integrate this concern in its ongoing work.





## INTRODUCTION AND CONTEXT

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In recent times EAPN has also started to address these issues from the perspective of the impact of Globalisation. The conference, held as part of the 2010 General Assembly, was built on our past work and aimed at deepening EAPN's reflection on the impact of globalisation and in particular migration, so as to encourage EAPN and its members to better integrate this concern in its ongoing work. While the main focus was around the question of the reality for third country nationals who enter the EU either legally or undocumented, this conference gave the opportunity to have a more general reflection on migration, including between EU Member States and the impacts and trends in this regard on both the country from which people migrate and on the country to which they migrate.

The main opportunity the conference provided was to learn from the realities and the struggles of EAPN members to engage with this issue and stimulation of EAPN and its members to take new steps to integrate these important aspects in our work.

## **OPENING OF THE CONFERENCE: INTEGRATION OF MIGRANTS – A HUMAN RIGHTS CONCERN**

### **LUDO HOREMANS, PRESIDENT OF EAPN**

Ludo Horemans provided an overview of the work of EAPN on Migration – in particular the development of a strategic paper on poverty and migration which outlined the links between the two, the key challenges and the way forward. An integrated approach was identified as being needed and the outcomes from this conference will contribute to EAPN’s ambitions in achieving positive outcomes for migrants regardless of their status, and ensuring their social inclusion and full enjoyment of their social rights. In this regard, the EU2020 Strategy and the European Platform against Poverty should play a key role in achieving these objectives which should be monitored through the Social Open Method of Coordination and the National Action Plans on Social Inclusion and the National Reform Programmes.

There were 3 speakers in the plenary session, which was followed by a series of 5 workshops. In this report the main points from the speakers are presented as well as the key issues identified in the workshops<sup>1</sup>.

### **MINISTER FOR INTERIOR AFFAIRS OF CYPRUS, NEOKLIS SYLIKIOTIS**

Having thanked EAPN for its invitation to address the conference, Mr Sylikiotis went on to outline the Cypriot view on migration and poverty. The following points were made:

- These are two co-related problems/issues – affecting the rights and freedoms of migrants. People who are socially excluded and in poverty are from many vulnerable groups in society and migrants are the most striking example of this. EAPN is to be complimented on having a focus on both these issues and the interrelationship between them, especially in its 20th anniversary year.
- As the Minister with responsibility for such policies, he looks forward to receiving the conclusions of the conference which will contribute to the policies on ‘fighting against poverty and social exclusion’ at both European and Cypriot levels.
- Cyprus has many migrants – it is at the crossroads of 3 continents and Cyprus has had the experience of the Turkish invasion in 1974. It is close to an unstable political region (i.e. the Middle East) and to Africa. Since its accession to the EU in 2004, there has been a reversal of the internal balances, so that instead of being a starting point country, Cyprus is now the host country of refugees.
- No country in the EU can deal with this complex phenomenon in isolation – it is essential that all the EU Member States work together and in co-operation to have an agreed and harmonized approach.
- Migrant inflows are not uni-dimensional – social, political, economic factors all affect the need of people to move; exploitation, wars and the hope to find a better future are all factors.
- Cyprus has identified the need for a catalyst to eliminate the causes of migration and to help all States to manage migration. Cyprus, along with Italy, Malta, Spain and Greece is at the

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<sup>1</sup> Speakers’ papers are available on EAPN’s website

frontline of migration and underlines the need for the EU to intensify its efforts on developing policies to address the issue, and to have a united and balanced EU asylum process by 2012, which will incorporate a distribution of responsibility amongst the EU member states. The elements of this policy include the need for a common approach to provide practical solidarity and to concentrate on irregular migration.

- The EU policies on Social Cohesion and Growth and Article 79 of the Lisbon Treaty provide institutional mechanisms to work on enhanced asylum policies. The attention has been on implementing and harmonizing policies, based on the pillars of the European Convention on Migration and Asylum to ensure the rights of each member of society without prejudice.
- In any asylum and migration policy there must be full respect of the human rights of all migrants – both documented and undocumented. Migration is a positive feature in society – migration contributes to the economic and social growth of countries. Challenging the negative discourse about migration is an important aspect of the work. It is essential that Europe succeeds with its integration policies to avoid social inequalities and misery.
- In Cyprus, a 2011-2012 Integration Programme is being developed – including the education of refugees and their integration into the labour market. The objective of the Cypriot policy is to integrate migrants until they obtain legal status to stay in Cyprus – to eventually become citizens of Cyprus. This programme is based on International law, international conventions and the European directives fully transposed in national legislation.

Cyprus is devoted to achieving this, respecting human life, the status and dignity of these people and no compromise will be acceptable.

## **EAPN RESPONDS**

EAPN welcomed the announcement of the EU initiatives to move forward on an EU common Policy on Asylum and the importance of not passing the problem from one country to another.

## **REACTIONS FROM THE DELEGATES**

### **Slovenia**

Was moved by the speech and the positive position towards migration and encouraged the Minister to share this position with his other EU Member States' counterparts.

### **Malta**

- Noted that much of the language around migration causes fear – people are seen as a burden and a threat.
- Encouraged the EU to take a long-term view and to develop responses and solutions from that. Perspective. The solution must be cohesive and not only acted upon in some countries.
- Stressed the need to address the root causes of irregular migration.
- Questioned the role that the EU plays in contributing to situations that trigger migration e.g. wars, arms deals, trade agreements.

**Babelea** asked the Minister when the EU will ratify the Charter for Migrants Rights.

## RESPONSE FROM MINISTER

The Minister repeated that there is no common policy at EU level yet. He repeated the importance of making progress towards the harmonization of national migration and asylum policies. Solidarity should be a core principle in the EU common policy which is still to be developed.

He emphasized the long history of the phenomenon of migration - people moving internally in Europe, to Europe, from Europe.

The common policy is described in the draft agreement on migration and asylum under discussion at the Council of Ministers – still to be developed into an EU policy based on better management of refugees, supporting countries of origin and solidarity.

The policies are yet to be adopted, but the agreement is advancing and it is expected that the policy might be completed during the Belgian EU Presidency which has made it a priority. It will be important to go from theory to practice.

## NICOLETTA CHARALAMBIDOU, VICE PRESIDENT OF ENAR

Having given an overview of ENAR and its work and thanking EAPN for the invitation to address the conference Ms Charalambidou went on to make the following points.

- Migration is absolutely a challenge. There is 3 times more effort put into controlling irregular migration than on regular migration. The priority seems to be officially combating irregular migration.
- Burden sharing – this is a negative narrative – we need a more positive narrative around migration.
- There is a contradiction between the social exclusion and anti-poverty policies and those on migration. There is co-operation with 3<sup>rd</sup> countries on trade agreements, but not on migration. In terms of the anti-discrimination legislation, 3<sup>rd</sup> country nationals are exempted from protection. There is no uniform legal framework in the EU on migration.
- In addition, the rights of migrants are variable – depending on where they are from. EU nationals are privileged within internal migration and a very different and limited set of rights exists for undocumented migrants migrating from outside the EU.
- There is a categorization of people – giving different legal status and nationality to different groups. For example, a person may be a refugee in one State and not granted that status in another, or could be classified as an irregular migrant in one, and granted long term residency status in another. The challenge is how can we achieve integration and end social exclusion and poverty in the face of such narrow policies?
- The solution is an agreement about equal treatment between people in EU Member States. Equality in terms of access to housing, education etc between migrants and nationals of those countries. This equality should be based on fundamental rights rather than short-term demographic or economics factors. All individuals should have rights.
- Equality needs to be mainstreamed in migration policies. Applying a human rights-based approach to migration– linking all relevant policy areas is proposed as the way forward. This strong policy should include migrants’ participation. Consultation with people is fundamental for policies based on human rights.
- ENAR believes that the EU needs to move towards an integrated approach on migration based on human rights.

## THOMAS HUDDLESTON, MIGRATION POLICY GROUP (MPG)

Having given a brief overview of MPG Thomas Huddleston went on to outline how Migration can be located in the EU Agenda. Four areas of priority were identified for anti-poverty stakeholders, and an overview of the problems and opportunities with recommendations for future actions given for each.

Four areas of priority could be identified for anti-poverty stakeholders:

### 1. Future Vision for a Europe of Immigration

Governments are not interested in co-operation even on the blue card scheme. Promoting work migration for highly skilled people, but not for seasonal or low/unskilled people. There is an opportunity here – even though the governments aren't going to shift their nationalistic positions. But the European Commission is trying to change the way they think about migration and how it might be regulated. At the minute it is about responding to demographic and labour needs, and how they might respond to these. The EU is creating the infrastructure outside of EU, and it is making money available for work on mobility partnerships; signing agreements with 3<sup>rd</sup> countries.

#### *Recommendations*

- Raising awareness of EU's long-term demographic and labour market needs to get the European Commission to promote migration as a poverty reduction strategy. The impact migration can have on individuals, families and countries of origin.
- Get the data and look at diaspora.
- Develop networks with the various communities.

This is a long way off in terms of outcome, but possibly within the next ten years we could be on the way out of the crisis.

### 2. Implementing the rights of EU citizens

Since 2004 there has been a political pushback on rights to work anywhere in the EU. Governments are trying to turn EU citizens back into migrants. For example they don't gain access to targeted interventions such as language training. The media problematises internal migration. Service providers should be looking at the *acquis* and discuss how EU free movers rights are being constricted by the need for control and barriers being placed in front of people.

There are already actions on recognizing qualifications, social welfare parity etc. It is important to focus on getting better implementation of free movement rights in terms of access to mainstream services as EU nationals, to enhance social cohesion.

#### *Opportunities*

This is the core business of the European Parliament and European Commission. The fundamental rights charter is now legally binding and there is now the activist Commissioner Redding who can be targeted on these matters.

#### *Recommendations*

- Implement EU citizen's rights in practice with the goal of ensuring equal participation in mainstream institutions and services.
- Make free movers funding a priority to enhance the socio-economic participation for all.
- Raise awareness of EU free movers of their EU citizens' rights, for instance by adopting outreach policies.

This second step could be attained by 2015.

### **3. Focus on integration policies that create new poverty in Europe**

3<sup>rd</sup> country nationals are the link between the poverty and integration debates. The creation of new poverty is the danger here. Migrants aren't bringing poverty but the conditions for integration create impoverishment. The First Generation of EU law on residence Rights (family reunification, long term residents and rights of different categories of migrant workers) has not led to improvements since its adoption. If the restriction on legal integration varies considerably from one EU Member State to another, nevertheless, there are new requirements that are spreading in the EU:

- Extensive economic resource requirement for family reunification and long-term residence.
- Integration conditions and tests.

#### *Opportunities*

- Building on the well-networked "integration community" with general knowledge of migrants' specific needs, targeted policies, problems of access to services.
- De facto Open Method of Coordination on Integration: Integration demonstrates increasing willingness to work together, share information and practice, called "Coordination Mechanism" by the European Commission.
- Legal basis of Integration with the Lisbon Treaty.
- The revision of the First Generation of EU law on Residence Rights.
- Focus the agenda to amend, recast and consolidate in an Immigration Code preventing more restrictions that don't promote integration and social and economic participation, and which can add to impoverishment.

#### *Recommendations*

To prove qualitatively and quantitatively how the implementation of the gaps in EU law affect the integration process of newcomers and how poverty in society affects immigrants' ability to meet these conditions especially on the following issues:

- Restricted access (family reunification, reception of Asylum seekers, rights of beneficiaries of humanitarian protections).
- Economic resource requirements.
- Integration tests.

### **4. Harness cooperation on integration so as to eliminate poverty**

Specific needs and opportunities of migrants are not part of mechanisms where the EU has the greatest impact on poverty such as the Social Open Method of Coordination.

Despite the fact that the migrants' issue has been made a priority by European Commission, Member States have weakly implemented this priority because:

- Targets and indicators on migrants are made voluntary and non-comparable.
- Few national targets are set, or policies reported in National Reform Programmes and National Action Plans on Social Inclusion and Social Protection.

#### *Opportunities*

Harness the co-operation on integration to integrate into 2020 strategy reports, indicators and targets:

- Better integration of migrants is seen as one key lever to raising overall employment rates.

- Migrants are identified as a future opportunity and need.
- Specific flagship initiatives will be elaborated on including migrants in other key initiatives.

### **Recommendations**

- Overall objective: Use European Cooperation on integration to get EU2020 working on migrants in poverty.
- Specific goals should be pursued as well:
  - Better targeted goals in national inclusion policies for migrants especially for the most vulnerable groups.
  - Greater funding for socio-economic participation of non-nationals.
  - Mainstreaming instruments to use from de facto OMC on integration through indicators covering different impact of social trends on migrants (employment/unemployment/ Activity Rate, Median income, At-risk poverty rate, unmet health rate, acquisition of long-term residence and citizenship).
  - Build data on policies and practices by using data .from MPG, develop shadow reports, write recommendations for own countries, form coalitions.

## FEEDBACK FROM THE 5 WORKSHOPS

### WORKSHOP 1. ACCESS TO EMPLOYMENT

In this workshop, Giuseppe Brancaccio from EAPN Italy outlined the situation of work for migrants in Italy. Then Robert Urbé, from Caritas Europa gave an overview on how to support migrants in relation to employment.

#### a) EAPN Italy, Giuseppe Brancaccio

Regarding the immigrants in the south of Italy – there were riots there and the general reaction was that this was due to the immigrants. Whereas it is the reaction to the controlling of immigrants that is the cause of the rioting. Looking at the statistics – the numbers increased by 48% between 2005 and 2008 as compared to a 40% increase being the EU average. Immigrants make up only 8% of the population in Italy. Migrants come from Romania, Albania, Morocco and China. The black economy is flourishing. In the south, there is the additional problem of the Mafia – not just in terms of employment but in all aspects of life; immigrants are not in the same frame of mind as most of the population - they don't know about the Mafia so they ignore it. There is a chance here for Italy to get rid of this mentality. Immigrant flows are not chaotic movements but are linked to the needs of the global labour market.

#### b) Caritas Europa, Robert Urbe

3D work – Dirty, Demeaning, Dangerous jobs are what immigrants often get. Domestic workers should be included in the regular labour market. The main features:

- Channel for low skilled care work – in Italy, mainly Ukrainians, who when they need to go back after a few months, get someone else from their family to come and take over.
- Effects: pressure on the labour market (wages and working conditions).
- It is not about integration, but about social cohesion; not only migrants need to adapt to the receiving society, but also the other way around; it is not just a question of cultural differences, but also a question of fundamental rights of all human beings.
- It is crucial not to see migration as a social policy domain per se but it is rather social and business and economic policy.
- A shift in competence from DG JLS to DG EMPL.

We shouldn't speak only about integration – what do we all mean by the term? Is it a key question?

#### c) Debate

In some countries they have a voucher system for domestic workers – where you can hire domestic workers and pay through these vouchers. Mixed reaction to this concept – some had good and some had bad experiences of such a model of organising labour.

#### d) Conclusion: the way forward for National Network to strengthen its work on Migration

- Contact with migrant organisations.
- Migrant organisations to join EAPN.
- Opening migrant issue in EAPN – we lack the expertise and we need to link to those that have it – especially at national level.

- Integrate migration concerns better – look to employers’ obligations for example. Giving immigrant employees same conditions as non-immigrants. Giving employers responsibilities in this field.
- We should adopt an economic approach to our work and not see ourselves only with social issues. The economic view will enable us to communicate with other parts of the European Commission and policy makers.

## WORKSHOP 2. MIGRATION, POLICY AND MENTAL HEALTH

The following debates and discussion illustrates how complicated the migration issue is.

Firstly, there are different kinds of migrants and among them a stronger emphasis should be put on the most vulnerable – refugees and asylum seekers and undocumented migrants. This difference should be used as a strength and public awareness should be raised about the fact that migrants are an added value for their new countries.

Instead of multicultural society, we should talk about intercultural society and then as a second step to integration and empowering migrants to participate, leading to a further step of involvement in policy-making that impacts on their own lives.

EAPN Spain and SMEs Europa presented respectively the situation of migrants in Spain and the initiatives carried out by the NGO sector and, more specifically, the link between migration and mental health.

### 1) EAPN Spain, Rosalia Guntin: the Spanish experience

Of the foreign population, 3.362.425 come from third countries (Morocco, Romania, Ecuador...). 800,000 are undocumented but the real number is probably higher.

Spanish society has been receptive to immigration especially in good economic times but Spain is now at a turning point with the arrival of the economic crisis. Immigrants have passed from being people that contribute to the growth of GDP to being the crisis scapegoat.

In Spain, the ‘intercultural model’ predominantly applies to the integration of migrants. Civil-society organisations collaborated with the Secretary of State for Migration in the drafting of the Strategic Plan of Citizenship and Integration (2007-2010), although this plan has not been sufficiently developed<sup>2</sup>. The third sector is involved through a *Forum for the Social Integration of Immigrants* with representatives of the state administration, autonomous regional governments, local administration, business organisations, the unions, NGOs supporting migrants and self-organized immigrant NGOs. The 2009 Report of the Forum for the Social Integration of Immigrants was used as a basis for the bill regulating the right of asylum and subsidiary protection.

Some fundamental rights are consolidated:

- The immigrants with passports have had the opportunity to enroll in the towns where they lived (census). This register entails the right health care and compulsory education for immigrants and their children.
- Immigrants have been one of the most affected groups by the economic crisis and now are further from integration. Most were employed in two sectors, construction and services, where many jobs have been destroyed.
- Loss of work leads to the loss of documentation: unemployment for irregular immigrants means much more than the loss of employment.

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<sup>2</sup> EAPN (2010), Mag n°132, Migration: a question of survival, an increasing negative perception of migrants.

- The needs of immigrants with or without papers have changed, with more requests for basic needs, including payment for food and supplies (electricity, water, etc...),...
- Social services and NGOs are saturated.
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EAPN-ES does not develop, as such, a direct intervention with immigrants but has addressed in a very active way, the socially disadvantaged situation in which many immigrants find themselves in Spain. The starting point of this strategy was the "*Seminar on the relations of social organisations of the third sector and Immigration*"

EAPN Spain adopted a common position on the phenomenon of immigration aiming at tackling the issue of violation of human rights.

EAPN-ES has created and disseminated a number of specific documents on the situation of immigrants in Spain, intended to help clarify the links between migration and poverty, and highlighting the experiences of immigrants.

## **2) SMES Europa, Luigi Leonori**

**Visibility of Migrants** –invisibility hampers their access to fundamental rights. How to increase the visibility is a challenge. The Spanish experience and the project's emphasis is to try to change policies and legislation. Migration is a fundamental human right – we should not turn it into a crime which is the most visible aspect of migration.

Migration is a strength, an opportunity for our societies – they are heroes, strong and brave – we should congratulate them.

The way migrants are treated through the way in which policies are conducted makes them sick and affects their mental health. The impact is on both the physical health and mental health. They experience huge living difficulties.

If the policy of integration does not go in hand with the policy of welcome and respect and access to health – housing – jobs, the risk of homelessness and mental problems for immigrants is very high.

A strict interdependence exists between people who welcome and people who ask hospitality, but only with intermediation & dialogue - between all concerned - will there be the possibility to foster integration.

To make sure that Mental Health and Rights are interlinked, holistic & Networking services (Caritas Ambulatory) are needed with Outpatient Private Health Service for immigrants: Primary Care, Specialists, nursing in co-working with Services of National Health & the accompaniment of other related services (laboratory tests, radiology ...)

Free access to health services should be provided for all in the EU.

## **3) Recommendations**

- Encourage the participation of the media amongst the NGO sector.
- Improve our communication with the media when they talk about migration.
- Need to think about co-operation with the media on the messages about migration.

## WORKSHOP 3. MIGRATION POLICY AND ACCESS TO SERVICES

Without extending the concept of fundamental rights to immigrants, integration can not happen. In the areas of health, education and housing the fundamental rights of migrants are violated. Reports from EAPN Poland and from Eurodiaconia were made on the link between migration and access to services.

### 1) EAPN Poland

1.95 million people have left Poland. 1 person from every house in Lithuania has left. Europe is a story of movement of people over the centuries. Three factors influence the decision to move:

- Economic: better conditions are being sought.
- Political: wars, torture, lack of freedom. Most refugees in the world are hosted in 3<sup>rd</sup> world countries, only 20% are in the 1<sup>st</sup> world countries.
- Environmental.

There are problems for both the starting-point and receiving countries. For example, in Poland and Lithuania, pensions are not being contributed to by the depleted work force; there is a shortage of medical staff. Specialized people are leaving and going to the receiving countries where there are better conditions and there is a demand (Brain drain).

### 2) Eurodiaconia, Clotilde Clark-Foulquier

#### *Eurodiaconia and migration: why?*

Eurodiaconia has started to work on Migration in 2010. This theme is of increasing interest to our members who are service providers and reflects their work and challenges. Increasing migration is affecting the work of our members because the changing needs in society call for changing responses in the way we give care. e.g. Many who are receiving food bank supplies are migrants, (increased demand) many unemployed and homeless are migrants...

Eurodiaconia's work on migration is carried out in cooperation with partners such as:

- The Christian Group on Migration (informal gathering of Brussels-based Christian network organisations).
- CCME (Churches' Commission for migrants in Europe) on the legal aspect of asylum and family reunification.
- Other EU network expertise (e.g. PICUM) for information gathering.

It is setting up a network of interested members.

#### *Eurodiaconia's approach on migration*

Eurodiaconia has adopted a rights-based approach in which solidarity, dignity and universal access (regardless of legal status) to services necessary to live a dignified life (employment, housing, education and health) are key words. It embraces the services necessary to live a dignified life and Migrants are not seen as economic units but as human beings.

In France, a toolkit for social workers and volunteers on "care for undocumented migrants and police intervention – What should I do?" has been developed with 10 answers to questions on topics such as relationship with the police, sharing of information...

#### *Identification of challenges in the provision of services*

Poverty and unemployment have been exacerbated by the financial and economic crisis and migrants are hit hard; they are the first ones to be fired and have the most precarious working conditions, leading to further social and financial exclusion. The migration debate has turned into a security debate.

#### *The challenges for Eurodiaconia's Members*

- Who are we talking about? Undocumented migrants, migrant workers, EU migrants, etc?
- Is it the same to provide services to migrants and Nationals? (languages, needs, etc).
- What about migrants working in services? Often they are carers themselves.

### **3) Issues identified**

- Lack of informal networks – immigrants are alone whereas most of our client group have family/village etc to belong to.
- Migration makes poverty different – native and immigrant experiences.
- Poverty is added to by discrimination – e.g. Roma discrimination, racist and xenophobic attitudes.
- Legislation causes poverty and social exclusion and supports the informal economy, ferments criminal behaviours and bad working conditions.
- People not being allowed to work where residency and work permits are linked. This makes people become undocumented.
- Economic crisis will slow down economic migration. No jobs now – so people will lose their work permits which then contributes to poverty and even forcing them to return.
- Need to overcome the concept of integration. We should now think of integrated and multicultural societies. The right to vote and to influence politics is important.
- Second generation people are not recognized as citizens even if born in a country – they can be expelled at 18.
- Reception centers are more like jails than centers.

### **4) Proposals for EAPN future work on migration**

- European policies should be based on fundamental human rights – decent jobs, health services etc.
- Right to vote at least at local and regional levels for those settled incomers should be granted.
- A better legislation ensuring the right to work for refugees and asylum seekers.
- Full citizenship to children born in an EU country of foreigners.
- Common principles for granting citizenship to asylum seekers.
- High quality standard of reception centers with view to closing them.
- Immigration Explainer.
- The link between immigrants/poor people/institutions should be highlighted.
- Suggestion of 3 changes to EAPN Strategic Paper on Migration & Poverty a) in introduction add 'internal and external immigration history – we have been sending countries' b) add current legislation causes poverty and social exclusion among immigrants c) immigrants integration shift to building integrated and multicultural societies.

## WORKSHOP 4. RIGHTS FOR UNDOCUMENTED MIGRANTS

EAPN Malta and PICUM presented respectively the Maltese reality faced by undocumented migrants and a broader perspective regarding their access to social rights.

### 1) EAPN Malta, Edgar Busuttil

#### Context

Malta is the smallest country in the EU and has a resident population of 400,000. It receives irregular immigrants mainly from sub-Saharan Africa. The point of departure is principally Libya. The immigrants use boats which are often overcrowded and unsafe to navigate the sometimes hazardous seas to get to Europe, and in the process they put their lives in danger.

#### Numbers

- In 2002 21 boats were received in Malta with 1686 people on board.
- 350 applications for refugee status were received of which 133 persons were granted refugee status and 286 were denied or rejected.
- By 2008 the boats had increased to 84 with 2775 persons
- 2608 of these applied for refugee status of which 1416 were granted and 1281 refused.

It is pertinent to note that all people arriving on boats are put straight in detention, vulnerable people, who are released once screening is carried out and accommodation found - which may take months.

The conditions in the detention camps are appalling. The detainees are isolated and some develop mental problems and end up in hospital.

The sum effect of this ongoing development is that Maltese authorities feel under siege and feel abandoned by other EU member states, and there is a feeling that there is no solidarity. This has led to the country developing a fortress approach to dealing with the issue.

A lot of Maltese people now see irregular migration as a threat and ghettos have developed. There are reports of an informal pact between Italy and Malta around the question of forcible returns to Libya. An analysis of the situation shows that those who leave the country tend to go to the United States, as the latter provides significant help to deal with and alleviate the situation.

### 2) Presentation on Rights for undocumented Migrants by Eve Geddie - Platform for international cooperation on undocumented migrants (PICUM)

The presentation looked at human rights issues for undocumented migrants and highlighted the denial of fundamental human rights by EU countries. This often means that frontline organisations and NGOs are left to deal with the human rights consequences of EU states' policies. PICUM also highlighted the issue around migrants and working conditions, seen through their exploitation and very poor protection.

Three points linked to the issue were highlighted:

- Access to education
- Access to healthcare
- Access to housing

NGOs are trying to fill the gaps in the delivery of basic services.

- Migration is a variable issue – very high on the agenda in some countries and hardly on the agenda in others. From the security based approach – some 9,000 undocumented migrants are removed each year.

- The approach to the granting of residency to highly qualified people is also variable – again, different interpretations of what skills and qualifications are accepted, needed and recognized.

### 3) Overview of the situation of undocumented migrants according to National Networks

#### *Austria*

It is not a very visible issue in Austria although the issue is there - unspoken. Stakeholders are also not very present (neither NGOs nor Government). We would like to learn how best to deal with the issue as a network.

#### *Czech Republic*

Irregular migration is not discussed by society. Migrants are forced to work for little money and some of them are forced into shady activities, i.e. prostitution and criminality. Some work was done to grant amnesty for immigrants but so far it is unsuccessful. The Czech Republic is mostly regarded as a transit country.

#### *France*

The situation in France is similar to that described in Malta. Six percent of the population is made up of immigrants. Deportation mechanisms have been put in place to deport illegal immigrants and annual quotas are implemented. Organisations compete with one another and therefore are not well organised. There is active work being done to ensure that government adopts a rights based approach. Some immigrants are granted residency based on their qualifications. Also people are afraid to stay and turn themselves to the police. A security based approach is used by government to deal with immigrants, and NGOs are at a loss as to what to do regarding a political approach.

#### *Finland*

The country receives few undocumented migrants. Those who claim asylum are supported through the application process, which can sometimes take years. It is trying to link asylum issues to poverty. A small number of claimants receive refugee status and those who are not granted the status are easily and quickly removed.

#### *Belgium*

The situation for migrants has become more difficult largely due to different views in government. There is a right to urgent medical care and for children to go to school but little recognition of the needs of parents/family. Those whose applications have been rejected are not chased out and stay on the country. The network is working with NGOs and local public authorities who are frustrated that they cannot help immigrants who are on their doorsteps because of government policies.

#### *UK*

Migration is regarded as priority of the network and in line with EAPN objectives. After the elections the coalition government has come up with strict policies on immigration. The campaign for an amnesty for undocumented migrants fell through. There are already many detention centers but more are being built. It has been conveyed to government that it is cheaper to allow asylum seekers to work (and pay taxes) than pursue current policies. Although the government agreed to end child detention there is a worry that children may be separated from their families.

### 4) Key areas that Networks could strengthen their work on migration and poverty

- **Participation:** All networks want an increase of migrants' participation
- **Building alliances** with other migrants' organisations and experts working on migrants' issues.
- **Communication:** Working to improve the ability of migrants to represent themselves and their real experience and to contribute to a more positive understanding of migration.

- **Highlight interdependency** and inter-relation between migration and poverty.
- **Funding:** EAPN and national networks to lobby the new Structural Funds programming period which will be starting soon for a social inclusion priority to also enable migrants' integration, including undocumented migrants.

**5) Two proposals on how EAPN could integrate Migration concerns in key demands for a legacy from the 2010 Year**

- Remove barriers to direct participation and involvement of migrants in EAPN work.
- Giving access to basic rights for migrants regardless of legal status.

**6) Proposals for amendment of the EAPN position paper on Migration and Poverty**

- One proposal: remove the reference that sees "migrants as engine of growth" and rephrase it as "but see migrants as contributing to positive development."

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**WORKSHOP 5. MIGRATION AND CHILDREN**

Problematic issues were identified by the workshop participants after a presentation from EAPN Lithuania and John McKendrick of Eurochild.

**Recommendations:**

- A reference to the UN Convention on Rights of the Child is needed even more now in times of crisis, especially to counterbalance politicians' claims that this is a bad time for human rights because of cuts. Human Rights are being violated even more now.
- All migrant children should be granted legal status so they can have rights vindicated and have a state which is responsible for them. Sufficient funding needs to be provided for material and practical outputs for legal status not to be only on paper.
- From the Lithuanian input the experience in the Baltic States was cited of children being left with families and neighbours as parents migrate for work. Authorities monitor and control this phenomenon by delegating it to NGOs.
- Children can not be said to be a burden. A shift in discourse is needed highlighting that children enrich our cultures. EAPN should advocate for their social integration while supporting that they keep their own culture.
- Social service providers should be trained in understanding human rights.
- Social workers and administrators must have the appropriate skills to work with children and with migrants.
- Compulsory reporting for all countries when children are in peril. For example doctors, teachers etc should be mandated to report.
- Advocate for progressive measures and not only equal treatment. More per capita spending on migrant children who need it more than the native children - as a positive action to get all children to the same starting line.

## GENERAL CONCLUSIONS

People were invited to briefly identify what was missing from the discussion from the workshops so that EAPN can work into the future with a more complete view.

- The reality that migrants are not a homogenous groups – they have different specificities.
- Respect of fundamental rights should imply the ratification of the convention on Migrants Rights.
- Children must be documented if they are born in an EU country and have the right to be accompanied by their parents.
- Advocating and lobbying for a common European migration policy. Europe needs immigration for the labour market and for demographic needs.
- Access and participation to education with positive actions for migrant children who have greater needs.
- Child poverty should be related to the priority of the female headed households.
- EAPN to call for EU Year for Migrants activities in all countries, awareness raising of a more accurate image of migrants.
- Asylum process should be limited in time - 1, 2 or 3 years - and then the right to stay given, to avoid a situation where people in the process for 10-11 years are still waiting.

The conference on Migration and Poverty concluded with the reminder that the EAPN strategic paper on Migration & Poverty will be amended in light of the discussion and formally adopted at the EAPN EXCO. The hope was also expressed that this Conference would strengthen the resolve of the National Networks to better integrate Migration concerns in their work.



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