



PLATFORM FOR INTERNATIONAL COOPERATION ON UNDOCUMENTED MIGRANTS

**Submission by PICUM to the OHCHR for its study on
“Challenges and best practices in the implementation of the international
framework for the protection of the rights of the child in the context of migration”**

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Introduction to PICUM

PICUM, the Platform for International Cooperation on Undocumented Migrants, is a non-governmental organisation founded in 2001 that aims to promote respect for the human rights of undocumented migrants in Europe. PICUM forms a bridge between the local level, where realities facing undocumented migrants are most visible, to the EU level at which the common area of Justice, Freedom and Security is being developed. The largest NGO network dealing with undocumented migrants in Europe, PICUM has coordinated the exchange of information, dissemination of good practices and promoted networking across the EU for almost a decade. PICUM now guides more than 110 member organisations active in the prevention of discrimination, exploitation and violence against undocumented migrants within in Europe and beyond. To facilitate cooperation with a diverse range of actors, PICUM adheres to a rights-based, collaborative and multidisciplinary approach.

PICUM reports on issues occurring at local level and monitors undocumented migrants' access to basic social rights in the EU, legislative developments, instances of abuse and exploitation. This has enabled PICUM to provide relevant and effective support to NGOs, service providers, policy makers and other interested parties active in the protection of particularly vulnerable groups of migrants at both local and regional levels. PICUM maintains consultative status with the Council of Europe and holds a seat on the EU Child Rights Action Group, significantly increasing the organisation's capacity to mainstream its concerns regarding the basic social rights of undocumented migrant children at European level.

By supporting and highlighting good practices occurring at the local level, PICUM works to increase the protections afforded to vulnerable migrants. PICUM actively supports its contact network of 4,500 organisations and individuals, enhancing their capacity to protect those in need and engage with legal mechanisms to foster the realisation of a fully inclusive European democracy.

PICUM's research on undocumented children

In 2009, PICUM released a report entitled *Undocumented Children in Europe: Invisible Victims of Immigration Restrictions*. PICUM's research indicated that even where laws affecting undocumented children respect European and international standards, as codified in instruments such as the Charter of Fundamental Rights and the Convention on the Rights of the Child, practical obstacles often prevent fulfillment of the rights safeguarded by those instruments. For example, in the Netherlands and Poland, some school administrators were reluctant to enrol undocumented children, fearing state funds would be extended only to support new students who have residence papers. Many localities excluded children from non-compulsory kindergarten or vocational training, and perceptions that lack of documents would preclude later employment presented a further bar to entering vocational programmes. In some countries, undocumented children could not obtain a diploma upon completing their studies. Even

undocumented children who may attend school often cannot fully benefit: poverty prevents purchasing books or supplies, lack of travel documents denies access to school outings, and poor housing can lead to poor hygiene and subsequent bullying, for example.

The majority of the countries examined exclude undocumented children from national health insurance, making non-emergency care unavailable or prohibitively expensive. Hospital admission decisions are sometimes made at the financial desk, before consulting medical staff, rendering the decision to provide care dependent on the goodwill of administrators. Care providers faced obstacles to obtaining state reimbursement for meeting the health needs of undocumented people, making them reluctant to provide treatment. In a number of EU member states, unaccompanied children may access health care on equal terms with native children, but in Belgium, France, and Italy, undocumented children with their families only have access to essential health care.

Some authorities accepted their duty to house undocumented children, but only if the children were first removed from their families. Others were willing to provide housing, but feared the lack of residence permits would prevent employment and make families long-term dependents of the local authority. Irregular status severely limits access to private housing, often leaving undocumented children to face mistreatment by unscrupulous landlords, with little or no recourse, or the physical dangers of dilapidated housing including long-term health threats like lead poisoning. Fear of detection was pervasive in all countries studied.

In carrying out the research that led to these conclusions, PICUM interviewed seventy-four organisations that work with undocumented children and their families. All of them face challenges stemming from the issues outlined here, and maintain contact with local authorities and service providers.

PICUM has recently submitted a funding application to the European Commission for the continuation of this research project that would use the findings from this research to strategically address the problems identified. If accepted, PICUM will continue to build mutual understanding of the problems undocumented children face in exercising their rights to education, health care and housing. Project participants would devise concrete solutions to the range of challenges identified in PICUM's research. The solutions created in collaboration with stakeholders, including social service professionals, public officials and policy makers, NGO representatives, and undocumented families will then be published in a user friendly toolkit generalised for pan-European application where possible, and customised to fit regional characteristics as needed.