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Contact us:

Migrants Rights Network
 Club Union House
 253-254 Upper Street
 London
 N1 1RY

Tel: 020 7288 1267
 Fax: 020 7354 5620
info@migrantsrights.org.uk

www.migrantsrights.org.uk

Migrants Rights News ~ No: 1

Welcome to the September 2007 edition of Migrants Rights News

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[01] Introduction

Welcome to the first issue of Migrants Rights News.

We will be producing Migrants Rights News monthly from September 2007. Migrants Rights News aims to review developments in policy and practice that affect migrants and works to support the rights of all migrants in the UK today.

Migrants Rights News reports will feature a mix of campaigns' news, reports of regional and national policy developments and reviews of the latest research.

At the heart of Migrants Rights News is the campaigns and strategies being developed by migrants to consolidate their position in British society. We focus on strategies that extend the scope of the human, economic and social rights which apply to migrants' circumstances.

Through connections with international networks such as the Platform

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for International Cooperation on Undocumented Migrants ([PICUM](#)), the European Platform for Migrant Workers Rights ([EPMWR](#)), and Migrants Rights International ([MRI](#)) we hope to bring developments in rights-based approaches to migration to the UK from across the world.

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Changing the rules: The Home Office approach to policy cheats migrants of their rights

The Parliamentary Joint Committee on Human Rights (JCHR) published "Highly Skilled Migrants: Changes to the Immigration Rules" on 26 July 2007. It has drawn public attention to the problems created for migrant workers when the Home Office changes rules concerning conditions for entry and the renewal of work and residence permits.

The matter came before the JCHR because of changes made by the Home Office to the operation of the Highly Skilled Migrants Programme (HSMP). When the programme was inaugurated, migrants were assessed as 'high skilled' using a points-based evaluation. They were granted permission to enter the UK for one year, this was subsequently extended for a further three years if the worker could demonstrate that she had taken all reasonable steps to become economically active. At the end of four years applicants who could demonstrate economic activity were eligible for indefinite leave to remain (ILR, or 'settlement').

Under these rules a total of 49,188 people entered the UK between January 2002 and October 2006. In April 2006 the Home Office changed the immigration rules extending the qualifying for obtaining settlement from four to five years. At the same time the HSMP was changed with new arrivals being granted an initial two year period of leave to remain, extended for a further three years if economic activity could be demonstrated. High skilled migrants already in the UK under the terms of the old rules found that instead of qualifying for settlement at the end of four years they had to complete an extra twelve months to bring themselves in line with the new five year residence requirement.

A further rule change came into effect in November 2006. The test for granting the second period of leave, for three years, was changed to require that migrants demonstrate that economic activity they were undertaking met the requirements of a new point-based test. Points were no longer awarded for past work experience and significant achievements in the person's occupational field. In addition a new mandatory English-language test was introduced. The effect was to make it harder for people to qualify for the further period of leave, despite having already qualified for leave to enter and having met the requirements under the previous rules for that leave to be extended.

The JCHR concluded that the effect of these changes breached rights to privacy and respect for home and family life under Article 8 of the European Convention on Human Rights. Under the terms of the HSMP rules, entrants had been permitted to bring spouses, partners and dependent children to join them in the UK. The establishment of family life in a new country represents a significant investment on the part of the migrants concerned and for many it would not have been undertaken

without the assurance which appeared to be provided by the early versions of the rules that their right to settle would be assured after four, and latterly five years, if they could demonstrate a commitment to economic activity. Changing the rules therefore showed insufficient respect for the family life of the people who found themselves no longer eligible for a three year extension and settlement under the new rules.

Groups representing the interests of highly skilled migrants have protested against the changes, and the Immigration Appeals Tribunal has upheld several appeals against refusal of further periods of leave. The support group, HSMP Forum estimates that 90% of migrants admitted under the programme before November 2006 will be adversely affected by the change. The HSMP Forum has launched an on-line petition against the changes which can be accessed through their website. The Voice of Britain's Skilled Immigrants website reports on work being done to support a legal challenge to the rules extending the qualifying time for settlement for people already in the UK under all the migrant worker schemes. This has been listed for a hearing in the High Court on 17th and 18th December 2007.

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◦ **Senior care workers**

While much of the discussion has focused on highly skilled migrants, Home Office rule changing activity affects other groups as well. Changes to procedures for assessing the eligibility of senior carers for work permits have led to a drastic reduction in the number of permits issued since January 2007. Work Permits UK, the Home Office agency which considers applications decided that the level of expertise required to work as a senior carer in a residential care home in the independent care sector does not now meet the work permit criteria for a skilled worker.

This change in procedure has had a major negative impact on the position of migrant carers who were issued with work permits prior to April 2006, when the qualifying period for indefinite leave to remain for a work permit holder was four years. Sources from within the public sector trades unions have estimated that around 20,000 carers are in this position and are coming to the point when they need to apply for an extension on their work permits to qualify for ILR. The initial interpretation of the new work permit rules was that the carers no longer qualified and their applications were refused. This means that they are required to be dismissed from their employment and leave the country. There is evidence that this policy has produced many adverse effects, including the loss of experienced staff to employers wish to retain their services, as well as the disruption of family life established over a period of four years during a time when the workers believed the rules assured them of a right to settle at the end of their work permit period.

UNISON has responded to the threat that large numbers of carers would lose their right to reside in the UK with an announcement that it is considering legal action. On the 13th August the Home Office announced new guidelines for the issuing of work permits to senior carers. These comment on the fact that, outside specialist posts involving residential care work with children, the skill requirement for posts in England is assessed at S/NVQ level 2, in Scotland at level 3, and in Wales, level 3 for all non-managerial senior carer positions. Work permit policy requires a skill at S/NVQ level 4 as a minimum level for entry on the scheme. This means that very few work permits for senior carers will be issued in the future.

However, the guidelines offer a concession in the form of transitional arrangements for senior carers admitted on work permits prior to April 2006 in order to deal with the current situation. These workers will be exempted from the skill criteria when applying for the further twelve month extension need to qualify for ILR, providing they are remaining with the same employer and that they can demonstrate earnings at the rate of at least £7.02 per hour (£14,600 per year). The requirement for a higher salary level will be welcomed by campaigners for a better deal for care workers. However, it will present a problem for many migrants who,

on the previous formula for salary levels, had been required to demonstrate annual earnings of £11,000. Consequently, there is a continuing danger that many will not be able to benefit from the concession set out in the new guidelines.

Early information about the response from care home owners suggests that some of the smaller proprietors are prepared to pay the higher wages rates to retain overseas staff. However the larger companies are proving more resistant. Southern Cross, which employs 41,000 care workers across the UK, has refused to pay what amounts to a 25% wage increase to its overseas staff. As a result it will be dismissing 450 workers immediately, with the final figure rising to about 1,000. Southern Cross have published a statement (http://www.schealthcare.co.uk/workers_permits.php) explaining their action and criticising government action on this issue.

A group of residential care home owners have come together to launch "Stop the Deportation of Our Staff." An emergency conference of this group was held in Devon on 16th August. The Home Office was criticised at this event for its "lack of joined up thinking." Chris Kerlake, director of Moorleigh Residential Care Homes referred to the position of Filipino nationals amongst his workforce, describing how their presence had boosted his care team and allowed management to "develop the service and meet the stringent standards enforced by the Commission for Social Care Inspection (CSCI). Delegates complained that the effect of the Home Office's new position was to lay the basis for a 24% wage increase for staff, as UK resident workers made use of employment tribunals to press for equal pay with their migrant colleagues. The conference concluded with a commitment to campaign against the restrictions on the extension of work permits, using letter writing drives to MPs and a public petition. The objective of this activity would be to "get the goal posts back to their original position, pre-October 2006."

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- **Domestic workers**

Domestic workers constitute another group of migrant workers in the UK who are threatened by Home Office plans to change the rules. The Home Office has made it known that it intends to change the rules governing the admission and residence of migrant domestic workers placing them largely outside the immigration system. In their current form the rules allow domestic workers who have been employed and have resided with their employing families in household abroad for at least one year, to enter the country with the employing family, to obtain and renew resident permits on an annual basis for as long as they remain domestic workers, to change employing families, and to settle after five years residence. The Home Office plans to overhaul this arrangement.

The new scheme will allow migrant domestic workers to be brought into the country by employing families in the capacity of 'domestic assistants' for six months only. This would not be renewable and the workers would be expected to leave the country at the end of this period.

The migrant domestic workers campaign group - Kalayaan - has been campaigning to get these proposed rules reconsidered. It points out that widespread concern about the vulnerable position of a mainly female migrant domestic worker, with evidence of high levels of abuse and exploitation in this sector, had led to the introduction of the current rules. The intention was that the rules would permit a degree of empowerment for these migrants, allowing them to challenge exploitation by changing employer, and providing security in the form of residence permits and eventual settlement. All these gains would be jeopardised under the proposed scheme.

Kalayaan believes that abusive employers will not scruple to retain the services of their workers after the initial period of six months, after the period of legal residence has expired. The widespread practice of confiscating passports from workers will hinder the departure of many from leaving the country even when they wish to return home, and other

measures which are known to be the experience of MDWs and which range from the retain of wages due to the work through to outright violence will be used against them. Immigration procedures which deprive the workers of the hope of a legal residence status will reduce their capacity to act on their behalf to protect their interests and will bind victims of exploitation to their employers.

Kalayaan's campaign for the rights of migrant domestic workers has included the tabling of a Parliamentary Early Day Motion protesting against the measures which has been signed by 97 MPs. Migrant domestic workers who are members of Kalayaan have spoken on numerous platforms across the UK arguing the case for the abandoning of these proposals. The formation of a new government under Gordon Brown, and the extensive ministerial reorganisation that has ensued, might create the circumstances for a reconsideration of these proposals. Kalayaan is working hard to put the issue on the agenda of new Home Office ministers and welcomes support in its efforts to do this.

Acknowledgement: Information in this article on the employers' response to Home Office policy on senior care workers has been obtained from 'Immigration Matters' (www.immigrationmatters.co.uk) - a news service reporting the views of employers on work permit and other employment issues.

Related resources:

JCHR report: '[Highly Skilled Migrants: Changes to the Immigration Rules](#)' (PDF)
[HSMP Forum](#)
[The Voice of Britain's Skilled Immigrants](#)
[Kalayaan](#)
[Commission for Social Care Inspection \(CSCI\)](#)
[Article 8 of the European Convention on Human Rights](#)
 Parliamentary Early Day Motions References: [1912](#), [1992](#) and [2384](#)
[BBC - Action Network - Against Unfair Retrospective Immigration Rules](#)
[Moorleigh Residential Care Homes](#)
[Work Permits UK](#)

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The cost of enforcement policy

The Border and Immigration Agency's strategy paper on enforcement policy, published in March 2007, centres on the promise to tackle the 'harm' it claims is caused by migrants living and working in the UK without official permission. The BIA website lists the following measures as the key aspects of this strategy:

- the creation of immigration crime partnerships between IND, local authorities, police, HM Revenue and Customs and local agencies to detect those here illegally and block benefits;
- regional partnerships with workplace enforcement teams from HM Revenue and Customs (HMRC), Department for Work and Pensions (DWP) and Department of Trade and Industry, to track down and punish unscrupulous bosses who exploit the system;
- joint work with local authorities to use fines of up to £20,000 against private sector landlords to tackle overcrowding - building on new search powers for IND through the UK Borders Bill;
- the creation of a watch list of illegal migrants that can be provided to other Government departments and agencies to deny access to services;
- pilots in three NHS trusts designed to test how IND data can help ensure overseas visitors not entitled to free access will pay for health care;
- reviewing how the driver licensing system can be used to identify and combat illegal immigration. This will include identifying those

illegal immigrants applying for licenses fraudulently, will be denied a license and targeted for enforcement action;

- piloting how IND data can be used to prevent fraud against the financial services industry by illegal migrants who are likely to disappear; and ensuring individuals do not overstay their visas by texting reminders to their mobile phones - a three month pilot will begin in April this year.

MRN has produced a review of the work planned in the enforcement strategy, looking in particular at the implications of drawing local government and public service bodies like Primary Care Trusts into the work of the BIA.

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◦ Threats posed by 'illegal working' prevention measures

In addition to these increased enforcement measures, the BIA plans to push ahead with its strategy for dealing with 'illegal working' with the expectation that new civil penalties will be levied on employers from October this year. These are likely to amount to non-court 'fines' of up to £5,000 per undocumented worker. In addition, in line with the new provisions introduced by the Immigration, Asylum and Nationality Act 2002, employers are required not only to check the immigration status of prospective employees and the time of engagement, but to review their position periodically in case this status has changed.

Employer organisations have expressed concern that immigration control measures are being loaded onto companies which do not have the expertise needed to determine the immigration status of their employees. The Confederation of British Industry has warned of "unlooked-for effects" and of a "risk adverse reaction" where many companies refuse to hire migrants because of the penalties arising from "an innocent slip-up".

The Trades Union Congress (TUC) has pointed to evidence from the United States of the type of employer sanctions intended in the new UK regulations being used to "manipulate [...] the program to violate federal and state labor laws and to discriminate against workers." The laws have "contributed significantly to the inability of immigrant workers to enjoy and enforce the most basic labour and workplace rights."

The Home Office's belief that the employment of undocumented migrants will be deterred by the measures will almost certainly prove misplaced. Germany provides an example that suggests even the extensive use of powers to prosecute employers making engaging undocumented migrations makes little difference to their presence in the workforce. The German authorities proceeded in 406,000 cases against employers during the years 1999-2001 according to Schierup, Hansen and Castles (2006). This has not prevented, in their assessment, irregular migration and employment becoming a permanent feature of the German labour market. The large corps of labour inspectors are regarded as ineffective in the effort to curtail the use of undocumented migrants in entire sectors of the German economy.

The real danger is that the measures will deter the employment of people identified as being (possibly) migrants among relatively elite companies operating with human resources departments and alert enough to signal the dangers of making inadvertent errors to their CEOs, but the regulations will be regarded with indifference by smaller companies working with largely casual workforces. For them the risk of illegal employment is likely to be managed by labour-providing agents with the outcome that migrant workers become increasingly confined to more informal sections of the workforce.

Migrants Rights News will be monitoring the effects of the new regulations closely in the months ahead. If you have information to provide on the effects of immigration checks by employers, please contact us (**in confidence**) either by phone - 020 7288 1267 - or email at info@migrantsrights.org.uk

Related resources

[Border and Immigration Agency's strategy paper on enforcement policy](#) (PDF)

MRN report: [Briefing: Enforcement Policy - The heart of managed migration?](#) (8 page .doc)

[Briefing from the Confederation of British Industr \(CBI\)](#) (PDF)

[Briefing from the Trades Union Congress \(TUC\)](#) (PDF)

Reference: ['Migration, Citizenship, and the European Welfare State: A European Dilemma, Schierup Carl-Ulrick, Hansen Peo, Castles Stephen \(2006\) OUP, Oxford.](#)

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Who gains from simplifying the immigration system?

The Home Office commenced its plans to 'simplify' the immigration system with a consultation paper launched back in June.

The closing date for responses to this phase of the exercise was the 29th August. The MRN set out its views in a comment on the exercise as it is currently being presented.

Simplification is very much part of the government's plans to 'rebuild confidence in our immigration system' - the strap-line to the review on the state of immigration management published in July 2006. The review argued that there was a "need for a stronger and simpler legal framework for immigration." It acknowledged that the reforms introduced in recent times have produced a system that was "complex and unwieldy."

The consultation paper explained that the Simplification Project "aims to produce a single, consistent framework of primary and secondary legislation, together with any further guidance and instructions that are strictly necessary." The benefits of simplification are seen as being the provision of a clear framework for decision-making amongst BIA staff, giving them "the powers they need to do the job" and to "ensure they exercise them fairly, consistently and effectively." The Home Office believes that "objective decision-making" will be possible as a consequence of these changes, with the prospect of an end to the system of special concessions which are common within the existing system and which are needed to give it greater flexibility and capacity to adapt to real-life situations.

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o Objective decisions?

Responses to the Simplification Project have begun to emerge from organisations joined together in a 'discussion group-on-simplification' initiated by the Immigration Law Practitioners' Association (ILPA). Scepticism has been expressed about the possibility of "objective decision-making" as foreseen by the Home Office and there is concern that the capacity of the immigration control system to deal with inevitably complex issues which arise whenever people move across borders.

The belief that procedures can be made simple and objective has entrenched itself in the plans for devolving decision-making responsibilities for work-related visas to entry clearance officers based by British missions abroad under the terms of the points-based scheme. The House of Commons Home Affairs Select Committee, reporting on its inquiry into immigration controls in July 2006, set out the view that, whilst the immigration rules should be "consolidated and redrafted to provide a clear, comprehensive and realistic framework for decisions", this in itself would not dispel "questions of judgment over what weight to give pieces of evidence, as well as situations which are not precisely covered by the rules."

It is important to note that the Home Office associates the possibility of 'objective decision-making' with the reduction appeal rights. The five

year strategy for immigration and asylum published in February 2005 included the commitment to end the right of appeal against decision to refuse work and student visas made at British missions abroad. It will need to be established whether the current Simplification Project will further extend the view that appeal rights can be dispensed with under simplified rules.

To participate in discussions about the Simplification Project, apply to register with the

[ILPA discussion group on Simplification](#)

Related resources

[Home Office Paper on simplification](#)

[MRN Response to Simplifying Immigration Law Consultation](#) (6 page .doc)

[IND review on the state of immigration management published in July 2006](#) (PDF)

[Immigration Law Practitioners' Association \(ILPA\)](#)

[Home Office points based system](#)

[Report of the House of Commons Home Affairs Select Committee](#) (PDF)

[Home Office five year strategy for immigration and asylum](#) (PDF)

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Migrant health: How do we get it on the agenda?

The health needs are a priority issue for migrant communities. Migrant and refugee community organisations have sought to develop a capacity to assist their members in dealing with the healthcare authorities, often providing interpretation facilities and in some cases specialised clinics and services. Community organisations also strive to articulate migrants' particular needs and experiences before policymakers at primary and acute care trusts.

The special healthcare needs of migrants have been acknowledged by the authorities, with the Home Office conducting research into health services available to asylum seekers in dispersal areas in 2003 and the Health Protection Agency (HPA) reporting on infectious disease amongst non-UK born populations in England, Wales and Northern Ireland, in 2006.

The HPA concluded that, "It is also important that affected communities and their health care practitioners should be aware of their risk of infectious disease, not just at the time of arrival in the UK but as part of an on-going process, and that migrant groups are able to become more engaged with diagnostic services." It called for "innovative approaches" to achieve these ends and that community organisations should play a role in this work.

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o Dissatisfaction

However, the task of representing migrants' health needs to the various authorities raises a series of issues about the openness and receptiveness of the healthcare trusts and the services they provide. The difficulties of representing the specific needs of minority groups is acknowledged in the case of black and minority ethnic communities, with mounting evidence showing that levels of satisfaction with health services on the part of people from BME communities are falling far below that of majority ethnic groups. In a recent article published in the Health Service Journal (2 August 2007) which discusses a recent survey establishing levels of dissatisfaction, primary care trust (PCT) officials talk of problems in accessing GP services for people who have limited English. More has to be done than the provision of interpreters, with bolder initiatives which will involve the provision mentors and advocates to work with newly-arrived migrants over longer periods of time.

The health watchdog for England, the Healthcare Commission, has

initiated a review of the work done by healthcare organisations to meet their obligations to promote race equality across their services. The available evidence suggests that there is currently a low compliance rate amongst health care trusts in meeting their statutory duties on race equality. A Healthcare Commission audit of NHS websites carried out in 2006 showed that only 2% of trusts were meeting the legal requirement to publish a race equality strategy explaining how they would promote equality across all areas of their work. The Commission is planning a series of public events to promote stakeholder involvement in their current review.

There is a pressing need for migrant and refugee community organisations to play a full role in the review of health policy now underway. One thing that will need to be tackled is the fact that health issues crop up as major themes in the strategic planning work on immigration policy which the government is now rolling, region by region, across the UK. The regional strategic migration partnerships (SMP), which have been emerging across the country on foundations laid by the refugee consortia established to manage asylum-seeker dispersal, generally include health as a sector of policy on which they intend to be active. The problem for SMPs is that they remain heavily marked by their origins as bodies for managing refugee dispersal and because of this seldom have strategies for representing interests of other migrant communities. Their brief requiring them to work alongside the BIA also has the potential to distort the policy agenda, drawing into poorly constructed efforts to assess immigration 'impacts'. Concern about the implication of the BIA control agenda (see section [02]) for health issues is discussed in a separate article in this newsletter.

The challenge for community-based organisations is to develop the capacity to respond to the health policy agenda as it emerges and is engaged with by primary and acute care trusts, and as the implications of these developments are taken up in national health interest groups. But at the same time migrant communities will need to respond to attempts made by the Home Office to integrate health services issues into coercive aspects of immigration control. There is at present little evidence that health care services are an immigration pull factor, or restricting will increase compliance with immigration regulations. However, as a health impact assessment of immigration policy on primary care services conducted by Newham PCT has already suggested. If the conflicting directions in policy threaten a major negative impact on healthcare policies for migrants, community organisations will need to work hard to convince government of the need for a change in direction.

Related resources

[Home Office conducting research into health services available to asylum seekers in dispersal areas in 2003](#) (PDF)

[Health Protection Agency press release](#)

[Healthcare Commission. England's healthcare watchdog.](#)

[Health impact assessment of immigration policy on primary care services conducted by Newham PCT](#) (PDF)

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[03] Migrant voices, migrant campaigns

- [Ukrainian support group;](#)
- [Manchester group to campaign against ID checks at NHS doctors;](#)
- [Migrants and Refugees Community Forum.](#)

Ukrainians have had a presence in the UK for over a hundred years. Their presence was renewed after the Second World War as Ukrainian workers were recruited onto the European Voluntary Workers Scheme of the late 1940s, and also as refugees fleeing the turmoil of the post-war settlement. These older communities have been supplemented in more recent times by the arrival of migrant workers, students and people

arriving for family settlement.

In March 2004 the TUC produced a report on Ukrainian migrant workers finding that their numbers had grown after 2002 when the government opened up new channels of migration through its low-skill temporary schemes. One-fifth of workers entering on the Seasonal Agricultural Workers Scheme (SAWS) were Ukrainians.

A common problem experienced by this group were the often high costs of entry onto the temporary workers schemes, with fees of around £1,000 being charged by agents for obtaining visas. It was common for Ukrainian migrants to find that debts arising from these sources had not been paid off at the date their leave to remain expired, and so they remained in the underground economy as undocumented workers.

During the past three years work has continued with Ukrainian migrants and now the Ukrainian Migrant Voices Initiative (UMVI) is beginning to become established as a platform for activists in the community who want to have a stronger input into current debates about immigration and the position of people living and working without documentation.

With a base of support for its work in London, UMVI is interested in hearing from Ukrainians across the UK who would want to support this initiative. A business plan is currently being discussed by supporters and the group would welcome offers of help to get its new steering group off the ground.

UMVI can be contacted via the MRN. info@migrantsrights.org.uk, with **UMVI** in the 'Subject line' and these will be forwarded to the group. Emails can be written in Ukrainian, Polish and Russian, as well as English.

Related resources

[TUC produced a report on Ukrainian migrant workers](#) (March 2004)

Manchester migrants' rights group to oppose immigration checks in health services

A group of activists around the Refugee and Migrants Forum (RMF) in Manchester have come together to campaign for the right to primary health services from the NHS without being subjected to checks on immigration status. The group is concerned that the introduction of immigration checks, planned by the Home Office in accordance with its 'Enforcing the Rules' strategy (see section [\[02\]](#) 'The cost of enforcement policy' for more details), will lead to a deterioration in the standard of health care provided to people from migrant communities.

Spokeswomen from the group, Loice Murambakanda, tells Migrants Rights News, "There are many reasons for concern. Mixing immigration enforcement with health care services will break down relationships of trust and confidence between communities and health professionals. We want to urge the health trusts to engage positively with communities and ensure that primary care services are meeting their health needs."

Loice explained that the RMF was intending to take its concerns to all the NHS bodies in the Greater Manchester area. "We expect to win support from those who are working with our communities," she said. "We know that GPs and other service providers do not want to do the job of the immigration rule enforcers. In the months ahead we intend to build an alliance between refugees, migrants and the health services in our region, and to work together to call on the government to think again."

The RMF is interested to hear from groups working on migrant health issues in other parts of the country, who share these concerns.

Email the health campaign group at forum@mrsn.org.uk for further information.

Related resources:

[Refugee and Migrants Forum \(RMF\) in Manchester](#)

West London-based groups provides a voice for migrants and refugees

The Migrant and Refugee Communities Forum which works from a community centre office in the Notting Hill area of West London, produces one of the most informative monthly newsletters reporting the views of migrant and refugee community organisations. The current issue, no. 17, features both national, London-wide and local West London news stories. There is discussion of the poor treatment of pregnant migrants by NHS maternity services, the work of the government's Migration Impacts Forum, and detailed analysis of the Commission on Integration and Cohesion's recent report, 'Our Shared Future' (see section [04] for more details) . Local news reports on a photographic exhibition on 'Refugees and Migrants: Where do they come from?' showing the work of the Croatian photographer Maja Kardum, the work of the Brent Refugee Wellbeing and Empowerment Project, and an update on the MRFC Mentoring Project.

Related resources

[The Migrant and Refugee Communities Forum](#)

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[04] Who is saying what

- ['No One is Illegal' group publishes guide to anti-deportation campaigning;](#)
- [Churches make case for 'core principles';](#)
- [TUC report on economics of migration;](#)
- [Commission reports on social cohesion and integration;](#)
- [Migration Alliance calls for Parliamentary Group;](#)
- [Illegal Working consultation.](#)

Anti-deportation group publishes guide for migrants resisting removal

The migrant support group 'No One Is Illegal (NOII) has published a "practical and political guide to fighting to remain in this country". Campaigning Against Deportation or Removal cautions people threatened with removal that public campaigning is not easy and requires an enormous amount of energy. Nothing guarantees success, but careful planning and the involvement of key groups in local communities can increase the chances of a positive outcome.

During the course of campaigning skills in speaking and writing will need to be used. If the person threatened with deportation does not already have these, they will need to be learned from others in the campaign support group. Having decided to take the campaigning course, the guide recommends 'thinking big' in order that the work done is strong and powerful.

The sort of organisations which often support anti-deportation campaigns are women's rights groups, community associations, trade unions branches and schools. The guide urges the setting up of a campaign group which should meet regularly and aim to get bigger as support is built up. It explains how local MPs can be involved in anti-deportation activities, and also the imperative need to coordinate work with the actions of legal representatives.

The guide is sponsored by a number of trade union branches and trades councils, including Oldham Trades Council, GMB Southern Region and the GMB International Union of Sex Workers branch, Leeds AMICUS,

Bolton NUT, RMT Finsbury Park, and several TGWU and UNISON branches.

Bulk orders for the guide are available at is £50 for 150 and £100 for 400 - contact info@noii.org.uk for more details.

Related resources

[No one is illegal](#)

(Download: '[Fighting Deportation — Building An Anti-deportation Campaign](#) (PDF)'

Churches argue for 'core principles' in supporting migrants

The Churches' Commission on Racial Justice (CCRJ), a body established by the ecumenical Churches Together in Britain and Ireland (CTBI), has published its recommendations for the principles which should guide the Churches in their consideration of public policy as it affects migrants.

'Migration Principles: Statement for Churches Working on Migration Issues', begins by asserting the equality of all people in terms of dignity and rights and affirms a Christian obligation to offer hospitality to "the stranger". Translated into contemporary discussions about public policy, this means working for approaches based on positive factors rather than fear or prejudice.

The Statement calls for ratification of the European Convention on the Legal Status of Migrants Workers and the International Convention on Migrant Worker Rights on the grounds that these instruments provide a framework for approaching migrant rights. It also calls for legislative action along the lines of the Gangmasters (Licensing) Act to provide practical and immediate aid to migrants who are suffering gross exploitation.

The Statement commends a series of measures dealing with such issues as migration and the global economy and family reunification. It outlines a total of nine recommendations for action for the Churches to take, which include the formation of closer relations with organisations working to support the rights of migrants, to intensify advocacy on behalf of migrants, to offer the practical resources of the Christian community to aid those in need, and to provide resources for programmes that enable local people and migrants to get to know each other better.

For further information about the Statement, contact [CTBI](#)

Related resources

[The Churches' Commission on Racial Justice \(CCRJ\)](#)

[Migration Principles: Statement for Churches Working on Migration Issues](#)

[European Convention on the Legal Status of Migrants Workers](#)

[International Convention on Migrant Worker Rights](#) (PDF)

Trade Union report calls for the challenges of immigration to be met with positive policies

The TUC published a report entitled "The economics of migration: managing the impacts" in June. The report states that the TUC "believe that migration can deliver economic gains with the potential to improve all our lives, but we take seriously the interests of workers who fear they could lose their jobs or that their wages will be undercut." To assess the danger of this happening the main body of the report is organised into five questions about the impact of immigration, namely;

- Has migration led to unemployment?
- Has migration driven down wages?
- Does migration cost the taxpayer?
- Does migration damaged developing countries?
- Does migration hurt migrants?

With regard to unemployment, the report finds no evidence to suggest an overall threat to the jobs of resident workers, but that there can be "transitional problems" which will affect the most disadvantaged workers. It concludes from this that unions should deal with this threat by pressing for the enforcement of current minimum employment standards; make extra efforts to recruit migrant workers; and enhance the social security benefits of workers negatively affected by the transitional effects of migration.

Similarly the TUC sees little evidence of a general negative impact of migration on wage levels, though some sectors might experience periodic depression of wages. The report suggests that this might be happening in the construction industry. It recommends more effective policing of employers who might be paying below minimum wage levels and denying other entitlements. It counsels strongly against the type of 'crack downs' the government intends to use on firms employing undocumented migrants (see "The cost of enforcement policy" [02] in this newsletter) and urges instead for "a clear route to regularisation for undocumented migrant workers."

In the section on taxpayer costs the report notes the difficulties created for public services and local authorities when they are not provided with accurate information about incoming migration. This can lead to a loss of funding for some authorities in such areas as support services for children and education when the numbers of children in local areas exceeds central government estimates. But this should not be seen as a negative effect arising from migration, and more properly as the result of poor planning.

The section on migration and development reviews the mixed evidence for benefits and disadvantages arising through 'brain drain' effects, and the alleged compensations got from skill enhancement and remittances. The general picture is not clear-cut, though it appears to be the case that development benefits will be maximised when migration from a sending country is diffuse - i.e. not concentrated into a narrow-band of skills or trades - and in these circumstances will make a contribution to the reduction of inequality and promotion of public welfare.

With regard to its impact on migrants themselves, the report finds a general picture of clear gains in terms of higher incomes, but balanced by the greater risk of exploitation by employers taking advantage of their relatively vulnerable position. The clear messages which come from the report are that the impact of migration is generally positive, but that it is associated in identifiable areas with higher levels of risk and vulnerability. Migrants themselves "should be the clearest winners, but need to be guaranteed rights to social services and benefits to protect themselves against poverty and social exclusion."

Related resources

[TUC report: "The economics of migration: managing the impacts"](#) (PDF)

Government Commission says equality and the delivery of social justice is the key to cohesion

The government-appointed Commission of Integration and Cohesion reported its findings in June. In its four key recommendations it argued for:

- The need for a stronger sense of shared futures, which emphasise the things which bind communities together;
- A new model of rights and responsibilities, providing a sense of citizenship at national and local levels;
- An ethics of hospitality, emphasising mutual respect and civility;
- A commitment to equality and the need to deliver a "visible social justice".

Whilst all aspects of this report are relevant to the concerns of migrants, specific issues concerning newcomers are dealt with most extensively in the fifth chapter, dealing with the strengthening of rights and responsibilities.

The report argues that "all levels of government must accept that they need to do more to welcome and integrate new migrants". Migrants face a number of barriers to integration, including a lack of practical knowledge about life in the UK, non-recognition of qualifications, difficulties accessing English classes, and "restrictions attached to their immigration status." Because "there is no single place in Government to help address these barriers", the Commission recommends "a national body to manage the integration of new migrants, sponsored by Communities and Local Government, but independent of the Government."

There should be a "straightforward approach to welcoming new migrants in local areas." Information about accessing services should be provided to newcomers; work done with partners to provide a "cultural briefing"; and support provided for learning English. The production of "welcoming packs", on the lines of those developed by local government and the voluntary sector in many parts of the country, should become the norm. Employers and employment agencies have to recognise their key role in developing welcoming local partnerships.

This detailed report reviews many issues that will provoke discussion and debate across many areas of social policy in the years ahead. For this reason it should be closely scrutinised by groups supporting migrants to ensure that action is taken on its most positive proposals.

Related resources

[Commission of Integration and Cohesion Report: 'Our shared future' - findings of the Commission of Integration and Cohesion](#) (PDF)

Migration Alliance proposes a new Parliamentary Group on Migration

The Migration Alliance, a forum of organisations working to promote positive perspectives on migration, has set out a proposal for the establishment of a Parliamentary Group on migration. This would function as a "forum for discussing and sharing information and knowledge about migration issues with Parliamentarians and other decision-makers."

The proposal states that, "By working with Parliamentarians to inform and promote the migration debate in the UK, MPs, will be better able to counter and dispel the often negative statements and policies espoused by certain quarters in the UK regarding migration and its effect on the UK."

MPs associated with the call to date include Jon Cruddas (Lab. Dagenham) and the long-standing chair of the All-Party Parliamentary Group on Refugees Neil Gerrard (Lab. Walthamstow). The proposal discusses the financing of the Parliamentary Group's work, suggesting that the cost of its work might be raised from stakeholder organisers, with "not-for-profit" organisations, presumably including migrant associations, paying £500 per annum.

Related resources

[The Migration Alliance All-Party Parliamentary Group on Refugees](#)

Anti-discrimination organisations challenge government's plans for tighter employer controls

The Commission for Racial Equality has made a highly critical submission to the Home Office consultation on the prevention of illegal working .

The CRE has let the Home Office know that the spot checks which employers will be required to carry out on the immigration status of their employees "could be carried out in a discriminatory manner or place such burdens on employers that they are less likely to employ persons

believed not to have come from the UK." The code of practice prepared by the Home Office for employers is deemed to be insufficient to prevent discrimination.

The Equality Impact Assessment, which the Home Office is obliged to prepare when considering legislation or regulations which might impact on race equality, is also criticised for failing to "identify what steps will be taken to minimise the risk of racial discrimination." Finally, the CRE argues that the use of criminal penalties against employers employing migrants should be limited to incidents of "forced or trafficked labour and exploitative working conditions".

The CRE will shortly be dissolved as a separate organisation, but the submission states that the Commission for Equalities and Human Rights (CEHR), which will take over its functions, will continue to engage the government on this issue "given its potentially widespread discriminatory ramifications."

A second body, the Discrimination Law Association (DLA) () also assessed the Home Office's proposals in highly critical terms. In its submission the DLA pointed out that the proposed measures will lead to significant extra costs for recruitment on the part of employers. The continuous programme of rechecking of immigration status required by the regulations will mean an extensive need for training staff with recruitment responsibilities. The DLA expected that employers "will see good business reasons for treating such employees (i.e. migrants) less favourably than they treat others."

In separate submissions to Home Office consultation process, the Trades Union Congress and the Joint Council for the Welfare of Immigrants have also criticised approaches which seek to use criminal sanctions against employers and which threaten widespread discrimination against migrant workers and people of BME backgrounds.

Related resources

[The Commission for Racial Equality](#)
[Home Office consultation on the prevention of illegal working](#)
[Discrimination Law Association \(DLA\)](#)
[Joint Council for the Welfare of Immigrants](#)
[Trades Union Congress response to consultation](#) (PDF)

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[05] International news

- [Global Forum on International Migration and Development](#);
- [Support for health care for the undocumented](#);
- [Remittances and financial justice](#).

Civil society present at Global Forum on Migration and Development

The first Global Forum on Migration and Development was held in Brussels in July.

The Forum emerged from Kofi Annan's initiative as secretary-general of the United Nations to establish a Global Commission on International Migration (GCIM), which began work in December 2003. The commissioners were given the mandate of proposing a framework for the formulation of a "coherent, comprehensive and global response to the issue of international migration."

The Commission produced its report in October 2005. It argued that the governance of international migration should be enhanced by improved coherence and strengthened capacity at national level, greater cooperation between states at regional level, and improved links with international organisations at the global level. Such efforts were to be based on "a better appreciation of the close linkages that exist between

international migration and development and other key policy issues, including trade, aid, state security, human security and human rights."

The viewpoint of the GCIM on migration and development was taken up in a report prepared by Secretary-General Annan and presented to the General Assembly of the UN in June 2006. Annan proposed the organisation of a 'high-level dialogue' between member states to take the issue forward.

The high-level dialogue took place on 14-15 September 2006 in New York. One of its principle recommendations was that the dialogue be continued through the organisation of a Global Forum on Migration and Development (GFMD). The Belgian government offered to host the first of these events, to take place in Brussels in July 2007.

A major concern about the high-level dialogue structure for these events was with the prospect that civil society organisations would be excluded from discussions taking place at the intergovernmental level. The Belgian government responded to this by proposing a two-tier forum event, with civil society groups meeting on the day preceding the intergovernmental forum, and having the opportunity to feed the outcome of this discussion into the meeting of states through appointed representatives.

The Civil Society Forum was attended by representatives of over 200 organisations, principally concerned with migration and development issues. Discussion was organised into a series of workshops dealing with the opportunity and risks presented by 'human capital development and labour mobility'; remittances and diaspora resources; and the enhancement of institutional and policy coherence and the promotion of partnerships. A report of these discussions was subsequently published by the Forum. The intergovernmental Forum was attended by representatives of 123 states. It listed the following issues as the achievements of the first meeting:

- A new approach to migration has been established by shifting development to the centre of the debate.
- The way will be paved towards a longer term global vision based on recognition of the mutual benefits to be got from migration for both sending and receiving countries.
- Space has been opened for policymakers to reach objectives by acknowledging the benefits and risks of migration for poor people and developing countries.
- The sharing of responsibilities between developed and developing countries will make migration work better for migrants.
- A platform has been created for the discussion of experiences, innovation and good practices.
- The creation of country focal points will provide vehicles for greater coherence and a more comprehensive approach to migration.

However, some participants, notably on the civil society side of the discussion, expressed caution about the development perspective. The Council of Global Unions presented an eight-page analysis of the issue to the Forum, entitled Social Dialogue and a Rights-Based Framework - at the Heart of Migration Policy which criticised talk of a migration and development nexus which is "being defined almost exclusively in terms of the positive impacts for the development of sending countries of remittances and other diaspora resources." It warned that "the real intent of proponents of this approach is to promote narrowly orientated, temporary labour migration schemes geared to filling labour market shortages in developed countries. Such narrowly conceived approaches avoid issues of permanent settlement of migrants, family unity, the protection of migrants' rights, and their entitlement to decent jobs and quality of life."

In an open letter to the current UN secretary-general, Ban Ki-Moon, the Migrants Rights International, December 18, and the International Trade Union Confederation added their voices to the call for rights for migrants. They called for the migration and development agenda to be returned to the authority of the UN in order that the "UN normative framework of rights-based conventions and agreements [...] be systematically

incorporated into evolving global migration policy."

The official Global Forum events were shadowed in Brussels by groups supporting the Global Community Forum on Migration, Development and Human Rights. Supported by the MRI, December 18, the International Catholic Migration Commission the Migrant Forum in Asia the National Network for Immigrant and Refugee Rights, and the Platform for International Cooperation on Undocumented Migrants, the event was intended to provide civil society organisations a broader framework for discussing migration policy than that of the development perspective.

With representatives from over 200 grassroots migrant organisations, the Community Forum organised workshop discussions on the position of domestic workers, trade and migration policies, how migrant organisations already do development, detention and deportation issues, and campaigning for the ratification of the UN Convention on Migrant Workers Rights. Participants looked forward to the second GFMD meeting, which will take place in the Philippines in the summer of 2008, and promised that the voice of the migrant community would be even more prominent on that occasion than it had been in Brussels.

Related resources

[Global Forum on Migration and Development](#)
[Global Commission on International Migration](#) (GCIM)
 [Commission report of October 2005](#) (pdf)
 [UN viewpoint report on GCIM migration and deveopment](#) (pdf)
[UN High level dialague on migration](#)
[Global Forum on Migration and Development](#) (GFMD)
[The Civil Society Forum: Discussion report](#) (pdf)
 [Issues as the achievements of the first meeting](#) (pdf)
[The Council of Global Unions](#)
 [Social Dialogue and a Rights-Based Framework - at the Heart of Migration Policy](#) (pdf)
[Migrants Rights International](#)
 [Open letter to UN secretary-general. Ban Ki-Moon December 18](#)
[International Trade Union Confederation](#)
 Global Community Forum on Migration, Development and Human Rights
[International Catholic Migration Commission](#)
[Migrant Forum in Asia](#)
[National Network for Immigrant and Refugee Rights](#)
[Platform for International Cooperation on Undocumented Migrants](#)

PICUM conference calls for health service workers and NGOs to campaign for undocumented migrant health care rights

The Platform for International Cooperation on Undocumented Migrants (PICUM) organised a conference in June on 'Access to Health Care for Undocumented Migrants in Europe.'

Research on the current position with regard to health services for undocumented migrants was presented to the 200 delegates by Sara Collantes of PICUM. The situation in Europe ranged from the examples of Austria and Sweden, where services were provided on a payment basis only, though to countries like Portugal and the UK, where restricted access to free national health services was possible, and European states like France, Belgium and the Netherlands, where a parallel system of health care system had been established to address payment for services issues.

The result is a very uneven provision of services and a state of jeopardy for undocumented migrants in need of help. But it is also the case that many of the problems which exist can be tackled by NGOs concerned with public health issues assisting the migrants and working with the assistance of sympathetic health service providers.

The status of health care as a human right was mentioned by several

speakers. Peter Verhaeghe of Caritas Europa described how the common experiences of low wages and poor living conditions contributed to significant health problems for undocumented people. Mariette Grange of the International Council on Human Rights Policy explained that health care as a human right is provided for by Article 25 of the Universal Declaration of Human Rights and Article 12 of the International Covenant on Economic, Social and Cultural Rights. Other treaties deal with the right of health care for people in vulnerable situations and include the International Convention on the Elimination of Racial Discrimination, the Convention on the Elimination of all Forms of Discrimination against Women, the Convention of the Rights of the Child, and the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.

Dr Ike Anya, a specialist registrar in public health medicine at University College, London, explained that the elimination of health inequalities was a central objective of public health medicine, and no distinction should be made between individuals on the basis of their residence status. There were other reasons for being concerned about the exclusion of undocumented migrants from mainstream services, concerning the effectiveness of measures to combat pandemic illness and the maintenance of the immunity levels of the general population. If groups of migrants were kept out of the health care system because of their immigration status the eradication of many illnesses would have to be postponed indefinitely.

Examples of the ways in which health workers could use their discretion to aid undocumented migrants were provided by Dr Henry Ascher of Rosengrenska and organisation of medical practitioners providing health care to 'hidden refugees' in Sweden. The Swedish system allows refugees to receive acute medical care for conditions that cannot wait. However, the absence of a definition of conditions that 'cannot wait' allows doctors and nurses to use their own judgment.

A discussion of the concept of 'Ulysses syndrome' was introduced by Dr Joseba Achotegui of the University of Barcelona. Associated with the condition of migrants who have experienced stress during the processes of migration, the syndrome is typified by loneliness, insecurity and anxiety, where the stressors are the loss of family and friends, undocumented immigration status, and the fear of detention and deportation. The task of combating the debilitation exhibited by people suffering the syndrome required the coordination of the work of medical workers and support agencies in the community.

In a study based on the position of migrants in the German city of Bremen, Thomas Hilbert of the Bremen public health authority reported that where incidents of communicable disease were found to exist amongst the migrant community these were generally associated from infections acquired within the country, rather than brought into it. This suggests that migrants are more at risk of exposure to infection from diseases existing in German society, than German citizens were likely to suffer from living and working alongside migrants.

Workshop discussions produced a long list of recommendations for further work and campaigning activity in support of the health care needs of undocumented migrant worker communities. A full report of the outcome of PICUM's health care project, which began in September 2005 and which draws on the work of nineteen partners in eleven EU states, will be published later in the year. A report of the 'Access to Health Care' conference will be shortly available on the PICUM website (<http://www.picum.org>).

Related resources

[Platform for International Cooperation on Undocumented Migrants \(PICUM\)](#)
[Caritas Europa](#)
[International Council on Human Rights Policy](#)
[Rosengrenska](#)

Transnational campaign for financial justice for migrants

TIGRA - the US-based Transnational Institute for Grassroots Research and Action works to increase the benefit of migrant remittances to households and communities in sending countries.

In its current campaigning work TIGRA is confronting the power of commercial financial institutions which it believes overcharge migrant customers for the services they provide. They point out that Western Union, the global leader in international financial exchange, makes profits in the region of \$4 billion a year (2005). WU charges three times what it costs to send the money and only invests five cents for every £100 they make back in local communities.

To counter this level of profiteering TIGRA organises 'Million Dollar Clubs' which are networked as the Global League of Community Sustainers. The MDC are advocating 'Transnational Community Benefits Agreements' (TCBA) which are intended to bring finance industry leaders into a more constructive relationship with migrant communities.

TIGRA's works for the emergence of a 'transnational identity' which will link migrants in the developed countries to their communities in the sending nations. This transnational identity will sustain democratic and accountable practices in areas like the sending of remittances and will increase the authority of migrants in their dealings with financial institutions. They aim for the reinvestment of \$1 per transaction in sending countries, for relations between remitters and the institutions to be governed by standards of openness and respect, and for corporate social responsibility to promote the human rights of remitters and their families.

Related resources

[Transnational Institute for Grassroots Research and Action](#) (TIGRA)

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[06] Up coming events and activities

On September 25th MRN will be at a Labour Party Conference meeting: 'Denied entry? Can we build a more progressive consensus on immigration?' and launching the new MRN/Compas/Barrow Cadbury Trust publication

["Towards a Progressive Immigration Policy"](#)

Other forthcoming events are:

- 19/9/07 to 21/9/07 [33rd Annual Conference of the Transcultural Nursing Society](#)
- 19/09/07 to 24/09/07 [Gatwick No Borders Camp](#)
- 20/9/07: [Independent Asylum Commission Roadshow, Leeds](#)
- 27/9/07 to 28/9/07: [Black European Women's Congress 2007](#)
- Various dates: ["They get free mobiles...don't they?"](#)

Events listings for the rest of the year can be found at:

<http://www.migrantsrights.org.uk/events.htm>

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[07] Project updates

One of our current project is the Migration and Opportunity Map Project (MOMP). Other projects are being planned and details will be posted on our website and in future editions of Migrants Rights News.

[MOMP](#)^ [Top of page](#) ^

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[08] Publications

Below is a list of the publication information currently posted on our website.

New MRN/Compas/Barrow Cadbury Trust publication" - [Towards a Progressive Immigration Policy](#)" - Due out on September 25th and

- August 2007: [Response to Simplifying Immigration Law Consultation](#) (6 page .doc)
- July 2007: [Briefing: Enforcement Policy - The heart of managed migration?](#) (8 page .doc)
- June 28th 2007: [Report on MRN/STUC Scotland Roundtable](#)
- March 2nd 2007: [Denied Entry: Can we build a more progressive consensus on migration](#)
- February 27th 2007: [Report on the Workshop "Primary Health Services and migrant communities - issues and concerns"](#)

Our dedicated publications page can be found at:

<http://www.migrantsrights.org.uk/publications.htm>

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[09] Jobs

- [Kalayaan for a F/T Community Support Worker](#) Closing date: 28/9/07
.....Volunteer Sunday English Teacher at [Kalayaan](#): Contact kate@kalayaan.org.uk
- [Director Just West Yorkshire](#) Closing date: 21/9/07
- [Global Migrant Rights Network Seeks International Coordinator - Migrants Rights International](#) Closing date: 20/9/07

Please visit our jobs page for regular updates on vacancies and volunteering opportunities.

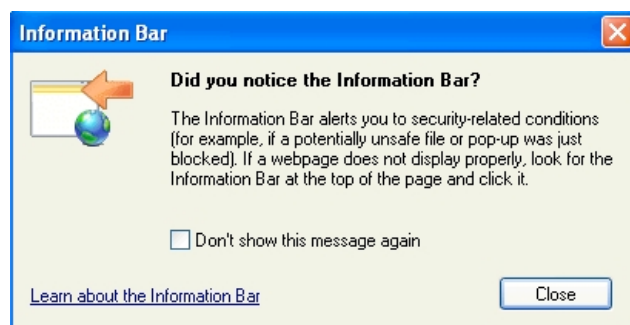
<http://www.migrantsrights.org.uk/opportunities.htm>

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[10] Browser notes

Please note that to be able to sign-up to Migrants Rights News and send feedback via the pop-up forms, your browser may give a security warning, like the one shown below. Please consider agreeing to the option to allow these functions to work.



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