

# Voices from the shadows

Theseus: "Poor Œdipus,  
tell me what you are seeking  
in coming to this city,  
and what you are asking  
of me.

What terrible things you  
would have to tell me,  
in order for me to deny you  
my help.

Like you, I well remember,  
that I grew up in the home  
of others  
and in a foreign land I faced  
deadly dangers.

So that, whoever asks  
my hospitality  
as you do now, I would not  
know how to turn away.  
In future you will stay here  
in safety, like me".

*(Œdipus at Colon,  
Sophocles).*

"Indeed the foreigner, isolated from his fellow countrymen and his family, should be the subject of greater love on the part of men and of the gods. So all precautions must be taken in order that no wrong be committed against foreigners".

*(Plato, "The Laws").*

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## Foreword

*The stories in this booklet were compiled by a group of Christian non-government organisations on the basis of our direct experience with refugees, asylum-seekers and irregular migrants. We believe that there is widespread public anxiety about - and misunderstanding of - irregular migration, which in turn leads to harsh political measures that push the whole process further into criminality. As with Prohibition-era America, an ill-judged political response to a normal social phenomenon can eventually create more problems than the phenomenon itself. Rather than merely take restrictive measures to stop irregular migrants arriving, we believe that there is a need for a more in-depth response, addressing the questions of how and why people find themselves pushed into irregularity in the first place. Until we address those causes, we will always be fighting an unwinnable rearguard action against irregular migration, and the human toll will be enormous.*

*Our aim in putting together these stories was to look at individual cases for their own sake, but also as being symptomatic of the wider problems in European migration and asylum policies. We try to show how people became irregular migrants, and how their status affects them on a human level. We believe that it is important to remember that each one has an individual story, a reason to be here, a whole set of hopes and fears and plans and dreams. By the very nature of the problem, irregular migrants have great difficulty in contributing to the debate. This is an attempt to allow them to do just that – to give a voice to the voiceless.*

*Not just an abstract problem, these are real men and women.  
Here are their stories.*

*Lena Barrett*

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## Introduction

Over the last fifteen years, most European states have experienced a dramatic increase in the numbers of asylum-seekers and clandestine migrants. This can be attributed in part to the “zero migration” policy adopted by the EU member states: a policy which dictates that almost the only way to get legal residence and rights within the EU is by claiming asylum. A plethora of factors have contributed to the increase in migration, including “...the incidence of persecution, armed conflict and human rights violations in certain parts of the world; the lifting of emigration restrictions in the former Soviet bloc; the penetration of the international transport, communications and media industries into low and middle-income regions; and the absence of regular migration opportunities, coupled with the continued need for low-wage, low-status labour in the world’s wealthier states”.<sup>1</sup>

The figures are staggering: in the last ten years some 4.4 million people have applied for asylum status within Western Europe.<sup>2</sup> And yet, between 1991 and 1995 only around 20% were granted refugee status; the figures for expulsions and voluntary returns are not readily available, but according to Jeff Crisp from the Office of the United Nations High Commissioner for Refugees (UNHCR), they do not account for the 78% of rejected asylum-seekers.<sup>3</sup> It is widely recognised that many of these people are living clandestinely within Europe’s borders.

While no one can be sure of the exact number of irregular migrants in Europe, it's clear that we are talking about a lot of people. When Belgium launched a regularisation scheme in January 2000, an unexpectedly high total of 33,000 applications were received; including families, these applications represent nearly 60,000 people. Under the 1997 Chevènement Plan, France regularised around 90,000 non-nationals. Between 1997 and 31<sup>st</sup> January 2000, Greece received 370,000 applications for regularisation, and gave positive decisions on 102,812 cases. Italy appears poised to issue a quarter of a million residence permits under its 1998 law, amended in 1999 when the initial quota proved too small, and Spain too received well over 125,00 applications by mid-2000 under its new regularisation scheme.<sup>4</sup>

With regard to individual irregular migrants, regularisation is one of the most practical responses, a recognition of the *de facto* situation. For this reason we support such schemes. However, regularisation is not the full answer to this situation, as it fails to tackle the reasons why irregular migration exists. A real response involves tackling the fundamental flaws in our asylum and immigration systems.

Now is the ideal time to re-think our approach to asylum and immigration. Under the Amsterdam Treaty of 1999, EU states are beginning to harmonize their policies in this field. The debate about the form these policies is a difficult one, but it is of great importance for all of us, whether migrants or not. At its most fundamental, it reflects the kind of society we choose to shape for ourselves.

Judith Kirton-Darling

<sup>1</sup> Jeff Crisp, "*Policy challenges of the new diasporas: migrant networks and their impact on asylum flows and regimes*", New Issues in Refugee Research, Working Paper no. 7, May 1999.

<sup>2</sup> Not including those from the ex-Yugoslavia (Bosnians, Kosovars) who were given temporary protection status *en masse*.

<sup>3</sup> See note 2.

<sup>4</sup> Joanna Apap, Philippe de Bruycker and Catherine Schmitter, "*Regularisation of Illegal Aliens in the European Union*", Summary report of a Comparative Study, European Journal of Migration and Law, vol. 2, no. 3-4, 2000.

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“We will let their lives speak”  
(Quaker proverb)

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## I. Go West, Young Man

Why do people leave?

*People leave their home countries for a complex mixture of “push” and “pull” factors. Some leave for economic factors: there may be no other way to provide for their families than to seek work abroad. Others are literally forced out as refugees, risking torture and death if they stay. Between these two extremes are many others, who realize that in a very unequal world, some countries are objectively better places to be in than others.*

*Stavros decided to leave Albania at the age of 18, prompted by a mixture of lack of hope in his prospects at home, a sense of adventure, and the belief that life was materially much better elsewhere:*

“In Albania, during the communist regime we knew nothing about how things looked outside. None from my village had ever been abroad. Little before the opening of the borders my cousin had tried to leave, but he was shot by the guards at the Albanian borders. They shot him dead and dragged him by the hair, so that they pulled it out, in fact. This happened on a Thursday. On Friday was the wedding of his sister. To his house came people from the state and said that he was killed; and he was a communist, mind you! To the funeral they did not go. The wedding did take place. Imagine what a wedding! From then on things were never the same in the village. New thoughts came to the people. With the opening of the borders<sup>5</sup> people started to leave. These were people who had served in the army, and knew the tricks. They started to send back things, such as tape recorders, those big ones- we did not have those things-, nice shoes, athletic ones, jeans, things we did not know. I decided to leave too. “

*Later, his first attempt failed, and he and his friends were deported, but by then he had glimpsed a more prosperous world:*

“They gave us also clothes, because we had nothing with us. I took a pair of jeans, I liked it. When I was at school my mother was turning the trousers of my sister inside out and I was wearing them. With the jeans, I said to myself, now I can go home!”

*In many cases, the individual may have no other way to support a needy family than to seek work overseas. This was the case for these two female domestic workers:*

“My name is Remy. I was brought up by a poor farmer. I went to school attending evening classes. I gained a Bachelor of Commerce and I got a job bookkeeping, but my wage was 750 pesos, equal to £20 salary a month, Monday to Friday. So Saturday and Sunday I have to sell fish in the market as a fish vendor. By this time I was a young widow with two children, a boy and a girl, and I needed some money. My sister consented to bring up my children with her and I should try and get a better job working overseas as a domestic worker, and send her money monthly for the support of my children and payment to her.”

“My name is Kumari. I worked in a tea plantation in Sri Lanka for about 8 years, but I worked for very small salary, I got four children and my husband was terminally ill, so it was not easy at all

for me to give food and education for my children and medicine for my husband. So I decided to go to the Middle East. I gave my passport to the agency, after a few months this Arab family in the Middle East selected me. So the agency told me to pay 6500 rupees - actually that is a very big amount for me. I haven't got my own property, or valuable jewellery to sell, only one thing I can do to get the money for the agency. I borrowed money from my neighbour for 20 % interest. I said I will give back little by little this money. So I went to the Middle East. That time my husband was very ill. I worked two years and then I came to know my husband's situation is very serious, so I went back to see him, but for no more than four weeks, because I have to come back again because I have no money. After 4 months he was dead and I even was not able to see his funeral."

*Yuriy too found he could not support his family on what he was earning at home:*

My name is Yuriy, I'm 40 years old, and I'm from Ukraine. In Ukraine I lived in a little town with my wife and son. I was an engineer of nuclear power plant. I worked for the Government in investigation. The situation in Ukraine was coming worse and worse. Since 1992, the salaries were paid with big delays, sometimes only after 6 months of work. I decided to go to a Travel Agency and get some information about work in other countries. This Agency earns 95% with illegal emigration and only 5% with tourist travels. In the Agency they told me that they had a job for me in Spain. They said that it was everything legal I will get a work visa and everything will be OK. I needed to pay 650 USD for the travel and the visa.

*Perhaps most compelling of all are the cases of those who are forced into exile as a result of persecution:*

"My name is Ali. I was born in Iran in 1966. For six years I had problems with the government in my country. My brother too, the Hisbollah eventually murdered him by shooting him in the mouth. I was trained and worked as an electrical engineer and locksmith. I also helped to install TV satellites. It was forbidden to receive foreign TV and these satellite dishes were not allowed by the Islamic authorities. I was able to earn necessary extra money by doing this illegal work. People were desperately hungry to find out what was going on in the rest of the world. We all wanted to break this isolation and the control of information by the authorities. Lots of people wanted to receive outside news. A neighbour of mine worked for the Hisbollah as an informer and reported me. I was arrested and taken to a prison. All my tools were taken away from me and sold.

I was not allowed to see a lawyer. In prison I was interrogated and beaten with metal cables. My ear was nearly cut off. I was accused of being a Communist. I was tortured by being made to kneel on iron bars cross-legged. I was whipped 120 times on my back with metal cables. I still have the scars on my back. During this time I was not allowed any medical care. In all I was three months in prison. I decided then that there was no future for me in Iran. My brother was already dead.

When I was released my brother gave me money in order to get a false passport. I got a flight ticket. It all cost me a great deal of money. I flew to a country I knew nothing about called Germany. To a city called Hamburg."

Roshani was a teacher of several years experience in Sri Lanka. She decided to leave her country after being raped by military troops. Roshani believes she was raped because her husband, who was hunted by the soldiers, could not be traced: taking revenge on the wife of a wanted suspect is a fairly common practice. The assault made life unbearable for Roshani, a Hindu. According to her faith, a woman who has been raped is expected to commit suicide to wipe away the shame she has brought on herself and her family. Many of her relatives who were raped had left the country for Europe and America. One of her brothers, who lived in Germany, kept contact with Roshani, and she took advantage of an invitation to visit him. Everything was

organised through a contact in Colombo, by whom she was given passport and ticket with the assurance that “friends” would help her further.

Maryam’s husband became involved in an opposition political party in Somalia. One day, the police came to the house. Maryam’s two small sons, aged four and two, saw their father being beaten and taken away. A few weeks later, the police came back. They told Maryam her husband was dead, and they arrested her. The police held Maryam for a month for questioning. They were angry when she could tell them nothing about her husband’s activities and his contacts. She was raped, many times, by different soldiers, and tortured. Eventually the police let her go, but they told her that she would have sign over her the family’s house and shop to the authorities, and to leave the country. She was a member of the wrong clan, and she was no longer welcome there.

*Migrants may leave their home countries in the hope of finding safety, or just something better from life. They do not always find it.*

<sup>5</sup> The Greek-Albanian borders opened in 1991.

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## II. The Journey

*Some migrants enter the country through regular channels, for example with a tourist or student visa. They subsequently become irregular migrants if they violate the terms of the visa (for example by taking up employment) or overstay the permitted period. As there is no uniform visa policy across Europe, other migrants may enter a country for which no visa is required, and then cross the border into another EU country where, because they have no visa, they are irregular migrants. Under the Schengen agreement, most Western European states have abolished border controls amongst themselves, and so such movements are very easy.*

*Others enter with false documentation, or with no documentation at all, dropped off on the coast by a small motorboat or smuggled into the country hidden in the back of a lorry. These routes are dangerous. No one knows exactly how many people die each year, drowning in the Adriatic and Mediterranean seas, blown up by landmines on the Greek-Turkish border, suffocating in sealed vehicles. Some kill themselves in despair in airport detention centres, others die during deportation, gagged and bound in airplane seats. In June 2000 a Dutch NGO, UNITED for Intercultural action, published a list of 2000 refugees and migrants known to have died since 1993. Later the same year, 58 Chinese nationals were found suffocated in the back of a lorry arriving in the British port of Dover.*

*For those who survive the physical dangers, other risks await: forced into the hands of unscrupulous traffickers, many effectively become “modern slaves”, obliged to pay off the costs of their journey through prostitution, forced labour, or crime.*

*Stavros recounts the physical hardship of his attempt to reach Greece from Albania:*

“Passing the borders became all the more difficult, as the Greek borders became better guarded. We needed to search for new passes, and we needed a guide to show us the way through the mountains. We had now to count with 7 days traveling. We always walked in the night until 7 in the morning. We could not use torches. Any kind of light was dangerous, and a cigarette we could smoke only with caution. If some one had a watch with phosphorous, we hid it. No shouting, nothing. Greek soldiers should not take notice of us. Very dangerous, in the night you do not

know the way. You knew which point you wanted to reach, but through which way? If someone slipped in a precipice, only some relative or friend, if there was one in the group, would stop to help, but many were from other villages. He disappeared and his family would think he is somewhere in Greece.

In the winter the mountains were all snow, that is up to here, to the waist. One metre snow! we had boots, we had a piece of plastic and put it around our feet so that the snow did not enter. All white, difficult to find the way because we had also to sleep and when we woke up we did not know where we went, that is where we had come from and where we were going. Once we were lost at a place where mountains were all around, mountains, mountains, mountains. We decided to go up one mountain and we went up and again we did not see anything and we came down. We had no more strength, without food, with nothing, everything seemed to end.

We have fallen on Greek patrols a few times. One time as we passed the borders a soldier appears and tells us in English: Stop! We froze. We had been caught.... He said: Get up! There were four young Greeks, soldiers, who were playing the tough guys, and two others who had their homes nearby and were older people. They throw us down and search us to see if we had anything. Then they beat us unbelievably, beat us to death. Only two or three among us did not faint. So much beating three hours had passed, not to say four. Then look what they did. They took one by one, they brought them to a wall and they 'executed' them; it was fake, but they did it as if it were true. They took me too. They put me to the wall, I was falling down. I thought: could it be that that was all life was for me. They began shooting, but not on me, so around, to the wall. Fortunately, some one with higher grade came, and they took us away. Later we were sent back to Albania.

An other time, after having crossed the borders, at a certain spot, the man, who knew the way said: "Here is a wild man, a Greek, named Manolis. If this man catches us, we are lost". Because to this man, Albanians had put fire to his house, had raped his wife and daughter, and he had become what we call a Turk. I remember, when we came there, he came from the back with a rifle, and stopped us. We were five, unarmed, we did not even had a knife for the bread, because if they caught us with a knife, they would say you came for killings. He pulled our clothes out, the outside clothes. It was winter, March, so cold. He takes us and puts us at a row and then he starts. He made karate to us, he was two metres tall, we turned black from the beating. Then he says 'go up to the mountain back to Albania; do it because I will be after you'. He had a motorbike, the one which is for the mountains. The mountains were full of snow, what could we do! He had taken our clothes, we did not have food, because he had also taken it, and so we returned back. We were shaking until we reached the borders, our borders, because that was torture what we went through."

*For many people, walking across the border is not an option, simply because the distances are too great. They have to use official means of transport such as airlines, which brings them up against border controls. This opens up a whole new set of problems, centred around their lack of documentation. For those, in particular, fleeing persecution, they may have to leave at very short notice without the opportunity to get a passport and visa. Their own state may refuse them a passport or exit visa; some come from collapsed states such as Somalia or Afghanistan where there is no effective authority to issue these documents. Those who do have a passport may have great difficulty in getting a visa for a destination country.*

*Under international law, border officials may not turn away undocumented migrants who indicate the intention to claim asylum – in practice, however, there are fears that poorly-trained border guards do just that. The fact that most people prefer to apply for asylum within the country rather than at the border seems to indicate that there is a widespread distrust amongst refugees of border procedures. Some European states, such as the UK, have even sent immigration officials to other countries to prevent people with suspicious documents even getting on board the airplane in the first place. What many states have also done is turn airline and other carrier staff*

*into de facto border guards by imposing heavy fines on companies who – even unknowingly – bring undocumented people into the country.*

*The effect of these measures is that many people have had to put their lives into the hands of human smugglers in order to get to a country where they can claim asylum or find work. Not only are they forced to pay large sums of money, so the poorest refugees are prevented from having access to safety, but they often risk their lives in the process.*

Maryam was released from prison to find that her mother had already packed a suitcase for her and her children. She had gone around to friends and relatives and collected enough money to pay for an “agent” who would travel with them on false papers. There wasn’t enough money to pay for Maryam’s mother to travel too. Today Maryam doesn’t know whether she is dead or alive.

The agent brought Maryam into one of the main train stations in Brussels, and told her to wait for him, that he would return with milk for her two small boys. He disappeared, still carrying the false papers. She waited and waited, but he didn’t come back. Tired and afraid, not speaking a word of the language, she started to cry, which set her children off into tears too. After several hours of trying to approach strangers in the station, she eventually found a couple who came from her country. They took them home, and gave them food and lodging for the weekend, and on Monday morning they showed her where to apply for asylum.

*The UN has drawn a distinction between smuggling and trafficking in human beings.<sup>6</sup> Both involve an illicit entry and residence on another territory, but there are significant differences. Smugglers may be benefiting from the desperation of refugees, charging them large amounts of money and often exposing them to dangerous traveling conditions, but they are providing something of value in return; without necessarily intending to, they may be saving their “victims” lives.*

*Trafficking, however, involves exploitation: victims, who are often young women and girls, are coerced into prostitution or forced labour. Some women may know in advance that they will be required to prostitute themselves, although they may not know how large their “debt” will be; others are told that they will have jobs as waitresses or domestic workers (see chapter IV).*

<sup>6</sup> See Protocols to the UN Convention on Transnational Organisation Crime, signed by European Union countries in Palermo in 2000.

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### **III. Drifting into Irregularity**

*Many people who originally entered the country through regular migration channels – on a student visa, for example - find that they have drifted into irregular migration status, merely by staying on in the country. A very real problem faces rejected asylum-seekers who are unwilling to return home. The authorities may be unable to send them back, in some cases because it is acknowledged that the country of origin is simply too dangerous, despite the refusal of refugee status. The asylum-seeker is forced to either re-apply for asylum in another country – although European countries have taken measures to stamp out this “asylum shopping” - or stay on as an “illegal”.*

After her irregular entry into Europe, Maryam applied for asylum and was granted a temporary residence permit for the duration of her asylum application. She found the asylum interviews very distressing. At all stages of the procedure the interpreters, and nearly always the decision-

makers, were men, which created an immense barrier for her to talk about her experiences in prison.

She could only bring herself to speak in euphemisms - she had been "mistreated", "dishonoured". She was unable to give details about her husband's political activities as, ironically, for her own safety he had never told her. Her application was dismissed as "not credible", and her request for asylum was rejected. There was no possibility of going back to Somalia. As well as the politically motivated danger she faced, by this time she had learned that she was HIV+, for which no medical treatment was available in her home country. She was not afraid for herself, she explained, but she was very afraid of what might happen to her two small sons without her.

It was not feasible for the authorities to deport her, as Somalia is recognized as being generally too dangerous for forced repatriations. She decided to stay on in the hopes of an eventual regularisation, and with the help of a sympathetic social worker and doctor was able to access some social welfare assistance and health care. With no real right of residence, however, she lives in fear that it could be taken away from her any day.

*Similarly, although his asylum claim was refused, Ali believed it would be too dangerous to go back to his home country of Iran:*

"I heard that my asylum claim had been turned down. I was given a Duldung (toleration). This paper offers no status or security it merely temporarily hinders deportation to Iran. I was later ordered to live in Neumünster. I could not go to work or go to a college. I had no chance to learn German or begin to integrate. I received 80 DM (£28). I had to buy food with tokens. I was not allowed to leave Neumünster without a special permit.

My Duldung had to be periodically renewed. I challenged the outcome of my asylum claim. I was given one month in which to voluntarily leave Germany and return to Iran. I could not imagine returning to this place where I had suffered so much, where so much is forbidden and so much is controlled. Everything was subject to the control of the so-called religious police.

A brother sent me money from Iran so that I could get advice from a lawyer. Sadly the lawyer could not help me, but he managed to charge a lot of money. In desperation I decided to 'disappear', to live without papers."

*Ayman found he became an "illegal" while his asylum claim was still pending, simply because he was unable to live in the region allocated to him by the German authorities:*

"I was forced to get involved in the conflict in my country Rwanda. I was on the side of the Tutsis. At first I believed in our struggle but I soon became disillusioned with the murder that was taking place. I deserted because I no longer believed in what we were doing. I fled to Germany in 1994 fearing for my life. I am certain that if I returned I would be killed.

I came to Germany via Kenya and applied for asylum in Hamburg shortly after I arrived. I was sent to a temporary refugee hostel in Horst in Eastern Germany. It was here that my case was heard. It was also here that on the night of August 20th (1994) a group of skinheads attacked the hostel. We were all locked into the TV room to keep us safe. Eventually the police came and broke up the skinheads.

I was then forced to go to another refugee hostel in a small isolated village in Mecklenburg-Vorpommern called Zemmin. There were rumours that skinheads were very active in this part of Eastern Germany. I was filled with dread and anxiety

I arrived in Zemmin on 23rd November 1994. The next day in the neighbourhood I was attacked by two skinheads. Later when I was making a telephone call from a public call box I was verbally abused by a group of young men who followed me all the way back to the hostel and informed

the director that blacks were not welcome here. As far as I am aware the director took no action with the police, certainly no one came to interview me about the incident. At that time there was no accessible telephone in the hostel. We were forced to go outside in order to make calls. This was a very frightening experience. Many times I had to put up with racist comments because I am black. All the other refugees experienced the same sort of treatment.

The experiences I had undergone in Rwanda had psychologically affected me, I felt my mental health was getting worse and worse in Zemmin. I experienced a constant anxiety. The harassment continued and got so bad that on 18th of March 1996 all of the refugees in the hostel put together a report for the authorities (*Ausländerbehörde*). Several days later uniformed police arrived, they informed us that they did not have the resources to protect us and made the ridiculous suggestion that we should arrest the attacking skinheads and bring them ourselves to the police station. To me all of this seemed a kind of torture...the fact that my asylum claim decision was put on hold, the fact that we lived with the permanent fear of attack and abuse because of our skin colour, the fact that I was forced to live in an isolated and hostile environment with no facilities at all for refugees and the fact that the authorities seemed powerless to protect us. In September 1996 the body of a missing Algerian asylum seeker was found in a small river six km from Zemmin. The mood in the hostel was one of terror and panic. Everyone experienced stress symptoms that sometimes resulted in outbreaks of fighting amongst the refugees themselves. I witnessed an extremely violent knife fight.

Shortly after I started to mentally fall apart. I experienced panic attacks, sleeplessness and a range of psychosomatic symptoms. I was given a doctor who would not or could not speak English, nevertheless I was given a medical certificate stating that I should be transferred to a place where I could receive appropriate help. This transfer was rejected by the authorities without any explanation. A computer had decided I should be sent to Zemmin and that was that.

During all this time the stop on decisions about refugees from Rwanda continued to be in effect. No one was being sent back but no one was given secure status in Germany either. The authorities argued that the situation in Rwanda was too unclear to make reliable decisions.

My health got worse and worse. At nearly every stage with medical consultations there was never adequate help with language problems or in Zemmin independent advice. No one seemed able to communicate in English and I had no chance at all to officially learn German. Not only my mental health was suffering but because of high blood pressure I was experiencing heart problems. It became really clear that I needed to get away from Zemmin. There were no adequate health facilities at all; even the local doctors agreed on this.

I heard of a help organisation in Hamburg and contacted them. They specialized in organising health care for refugees. They set up counseling and medical help for me but the authorities refused to give me permission to leave Zemmin and move to Hamburg. In desperation I decided to live in Hamburg, which meant living illegally in the eyes of the authorities and police, but at least I could access the help doctors said I needed. I was put in touch with a small politically active Christian community who run a house of hospitality (I am Muslim).

Technically I am 'illegal' because I am breaking the strict rules about where I have to stay. I heard of a man from Sierre Leone being deported because he broke this rule. I live in fear of being stopped by the police and having to show my papers with my official address. I don't know why the authorities will not legalise my stay in Hamburg, many doctors have testified that this is the right thing for me. I am learning German and have a network of support here. Strangely I am legal in Zemmin where I am not wanted but illegal in Hamburg. I still wait for a decision about my asylum status. It is very possible that I will be deported in the end. In the meantime I cannot work or study."

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## IV Exploitation

*In chapter II we saw how easily undocumented people can find themselves in the power of traffickers. Women seeking to leave their homes often face the danger of being forced or tricked into prostitution. Every year, up to half a million women are brought into the EU from central and eastern Europe and forced to work as prostitutes. Some women know what awaits them; some are abducted; many others are tricked, promised jobs as cleaners or waitresses, and then on arrival forced to sell their bodies to anyone with the money to pay. As well as women from Russia, Ukraine, Poland and Albania, there is also a market for “exotic” women from Southeast Asia, particularly Thailand and the Philippines, and from African countries such as Nigeria. It is commonplace for the women to be beaten by their pimps, drugged, and threatened with harm to themselves or to their families at home. Afraid of being deported, usually unable to speak the language, and frequently moved between cities and even countries by their pimps in order to keep them confused and disoriented, they are unable to seek help. Most trafficked women are under 25, with a significant number under 18.*

*Roshani had the misfortune to fall into the hands of traffickers:*

Roshani was put on a flight to Kiev in the Ukraine, where she was supposed to change plane. Three so-called friends met her at the airport and took her travel documents, with the explanation that she was now in their care. Suddenly, Roshani found herself imprisoned in a flat, together with five other women of different nationalities, and forced into prostitution.

All her pleading to contact her brother in Germany was in vain. About four months later, Roshani was put in a container vehicle at night, with two other Sri Lankan women. She had no idea where she was headed for. After days of travelling only by night, the women were told by the driver that they had arrived in Berlin and were dumped there. A police car picked them up and placed them in a detention prison as they were in Germany illegally, with no evidence to back their story.

*Angela and Charity were politically active university students in West Africa, when they received a warning that rumours were circulating about their imminent arrest and detention in a military prison.*

Aware of the gravity of the message they had received, Angela and Charity wasted no time. They headed for the harbour, hoping to get on a boat to a neighbouring country. They explained their situation to a group of sailors and were eagerly taken aboard a ship about to leave the port. The fact that they had no travel documents, and no money to pay their tickets, did not seem to pose a problem. The ocean liner left the port, with the two young women hidden among boxes and cases in the hull. Angela and Charity soon found out what type of payment was requested from the human traffickers they had unwittingly trusted. In their own words, “we had to pay with our bodies”.

Although they begged to be let off the ship at the next stop, no matter where that was, the traffickers would not listen to their pleading. So Angela and Charity ended up in Hamburg, Germany. They were handed over to a brothel where, it was explained to them, they had to work to make good the expenses they had incurred.

*Prostitution is not the only type of exploitation irregular migrants face. Some trafficked people are forced to work in sweatshops under appalling conditions and for a pittance until they are deemed to have repaid their debt.*

*Even those who have not been trafficked may find themselves vulnerable to exploitation because of their lack of a work permit. Labourers may find themselves working in harsh and even*

*dangerous conditions, underpaid, and with difficulties in claiming the wages owed to them by unscrupulous employers.*

*Sergey was unable to find work in his home country of the Ukraine. To support his family, he left them to work as a labourer in Germany.*

The situation in the East German construction business - the main employer for undocumented immigrants - changed dramatically in 1996 due to the recession, and also to a big increase in sanctions for those employing undocumented workers, and increasing competition amongst the growing numbers of immigrants for diminishing employment opportunities.

Consequently, it was getting harder every month to find a regular and well-paid job. Wages decreased to 8 DM per hour - this was still enough to feed oneself, but there was not much left to send to the family. In addition to that, the public climate was becoming increasingly hostile to irregular migrants.

For the first time, Sergey found himself regularly having to borrow money from friends, colleagues or even loan sharks in order to satisfy his basic needs. On the rare occasion, when he does receive money for his work, he has to spend most of it re-paying his debts.

*After deciding to disappear when his asylum claim was turned down, Ali found himself in a very vulnerable situation:*

"I went to stay with acquaintances in Hamburg. I worked without papers in a restaurant for seven months and did not get paid a pfenning. The owner threatened to call the police if I made a fuss."

*On his arrival in Western Europe, Yuriy discovered that his promised work visa and job in Spain had instead become undocumented work in Portugal:*

I went to work in a circus. I had to sleep on the floor, in a place full of fleas and rats, I had no bathroom, and I had to work 14 hours per day. Only the food was not bad. I found there some other people, most of them, completely drunks, and living there as animals. Because we didn't have any security in the place that we were sleeping, we gave all our documents to our boss. My function there was to install the circus at the beginning and take it out at the end. Usually we spent three days in each different place.

*After Yuriy criticised the quality of the circus, his employer ordered him to keep quiet, and then decided to pass him to another employer, who put him working in a fairground:*

"It was very dangerous because no rules of safety were followed. They took away the notices that gave age restrictions for certain rides. I could not stay quiet about that, I was very afraid to see a big accident. The owner of the fair said that it was better if I go and work in his house, taking care of the garden. They put me 14 hours per day pulling plants out only with my hands. They didn't give me any tools. His wife was sit outside watching me and calling me names.

At the end I was so tired, without documents, without knowing any one, that I decided to leave. I asked for my documents and my salary but the woman just threw some stones at me and I had to run away.

When I was working in Circus, I had met two Ukrainian men who said that if I need something they could help me. They could find me job, I only needed to pay 350USD. I decided to go to them. I went to the neighbour and asked help. He was the first person that I met in Portugal who helped me without asking me money. He gave me a lift to the place where the Ukrainian men lived. The Ukrainian men let me sleep in a cellar with no light, no WC, no water. I had to stay all day in the house and only at night I could come out."

*Remy found that as a domestic worker, there were no witnesses to her treatment at the hands of her employer:*

"I came abroad to work with a Saudi diplomat here in London, as direct hire from Philippines to London. I worked with them for 11 months. My experiences of this were very horrific, and I could keep you here all morning telling you of daily threats and beatings. I became terrified of the husband and wife. One time I was with the family in Egypt in December 1989. There was a water shortage and I was expected to wash clothes in the minimum of very cold water. I was unable to squeeze all the water out of the synthetic fine garments and the water drips. So angered the husband, shouting at me, calling me a liar, that it resulted in threats and hitting of me. I resulted broken skin all over my hands. Their main threat was to send me home immediately. Where was I to find the 20,000 pesos to repay the agency and to provide more money for my children? So I would always beg to stay in spite of the treatment.

(...)The smallest things that did not please my madam resulted in abuse, shouting and slapping of my face. One dreadful occasion I washed a jumper in too hot water, this caused shrinkage. I was not only hit, but almost choked to death. The combined attack by the husband and wife left me beaten up on the floor. So I decided this is the time I had to save my life, for me I am a prisoner, I can't go out, no day off, can't talk to anyone. They pay me £120 a month but I don't receive it. Only if I tell them I have to send money to my family, they give me one month, they owe me 5 months or more then. So I decided I had to run away."

*Kumari's experiences were similar:*

"As soon as I came to London and to her house I felt like she brought me to the jail. It was a very small house, only one bedroom, a small sitting room and a toilet. I had to sleep on a shelf, which was made to keep all things and the suitcases, everything. I said to her, when people are walking, I feel they are walking on my face. So morning 4:30 to midnight I have to be up. I have no rest and I have no place to sit. She asks me not to sit on the chair, not to be near the children. Every time I go to the toilet I have to wash with the Dettol and not touch anything about the children. She treats me as if I have bad disease. And always she is calling my name, and when I say, "Yes madam, I am here", she shouts, "What are you doing here? Go and do the work". And I say, "Madam, I am working". But I carry on because I need the money.

After one month finished I couldn't see she was going to pay me. After one month and 10 days I said, "Madam, I need my money to send to my children, I have to pay the house rent as my landlord is very strict and he will chuck my children out". She said, "Which salary are you asking?". I said, "I work for you madam, I need the money". She said, "No, you are already paid". Because she gave me 40 riyals and some old clothes, she said that is my salary for that month. I said "Madam, I don't get 40 riyals salary, I get 80". And she said, "OK, I give to you" after I cried.

And then in September after two and a half months she passed me to her friend. So I had to work to her friend and she asked her friend not to pay me anything and not to let me go out. My madam said not to talk to anybody. She kept me locked in the house and did not even let me open the window. All the time the curtains were closed. She said, "This country is very bad, you can't go out, these people are very dangerous". So I worked for her friends, and her friend's two daughters. So now three months are gone and I said to my madam "madam, I want my money". Then she said OK, I went back to her house and she gave me £60. Then I asked "madam, after three months you give me £60?" Then she said "I'll give you later".

Anyway I wanted to send a little money to my children because I knew how poor they are, and she gave me the receipt to sign. I said "madam, until you give me all the money I'm not going to sign". Then she said "Why are you doing like this. I will give you". And I said "no, I don't trust you because I trusted everything but you are doing a completely different story now". And she said, "OK, I'm not giving you more than £60. You can work for six months and then you can pay your

own ticket and go back". I said "I did not come here to go back, madam, I came here to work. If I go to my own country, what can I do, how will I survive? I have no house and nobody to help me". And she said, "It is not my problem, not my problem. If you want to work for £60, OK, if not you can go".

And she took back my £60 too. So after that I said if you can't pay, send me back to the Middle East. She said, "No, I'm not going to send you back to the Middle East, you go back to your own house". Then I started to cry, I said "why are you doing like this?" I begged to her, she said no, no, and then she said, "You go to my friends' house and stay there a little while". Then she sent me back there, and after three days she called and said I must go. She called me on Wednesday and said she had booked my flight to go on Saturday. That time I thought to kill myself. I know it's not a solution for my problem, if I killed myself what about my children, who's going to pay my debts?"

*Stavros found himself exploited as casual labour in Greece:*

"The money was little. I was the most lucky, I earned 2.500 Drs. and even more, that is in two hours 500 Drs. A lot of exploitation. We wanted to save. I did not spend a penny. I was sending the money back home, my father had started to build a house. Some one from my village came and said, what are you doing here! At Kiourka is the money, you can earn, 4-5.000 a day! So we set out for Kiourka, my brother, myself, and a few others

At Kiourka, when we arrived we slept outside for a whole month. We took a plastic and made a tent in the bushes. When the police came to the village, we climbed on the trees and stayed there for the night. Once I had tied myself to the branch so that I do not fall down when I fall asleep. Not one day did I work. One morning, as I went to the bakers for bread, at the central square, someone asked me if we wanted to carry some wood. Eh, in one hour we had finished, and we received 9.000 Drs., for us all. After that I worked in collecting olives; a lot of work. I have done all kinds of jobs there: collect fruits, prune vines and olive trees, cut grass with the hoe - morning and evening, this work, continuous work, tiresome work - I have done construction work with stone, I have worked as plasterer. We never said no to work, because we needed to work. We have also done housework, sponging up, dusting, everything, but this was the most boring for me, because it was not work for me.

The employers exploit you because you are in need. If you said, today I will work eight hours, they would send you away; you had to work 10 hours, 11 hours. We worked, for 4.000, nothing more, no food. A Greek would take in our place 20 to 25.000. You see we did not have papers. If you made a fuss and asked for more, the employer would send the police, and they caught you, and they sent you back to Albania, and you did not get your money. The employer was always right, who would believe me that I did not get my money?

You cannot insist on your rights. To take a lawyer you need money. If you do not have money, what then? And if you do not have papers, you will not have your rights; you cannot go to the police, you will be caught and sent back. What to do...., with 5.000 and with 4.000 you will go to work, and with 3.000 too. Once at the grape harvesting the Greeks came out and said we will not pay 5.000, we will not pay 6.000, we will pay 4.000. What could we do? If I said, for example, I do not go I want 5.000, the other would go; he is in great need, he has children at home that have nothing to eat. It is a matter of luck to find a good employer, someone for whom you work with pleasure.

In 1995 I worked at the farm of some one from Athens; he trusted me and he told me come and stay here. He gave me a room 2,20X2,20. In the beginning we stayed two persons, then came my aunt from Albania because her daughter needed treatment for epilepsy, so we became four. From time to time came also my brother with his wife, that is six to seven persons in one room. Imagine the situation. The room was just a room, not even a toilet did it have, only one lamp. There I spent six years in this room. What to do, if you do not have papers the owner will not rent

you a house, how would he know who you are? And it is also the money, you need money to rent a house, and if you are illegal they will charge you more. So you live on the mountains. I was lucky.

Living in a room in the midst of a farm, is not safe, but even worse is living on the mountains. Albanians, who had started to form some gangs, come at night and take your money with force. You lock your house as you can, you put bars, chairs, cupboards behind the door. You are on your own to protect yourself, you cannot go to the police, you are illegal. The policemen will not catch the thief, they will catch you and send you back.

You do not get away from the police in any way. The people in the village, our employers helped us. When the police came to the village the employers made a signal, and the Albanians did not come down for work. We were good people, why the police should catch us? I have been caught innumerable times and sent back, two or three times a year. They hold me in a cell, 2X2 x 2X3 with 30 other persons. Think now, it is summer; they took us from our work; we had been working all day and have been sweating; there were mosquitoes, filth on the floor. You could not go to the toilet when you needed but when the guard allowed. If you protested they took you out and beat you. You slept there without being able to stretch your legs. You stayed there until the day that there was a bus to send you back to Albania. The same again and again....”

*Ghpson, a Syrian woman who came to Belgium with her family, found that she had no means of redress against a profiteering landlord:*

“Life proved difficult from the beginning. We had to find somewhere to live. The first place we found was a converted garage in Anderlecht. We had to pay 8.000 BEF a month plus two months in advance. But we didn't realize the importance of a written contract and after a month the landlord said we had to leave. We were furious and even consulted a lawyer but because we had nothing in writing there was nothing he could do. We lost our money”.

There is no place for hatred in my heart. There is a God who will judge what happened. I only pray that my husband survives. Everyone has been good to me here.

*The comments of a Romanian woman, Nicoleta, after her husband, Jon Cazacu, an undocumented worker in northern Italy, was set on fire by his boss for asking to be paid and to be treated with dignity (March 2000).*

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## V. A rightless existence

*As well as the difficulty of being able to enforce such basic rights as the right to be paid for the work one has done and the right to be protected against criminal acts (described in the previous chapters), irregular migrants often have problems with other basic aspects of human existence: access to accommodation, education, social assistance if they find themselves destitute. One area of huge concern is that of health care. Irregular migrants may find it impossible to get medical insurance, and so falling ill or being injured is a constant concern, not least because of the very poor working conditions some have to accept. In general it is possible to access emergency care, but being hospitalized may carry the risk of being identified to the authorities as an irregular migrant. Those with chronic, rather than urgent, health problems, may not be able to get health care at all.*

Christiana B from Nigeria had been illegally in the Netherlands for about two years, when she was attacked by her roommate. In the kitchen her roommate had emptied a pan of boiling oil on

top of her. Christiana was instantly taken to hospital where she stayed for eight weeks with severe burns. As a consequence she had not only lost her looks and house, but her means of income as well.

She was in need of medical assistance. According to a medical statement the skin needed quite some time to settle. During that period a number of operations were necessary. A hospital specialised in burns was contacted and a date for treatment was set.

Three days before the treatment date the hospital announced that it had decided to refrain from treatment, as the hospital board did not want to treat people who live without authorisation in the country. The board later stated in writing that they did not have a policy against treating undocumented people, but this patient had shown she was either not willing or unable to pay for the treatment.

Due to the *Koppelingswet*<sup>7</sup> it is not possible for undocumented migrants to have medical insurance. To finance medical emergencies for undocumented people the so-called "Koppelingsfund" was created to help those unable to afford the medical costs. The problem is that it is unclear how this fund is administered, and there is a lack of information about how to receive money from it. The pains Christiana suffered increased as her skin was too tight. Her general practitioner stated that an operation was needed to help relieve the pain. Two options for being operated remained: obtaining a medical insurance or negotiating with the hospital board.

Due to the medical situation a residence permit based on medical grounds was applied for and a positive decision was given. It would however take another four weeks before she would be in possession of the actual permit, while the pain was increasing. Finally, once the finance was arranged, a second date was set. Later the doctor said that not only had Christiana undergone much unnecessary pain, but that her skin needed a longer time to recover as the operations had been delayed too long.

*Yuriy was still moving from place to place in Portugal, trying to find work and a place to stay, when he had a stroke while on board a train:*

"I woke up in the hospital. The police came and tried to ask me what happen. I had no documents and all my belongings were taken away from the train while I was ill. The police called the embassy; they are looking for travel documents for me to go home. I know if I go to Ukraine, I will never come back to Europe in a legal way.

In Ukraine I have no conditions of life. Here, at least I have some hope to have it, even if the beginning was not good."

*By virtue of a ministerial decree sent to all State hospitals on 13 July 2000, doctors in Greece are obliged to refuse free non-emergency health care and to cease treatment in emergency cases once the condition of the patient stabilizes. In November 2000 a new Aliens Bill was submitted to Parliament, which imposes sanctions on health services if they failed to denounce migrants with irregular status who approached them for help.*

Vivian Mousa is a thirty-year-old woman who came from Iraq. She arrived one year ago in Greece through Turkey with her husband and her six-year-old son. She is nine months pregnant and her concern is the delivery of her second child, as she does not have any legal papers to be accepted to a hospital.

During the whole year she has been in Greece, she has been trying to get an appointment with the police to arrange an asylum interview, but her appointment is always postponed. As soon as she succeeds in having an appointment she can get a special card from the police which is valid for six months and gives her the permission for six-month residence in Greece and medical care in hospitals. Unfortunately, as her appointment is always postponed she does not have medical care.

Vivian, one month ago faced some pregnancy problems for which they took her to a hospital in order to do some examinations. One week after when she wanted to take the results, they did not give her them, because she did not have money or a legal paper to prove her status.

She is now nine months pregnant and she does not know what is going to happen about her delivery. She does not have money to pay. What a social worker from a NGO tries to do is to contact a lawyer from the UN and inform him/her about this case and try to make an arrangement to contact with the administration of the hospital to accept her without paying as an emergency and humanitarian case. Vivian worries so much, she cannot enjoy her pregnancy and she does not feel safe at all.

<sup>7</sup> Dutch law mandating cross-reference of data, so migration status is relevant to an application for medical insurance.

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## VI. Coming out of the Shadows.

Regularizing migration status.

*Maryam was awaiting the outcome of the Belgian regularisation process. A year and three months after applying, and more than three and a half years after entering Belgium, she has still not received a response.*

*When last heard of, Vivian Mousa was still waiting for her interview with the Greek police.*

*Yuriy applied for regularisation in Portugal. No information is available on the outcome.*

*Stavros applied for regularisation in Greece:*

"To make my papers it had been so hard. It has been a torture! We went to the OAED<sup>8</sup> office from 4 o'clock in the morning and waited our turn. When we were near to enter, they said, "We are closing now". We had to come the next day, and the OAED office was far away; we had to take the bus, and every morning I had the fear to be caught, because we were illegal. Then we had to run from Ministry to Ministry; we did not know how to collect the papers.

Now I have done my papers<sup>9</sup>, I am legal. Before, when the police came we were afraid and ran to the mountain. We did not go out at all, from work to the mountain or from work to the house. Now I can go out, go to the coffee house, or go to the seaside, or make a journey without fear.

The 40 social security stamps to get the Green Card, I got them; but how am I going to renew it? I need 150 stamps, no way to get them! No employer gives me stamps. No one wants to pay the tax department. Now that I am legal I thought I could get married, but if I am not able to renew my residence permit, what then? The owner of my house let me built another room, so that I could live better with my wife. In the beginning I paid. Then I said I do not have any more money. He paid for the construction material, and I did the work. I went to Albania, got married and I brought my wife with me. To the house, he said I can stay five years, six years, as long as I want. But he intends to sell the property. If he wants to sell, what I can tell, I can tell nothing. All these efforts for nothing!

At least one more year to stay in this house, to find a good work, that is a work paid for not less than 10.000, with 5.000, it is very difficult. Very difficult, that is you work only to get a piece of bread. And also have my stamps, then I could stay longer and be legal. Then you can have a life, otherwise....."

*Angela, Charity and Roshani were all arrested for prostitution, and once in prison were able to submit applications for asylum:*

On arrival in Berlin, Angela and Charity were passed on to another pimp, this time a fellow countryman. Early in the morning, police and passport control officials appeared at the door of the apartment where they had been placed. Angela and Charity explained their case and how they had been given false passports. "Documents fraud" was the answer of the police, and they were condemned to four weeks in prison. While in prison, they finally got an opportunity to submit their application for asylum. They were given an appointment for an interview for refugee status, and finally a place in a hostel for asylum seekers.

*No information was available on the outcome.*

Roshani submitted an application for asylum, and with the help of a lawyer, she was released from detention after three months and transferred to a hostel for asylum seekers in north Germany. Although Roshani's brother contacted her, he would not give her his address, and she suspected that he might belong to the mafia of women traffickers. The thought was unbearably painful to her, and as months passed, she got more and more depressed. Psychiatric therapy helped and Roshani is now much better. A recent phone call from her let us know that, in spite of the difficulties facing her, she feels fine.

*Sergey's story is more inconclusive: increasing difficulty in sending remittances home means that his links with his family are becoming increasingly strained:*

It is the end of 1998: Sergey has been in Germany for 25 months without interruption. He simply could not afford tickets and illegal papers to go and visit his family. During all this time, he was not even able to transfer more than 2.600 DM to them. Almost everything else was needed for him to get through his daily life and to repay his debts. The little he could spare, he invested in small but risky businesses. He bought an old car and tried to transfer it back home to be sold, for example.

At the moment, Sergey does not have many options:

One possibility would be to give up and return home. This, however, would not improve his situation, because the possibilities of employment at home are even worse than they were when he left. Many jobs in the Ukrainian Republic are now taken by illegal immigrants coming from other countries further East, e.g. Kazakhstan. This is yet another characteristic feature of worldwide "labour migration". In order to find work, he would have to bribe employers and officials with hard currency, which he does not have.

Besides that, his long absence put quite some strain on his relationship with his family. Contact decreased, as he rarely had money to call them. Whenever he did call, he did not tell them the truth about the misery and difficulty of his situation, because he did not want to worry them. His wife believes that he spent all his money on alcohol and tobacco and does not understand how the situation could suddenly have worsened.

Another option would be for him to stay in Germany and join criminal circles.

A third option would be to stay in Germany and to keep the hope alive that his situation would improve before long. In the meantime he would have to live from food out of dumpsters, from begging, and in the worst-case scenario, from petty theft.

Sergey points out that his labour is of value to the host country:

"As long as there is such a discrepancy in prosperity between the East and the West, there will always be people who try to get in your country and offer work for lower wages. There will always be employers, more than willing to take advantage of the immigrant's miserable living conditions and these do not hesitate to enrich themselves. These employers will see to it, that 'illegal work' is tolerated, even when it is not legal....This, what you call exploitation, is tolerated by your

politicians.... Why do you think the police do not stop 'illegal work' even when they know about it? It is common knowledge that the construction companies which employ 'illegal immigrants' cause a considerable damage to the society, because they do not pay taxes and for social security. If German politicians would really like to restrict 'illegal work' they would propose adapted laws."

*He finds it hard to understand why he is considered "illegal": there is no such thing as 'illegal work' in his home country; also, he feels that unlike a criminal - which was what people call him - he is contributing something worthwhile to the welfare of German society. Criminals deprive people of their property, he was helping to build cheap houses by offering his labour for very low wages.*

"Illegal - Nonsense! Your politicians, who create and implement laws, are human beings as we are. What justification do they have to keep us out? If human rights were not just preached, but practiced, the world would look much different anyway. In the West people always talk about human rights. Why don't they take care that they are implemented. I am called an illegal immigrant, yet I have done nothing wrong. Our Eastern politicians are indeed murderers, but they are greeted with 'red carpet' when they arrive for a state visit. Yeltsin ought to be in prison. He killed many people in Chechnya. Why should I go to jail? I did not kill anyone and did not steal anything. I came here to work. I am no criminal".

*Ghpson gave up and went home to Syria: she eventually received a residence permit for Belgium, but during the long and difficult struggle, her relationship with her husband broke down irretrievably.*

"Life was still so difficult in Belgium and I felt the children needed to know their uncles and aunts in Syria. The fact that our papers in Belgium were now in order meant that I could envisage returning to Syria to see whether it was possible to return. The date was fixed for the summer holidays in 1999. We would all come back to Belgium for the new school year and if all had gone well we would then have a year to sort out the divorce and really plan our return."

And this is what happened in July 1999. Ghpson returned home to her family. Once back on native soil however she hadn't the heart to leave again. The children joined her and she returned to Belgium just for a brief spell to put her last affairs here in order. After eight long years of struggle and pain she and her children are now making a new life for themselves in Syria.

*This is not an option for people facing danger in their country of origin, the de facto refugees.*

*Ali vows that he will not go back to Iran:*

"I began to get involved politically with the cause of Iranian refugees in Germany. I have been living just over three years in Germany now. I have found a new lawyer and hope that he can help me and the authorities here will see why I cannot return to Iran. In my wallet I always carry a razor blade. Why? If I get arrested by the police I would rather end my life here than face the nightmare in Iran."

*Ali is not the only person to decide that a return is worse than dying: every year sees suicides and attempted suicides by people facing deportation*

*In 1990 Sharif Hussein Ahmet fled to Austria from Somalia after his father and brother were executed for their political activities. In 1992 he was granted asylum. The following year he was convicted of an attempted robbery; the value of the item was minor, and there was no violence involved. Nonetheless, his refugee status was withdrawn. The European Court of Human Rights ruled that Austria would violate the Convention on Human Rights if they deported him. However, he was left in limbo, denied any right of residence, including the right to work or to social support. In March 1998, in despair, he hanged himself from a tree in Human Rights Square in Graz.*

<sup>8</sup> National Employment Institution, responsible for the regularisation procedures.

<sup>9</sup> The regularisation campaign in Greece started in 1998. The first phase was that of recording the foreigners and lasted for 5 months. Anyone missing the deadline was not allowed an extension. Those recorded were allowed to stay, work legally and proceed to the second phase that of acquiring the 'limited duration residence permit', or "Green Card". In order to acquire the Green Card, one of the conditions was to have collected a certain minimum number of social security stamps, very difficult for those working "off the books". The Green Card is issued usually for 1 year, but considerable delays in the process meant that not all applications were considered within a year of being made. In order to renew a much higher number of social security stamps were needed. Few migrants are able to provide that, and so very many were expected to fall back into irregularity once more.

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## **VII. Recommendations**

We believe that people are entitled to dignity and respect by virtue of their humanity, regardless of the papers they carry – or don't carry. It is true that to remove all distinction between those with permission to live in a state, and those without, would undermine the state's right to manage migration. Nevertheless, we cannot remain indifferent to those who find themselves in the plight we have explored in the previous chapters. With these two considerations in mind, therefore, we believe the following measures are necessary:

### **Assisting the countries of origin of refugees and migrants.**

We call on states to support economic and social development in countries experiencing a large outflow of their population. Western states may argue that they cannot dictate policy in sending countries, but there is much they could do to alleviate global economic inequities by modifying their own policies on fair trade, debt relief and the provision of development aid. Western states can also contribute to the prevention of human rights abuses by curtailing the arms trade and promoting initiatives such as the International Criminal Court.

The aim is not to stop migration, which we believe is a valuable and natural part of human experience, but to ensure that people are not forced to leave their homes unwillingly, simply because they have no other choice.

### **Ensuring that our asylum system identifies refugees and others in need of protection.**

This involves ensuring that refugees can have access to host states in the first place: we believe that European states should allow more opportunities for resettlement of refugees from other regions. The vast majority of refugees live in the poorest regions in the world, often in appalling conditions. States should also avoid measures that prevent people from getting into a country of asylum, such as restrictive visa policies and carrier sanctions. Asylum procedures must be designed in such a way as to identify all those in need of protection. No one should find himself or herself in a situation where it is clear that it is too dangerous or inhumane to return the person to the country of origin, but still no legal status is given.

### **3. Opening legal possibilities for labour migration.**

One of the reasons that migrants come to work in Europe without authorization is that it is clear that there is a need for their labour. Rather than criminalize their attempts to work, it makes sense to provide legitimate channels. Done properly, this is to everyone's benefit: for the migrant, who can avoid the perils of traffickers and the risk of exploitation, for the host society, benefiting from the labour, and for the migrant's own society, which also stands to gain through the money sent back by migrants, and later, the knowledge and experience of those who return. There should be safe and legal ways for migrants to send money back to their country of origin, and they should be encouraged to invest it in projects that benefit their community. Of course there is also a real risk of "brain drain" from the countries of origin, but it is only by bringing labour migration into the open that all the implications can be properly considered and acted on.

#### **4. Guaranteeing basic human rights to all, regardless of migration status**

States have duties under international law to ensure that every individual can benefit from:-

- i. a right to emergency health treatment;
- ii. a right to education for their children;
- iii. the right to shelter and food if destitute;
- iv. a right of access to an ombudsman or other authority (in-dependent of immigration enforcement agencies) to investigate instances of violation of contracts or health and safety laws by employers and landlords;
- v. the right to receive wages for work done,
- vi. protection from criminal gangs, e.g. in case of forced prostitution or extortion. Linked to this must be the guarantee that all those individuals and organisations who assist irregular migrants in obtaining these rights must not be liable to punishment under criminal law, e.g. under the accusation of 'prolonging unlawful residence'.

*"These basic rights capture the minimal responsibilities that any humane and democratic state has to individuals present for an extended period in its territory. They represent a minimal standard of treatment that reconciles the professed commitment of European states not to collude in exploitation and preventable suffering with the aim of not making the rights of migrants with irregular status so extensive that they serve to attract more people to this condition. If states have a valid right to exercise border control, immigrants without irregular status should not have the same rights as permanent residents lawfully admitted to the state. However, anyone present in a European state should have the right to the minimum protections outlined above by virtue of their humanity. They should be able to exercise these rights free from the risk of penalty (in particular, deportation)."*<sup>10</sup>

<sup>10</sup> Gibney in "Outside the Protection of the Law: The Situation of Irregular Migrants in Europe" by Matthew Gibney, a synthesis report on research commissioned by the Jesuit Refugee Service Europe, produced by the Refugee Studies Centres, Queen Elizabeth House, University of Oxford, December 2000. These recommendations are adapted from those provided in the report.

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## List of contributors

The original idea for this compilation of stories came from Judith Kirton-Darling from the Quaker Council for European Affairs and from Isabelle Brouillard from Commission Justice et Paix, with particular support from Moira McDowall from Centre Avec.

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