PICUM

PLATFORM FOR INTERNATIONAL COOPERATION ON UNDOCUMENTED MIGRANTS

Re: Comments by PICUM on the draft version of "Migration and Public Perception," by BEPA (Bureau of European Policy Advisors)
28 August 2006

PICUM, the Platform for International Cooperation on Undocumented Migrants, is a leading European non-governmental organization that aims to promote respect for the human rights of undocumented migrants within Europe, including the right to health care, housing, education and fair working conditions.

PICUM is based in Brussels and works as a network of approximately 2,400 civil society organizations and individuals operating in 13 countries. Its monthly newsletter on issues affecting undocumented migrants is produced in seven languages and circulates to its network supporters and further. For more information, consult www.picum.org

Dear Mr. Canoy,

Thank your for the opportunity to read your paper, "Migration and Public Perception" and to provide our comments.

We have some specific comments about terminology in the paper, which are dealt with below, but before listing those we though it might be useful to provide a broader overview response to the paper and what it is arguing.

Our view is that paper covered an impressive range of issues and we are sympathetic to its basic objective – namely transforming the character of the public debate about migration and European society. There are a number of useful indications as to what might be involved in achieving this objective and we would hope to have the opportunity to follow these up with you on future occasions.

From the standpoint of a network of activist civil society organisations already working for change in this area we felt however that there are a number of areas where your arguments are not entirely adequate as an analysis of the issues which we encounter in our work. Please bear in mind that these are issues which PICUM does not have a corporate view on, but nevertheless, those of us who have had the opportunity to read the paper thought if appropriate to make the following points in particular:

1. There are formulations in the paper which imply that a pre-existing state of 'cultural homogeneity' has been eroded in recent years by the arrival of immigrants. This view is often expressed in popular accounts in the media and we are frankly dubious about their accuracy. We would suggest that

European society (more properly, the societies of the national states which make up Europe) are more marked by difference and tension than by homogeneity. Insofar as they have attained coherence and unity this has been constructed from the resolution of conflicts over *interests* rather than the assertion of common cultural standards. To make the point more concretely, it seems clear to us that the long struggle against authoritarian state forms which was so fundamental the to European 20th century, was not, for the time being at least, resolved in favour of liberal parliamentary democracy because of the existence of common values, but because the interests which supported authoritarian forms of government were exhausted and defeated over a prolonged period of tension and struggle.

We make this point because we feel that the issue of specifically *political* strategies to counter anti-immigrant perceptions is not developed to any significant extent in your paper. It is important because politics is the form in which tension and conflict is addressed in liberal democratic societies. We feel that a more sharply developed sense of the interests which are bound up in promoting and countering anti-immigrant feeling would add a lot to the basic arguments your present at a number of points.

2.   Your statement on p. 8 that public opinion is 'sometimes ambivalent' on immigration understates the importance of a significant aspect of the reality of the contemporary immigration debate. 'Ambivalence' towards immigration is the very core of the matter and is far more prevalent in European countries than outright, naked hostility. Further, this ambivalence runs through key institutions, from political parties, welfare state institutions, public media communications, and the whole of civil society. For those of us working on the issues at a grassroots level it can be seen as characterising the thinking of ordinary individuals, who are quite capable of responding in a negative way to the abstractions of the immigration debate (de-contextualised statements about the numbers coming in, 'their' culture being different from ours, etc), but in a sympathetic, and even solidaristic way to specific examples of hardship or exploitation. It has to be understood that the development of strategies and methods of working which emphasize this second aspect of thinking and relating to immigration is an important part of progress. PICUM attempts this by concentrating discussion on the position of undocumented migrants on issues to do with labour exploitation, and the social conditions of migrant life in relation to health, housing, family welfare and social inclusion.

3.   The role of the media is also largely unexplored in your paper. But its crucial role in shaping attitudes and consolidating amorphous non-specific anxieties about the proximity of foreigners into sharply expressed public opinion is clear from the standpoint of groups working on these issues on an ongoing basis.

We would not wish to argue that the media exercises a one-dimensional, baleful influence over public opinion, with negative reporting immediately translating itself into hardened anti-immigrant thinking on the part of the

public. On the contrary, we are actively engaged in our network with media workers who constantly make the point that editorial policy is itself mediated by considerations of market share, influence over national and local power-holders, and other constantly shifting factors. Because of this we are optimistic that even amongst this press it is possible to pursue an anti-xenophobic strategy which could lever greater influence for groups supporting solidarity with migrants. But we do feel that discussion of the extent to which public debate is mediated through the various interests which attach themselves to the mass media, and the role played by mass media reportage in shaping thinking, is a crucial dimension to the discussion that we need to have.

Having made these points about the broader thrust of your analysis we would like to make the following comments about specific issues arising from the text. These are:

Executive Summary

p. 1 "The terminology commonly in use (such as "asylum seekers" and "illegal immigrants") has often become pejorative..."

"Illegal immigrants" has pejorative connotations (see comment about reference on p. 8) and should be avoided. However, "asylum seeker" in itself is not a pejorative term since it refers to an individual who legally applies for asylum. Various *media* in some EU Member States, particularly in the United Kingdom, have created a negative discourse when referring to asylum seekers.

p. 2 "Migrants need to make more serious efforts to integrate, while receiving countries need to promote integration."

To objectively describe integration as a two-way responsibility, this sentence would be more accurate if the "more" is dropped: "Migrants need to make serious efforts to integrate, while receiving countries need to promote integration." An alternative way of stating it could be: "Migrants need to make more serious efforts to integrate, and receiving countries also need to promote integration."

Report

p. 4 "Women constitute half of all migrants, but most policies are designed for men, often leaving women with no rights or status of their own…"

It appears incorrect to state that female migrants often have no rights of their own, since they have universally recognized human rights. The question is not whether female migrants (or undocumented migrants – see comment below about reference on p. 26) have rights or not, but if they can *exercise* these rights.

p. 8 "Take the sometimes desperate situation facing illegal migrants…"

The terms "irregular migrants" as well as "undocumented migrants" are used by international bodies such as the UN, the ILO, the GCIM, etc. These international bodies specifically refrain from using the term "illegal migrants."[1]

p. 16 "the need to help asylum seekers (a very specific type of irregular migrants)…"

Asylum seekers are not irregular migrants since they can legally reside in a particular country while their asylum application is pending. Only when an asylum seeker's claim has been rejected and s/he has exhausted the appeals process and is subject to deportation, does s/he thus become an undocumented or irregular migrant.

p. 26 "Second, as irregular migrants have no legal status (thus have no social or political rights and no access to public services), it is very difficult for them to integrate, if not impossible…"

It appears incorrect to state that because undocumented migrants do not have legal status, that they thus have no social or political rights. "A basic principle of human rights is that entering a country in violation of immigration laws does not deprive an irregular migrant of his or her most fundamental human rights, not does it erase the obligation of the host state to protect these individuals."[2] The European Commission has underlined that "it should be remembered that illegal immigrants are protected by human rights standards and should enjoy some basic rights e.g. emergency health care and primary school education for their children."[3]

It also appears incorrect to state that because undocumented migrants have no legal status, that they have no access to public services. Many EU Member States currently have policies granting access to social services and protection for undocumented migrants in the areas of health care, education, and labor, or rely openly and actively on NGOs, churches, as well as trade unions to provide these services.[4] Policies undertaken by EU Member States concerning undocumented migrants' access to social services vary from limited to broad access. If the European Commission were more outspoken about the need to tackle access to basic social rights of undocumented migrants, this would not only be in line with what most Member States already carry out, but would probably also allow Member States to make their protection of undocumented migrants effective and compliant with international human rights standards.

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[1] For a recent overview of the use of terminology concerning undocumented migrants by international bodies see: *Irregular Migration, State Security, and Human Security*, by Khalid Koser: http://www.gcim.org/attachements/TP5.pdf

[2] *International migration and human rights*, A paper prepared for the Policy Analysis and Research Programme of the Global Commission on International Migration, by Stefanie Grant, Harrison Grant Sollicitors. September 2005. http://www.gcim.org/attachements/TP7.pdf. For a recent overview of undocumented migrants' protection within the international human rights framework, see also: *Irregular migrants: access to minimum social rights*, by Ryszard Cholewinski, Council of Europe, December 2005.

[3] Communication on immigration, integration and employment (COM (2003) 336)

[4] PICUM has conducted research on undocumented migrants' access to social services in ten EU Member States. For more information consult *Book of Solidarity: Providing Assistance to Undocumented Migrants in Europe (Volumes I-III)*, PICUM, 2002 and 2003 as well as www.picum.org (link to "Basic Social Rights").

The issue of social integration of undocumented migrants in Europe is very challenging indeed. Undocumented migrants are excluded, marginalized and exploited in most EU Member states, and as such are increasingly posing a threat to social cohesion and social integration policies in Europe. Problems are most obvious in the area of health care, where a lack of access to proper treatment and vaccinations has serious public health consequences. Local authorities and NGOs throughout Europe have also pointed at the disruptive effect of an increasing number of homeless undocumented migrants. The large-scale exploitation of undocumented workers, who are oftentimes falling outside the scope of labour legislation, has implications for the whole working population in Europe. Seen from another angle, many professional groups increasingly feel that they are being left to resolve the problems related to undocumented migrants themselves. They experience clashes between what their professional ethics tell them to do and the incriminatory discourse regarding undocumented migrants. They may have to break the law, which could result in the loss of their job, or face serious ethical dilemmas.

Undocumented migrants should be included in integration policies. This point has been reaffirmed by the European Commission: "While policies to combat illegal immigration must remain vigorous, integration policies cannot be fully successful unless the issues arising from the presence of this group of people are adequately and reasonably addressed."[5] The urgent integration needs of undocumented migrants are generally very basic and concern access to health care, housing, education for undocumented minors, and fair working conditions. The price for not including undocumented migrants in integration policies is too high.

As a final comment we would like to stress that we found your paper stimulating and generally positive. If it plays a role in promoting wider debate on how public perceptions might be changed it would be a very welcome development. If you thought it useful to take this exchange further we would be pleased to consider a seminar-type event involving people from the PICUM network, media workers and yourselves to see if that could assist in clarifying our ideas further. Do let me know if this idea interests you.

I hope you will find these comments useful and I am sure that PICUM will wish you the best of luck in promoting further discussion around the paper. If we can help further, do let me know.

Best wishes,

Michele LeVoy
PICUM director
michele.levoy@picum.org

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[5] Communication on immigration, integration and employment (COM (2003) 336)