



# JRS Europe

Serving Forgotten Refugees

Jesuit Refugee Service [www.jrseurope.org](http://www.jrseurope.org)

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Detention Centre in Sweden

## Launch of report on destitute forced migrants

The results of JRS Europe's research into the situation of destitute forced migrants were published in Brussels on 15<sup>th</sup> May 2007. JRS Europe decided to undertake this research as a response to the concerns expressed by the national offices about destitute migrants left without any, or very little social rights and the inability to meet their basic needs themselves.

Forcibly displaced migrants refused permission to remain in Europe frequently never return home. Courts rule it is too dangerous for some migrants, while others lack travel documents, or their countries of origin refuse to accept them back. At home they fear persecution, arbitrary detention or civil war. Without state support they regularly become destitute. Alarming levels of poverty and social exclusion aggravate the mental and physical health of migrants leading to depression and disorientation.



Press Conference, 15th May 2007

The study clearly shows that forcing persons into destitution by withholding legal entitlements to access goods and services does not encourage their return. JRS Europe argues that these migrants excluded from full participation in society should be given a status that ensures access to basic rights. These people want to make a contribution to the society they have been part of for many years. The ultimate aim of the report is to improve the lives of destitute migrants by giving a voice to those left unheard.

The report was carried out by research officer, Ms Anne Weernink, and research assistant Ms Isabel Eitzinger.

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The new research, 'We are Dying Silent: Report on Destitute Forced Migrants', investigated the social and legal situation of destitute forced migrants in different European countries. Little is known about the condition of destitute migrants from a comparative European perspective.

Commenting on the report, JRS Europe Regional Director Jan Stuyt stated: "These undocumented migrants live in a legal no man's land. They fall through the cracks of the system. They are not granted the right to stay, but they are unable to return home".

With the publication of the report, JRS Europe seeks to raise public awareness of the phenomenon of migrants living in destitution across Europe and demonstrate the links between destitute migrants and the laws and policies adopted by national governments.



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JRS Germany's Legal Aid Fund

Jesuit Refugee Service Europe

Rue du Progrès 333/2,  
B-1030 Brussels  
Tel: 0032 2 250 32 20  
Fax: 0032 2 250 32 29

Executive Editor:  
Fr. Jan Stuyt SJ

Editor: Elizabeth Underhill

[press.europe@jrs.net](mailto:press.europe@jrs.net)

This project was funded by a grant from the Network of European Foundations through the European Programme for Integration and Migration (EPIM). EPIM is a joint European venture between nine major European foundations.

In-depth analyses into the circumstances faced by destitute forced migrants were carried out in Portugal, Germany, Belgium, the United Kingdom, Italy, Romania and Malta. A concise analysis of the circumstances facing destitute forced migrants was also undertaken in Ukraine, Slovenia, Ireland and France.

JRS launched the study at a press conference held in the Residence Palace in Brussels. Martin Schieffer, from the Directorate General Justice, Freedom and Security, and Jan Jarab, member of the cabinet of the Commissioner on Employment, Social Affairs and Equal Opportunities, attended the launch to comment on the findings of the study. Both welcomed the

publication of the report and recognised the problem of destitution as a European phenomenon.

Bob Deffee, a representative from the British Refugee Council, outlined how UK governmental policies are forcing thousands of migrants into destitution. Bob Deffee stated that the UK government is actively withdrawing the provision of services such as food, healthcare and housing to promote return. As a personal validation of the report, Jean Lecuit, who has witnessed the destitution of his close friend Ibrahim, provided a moving account of destitution. Finally, a copy of the study was offered to Ms Constança Urbano de Sousa of the incoming Portuguese Presidency of the European Union.

A full copy of the report, the executive summary and the policy positions are available by following the links on the website: [www.jrseurope.org](http://www.jrseurope.org)

## JRS Germany: extra money for legal aid fund

In Germany, foreigners without a residence permit can be detained for up to eighteen months in order to ensure their forced removal. If the immigration authorities decide that the foreigner might try to prevent his deportation, a local district court can impose detention of up to six months. If the authorities come to the conclusion that the foreigner does not cooperate sufficiently in order to obtain appropriate documentation from his country's embassy or if the detainee gives incorrect information regarding his person and origin, the detention can be extended for up to eighteen months. The decision whether the detainee cooperates or not is left to the discretion of the immigration authorities. If it is not possible to remove the foreigner after eighteen months he has to be released and automatically obtains a Duldung or 'toleration'. The details of detention are regulated by the Länder (regions) in Germany. Thus, there are various forms of detention.

Nonetheless, there is no state that provides legal aid for the detainees because they are not viewed as accused criminals who have the right to proper legal representation. Due to the fact that the authorities try to remove as many persons as possible, there are several examples of injustice and improper proceedings by the authorities. Since most of the detainees have neither the resources nor the connections to employ an attorney, they have to spend a long time in detention camps before they are removed or released. This is particularly true for citizens from countries whose authorities deny alternative passport papers or are not able to provide these documents. They often have to spend several months in detention before they are released.

support detainees who are obviously victims of injustice or improper proceedings as well as nationals from countries to which deportation without papers is nearly impossible. The legal aid fund gives attorneys a certain financial security when they take up the case. If the courts decide that the detainee has to be released, the costs are defrayed by the state. In the last year, more than 60 cases could be financed by the fund, from which more than 30 came out successfully.



A room in a German Detention Centre

For 2007, JRS Germany has received funding from the European Refugee Fund (ERF). 21.000 Euros will enable assistance for 70 legal cases as part of the Berlin-Brandenburg legal assistance fund. This is a significant resource which will ensure that a greater number of detainees are provided with legal assistance and support during their period of detention.

**Jonas Hanske, JRS Germany**

JRS Germany has established two legal aid funds (Berlin-Brandenburg in 2005 and Bavaria in 2007) to

## Closing date for Pedro Arrupe Award

Friday 27<sup>th</sup> April 2007 was the deadline for submitting entries for the Pedro Arrupe Award. The Pedro Arrupe Award is a refugee based project run through schools in Europe. The award seeks to promote understanding and tolerance of the refugee issue among young people through creative engagement. Previous entries included board games, websites, sculptures, essays and songs.



35 schools from 14 countries participated in the award programme. The final winners were made public on Friday 1st June 2007. The winners will be invited to attend the prize giving ceremony in Brussels at the EU Parliament on Tuesday 3rd July 2007.

For more information on the Pedro Arrupe Award, visit the website [www.jrseurope.org/pedroarrupe-award](http://www.jrseurope.org/pedroarrupe-award) or contact [pedro.arrupe.award@jrs.net](mailto:pedro.arrupe.award@jrs.net)

## New detention visitors project in Sweden

Currently the Jesuits in Sweden are undertaking an evaluation process in order to determine how best to establish JRS in their country. A first step was the creation of a detention visitors group in one of Sweden's five detention centres in Märsta, north of Stockholm. A group of six volunteers and a Jesuit priest are now regularly visiting the detainees. Before starting the visits, a training workshop was organised with the support of a lawyer working at the Swedish Refugee Advice Centre as well as an experienced detention visitor from Amnesty, Sweden.

The detention centres are all run by the Swedish Migration Board, a civil authority. Asylum seekers are



The Detention Centre in Märsta, Sweden

usually not detained upon their arrival in Sweden. On the other hand, an asylum seeker whose case has been refused can be detained if there is reason for the

authorities to assume that the person may otherwise go into hiding or pursue criminal activities in Sweden.

The second reason for detention is if the identity of the asylum seeker is unclear on arrival in Sweden and the authorities cannot establish the probability that the identity he or she has stated is correct. Children or families are usually not placed in detention. In November 2005 the Swedish parliament passed a provisional law to give asylum seekers whose application had been rejected a second chance to obtain a residence permit until March 2006. During that time, all the detention centres were closed. Since then, they have gradually been reopened. In February this year, for example, the detention centre in Märsta reopened its second section, extending the number of places from 35 to approximately 70.

In the detention centres, pastors from religious denominations and visitors from NGOs, approved by the Swedish Migration Board, have free access to the centres. The role of the NGO visitors is to give mental, social but also legal support to the detainees, and to keep contact and dialogue with the personnel. The current average duration of detention in Sweden is eleven days and no one should be held in detention for longer than fourteen days unless there are special reasons. Nevertheless, one can now observe an increasing number of cases where this time limit is exceeded. Another concern for NGOs is the inadequate healthcare provisions in the detention camp in Märsta. While the access to medical treatment in the detention centre has improved, there are still other improvements necessary, especially with regard to the psychological and psychosocial care of the detainees.

**Fr. Christoph Hermann SJ, JRS Contact Person Sweden**

## JRS Portugal: 'Welcome to our Country' Gala

The 'Welcome to Our Country!' project, organised by JRS Portugal, came to an end with a great celebration, the 'Welcome to Our Country' Gala on 18<sup>th</sup> March 2007.

The Gala was hosted by journalist Fernanda Ribeiro (SIC TV) and António Dias. The actress Natasha Marjanovic performed 'Mrs. Olga' and welcomed the guests. A play was also performed by young actors of different nationalities. They performed a modern-day version of the classic Cinderella after only two months rehearsal. A singer contributed to the final part of the play. The result was a wonderful performance enthusiastically applauded by the audience.



The success of the 'Welcome to Our Country' Gala was due to the excellent participation of all those directly or indirectly involved in its accomplishment.

Families, friends and teachers of the schools attended, together with a number of personalities such as Br. Michael Schöpf SJ (Assistant Regional Director, JRS-Europe), the Internal Affairs Administration Secretary, the High Commissioner for Migrations and Ethnic Minorities, the local representative for the International Migrations Organisation, the Ukraine and the Slovenia Ambassadors and a representative from the Calouste Gulbenkian Foundation.

The project lasted one school year. After evaluating its impact within the school community, the results have been very positive with many of the schools involved expressing their desire for this kind of initiative to be expanded in the future. It is hoped that this project will continue and that the 'Welcome to Our Country' project might visit many other schools throughout Portugal, thus contributing to a progressive change of mentalities for a more tolerant Portugal.

JRS Portugal

## 50th Anniversary of the Treaty of Rome

"The pardon and the promise: This magnificent formula by the philosopher Hannah Arendt illustrates the approach of the founding fathers of Europe. To pardon the enemies of yesterday is not to forget. To promise is to ensure future generations that they will have their full place in the international community. European construction has never been tranquil. There have been crises and periods of stagnation. But the Community of six has been transformed into a Union of 27, with new members still to come. For this "Greater Europe," it is reasonable to propose three objectives. First, a space of peace, mutual comprehension and security. Second, a framework for durable development in solidarity. Third, cultural diversity that is preserved and even stimulated. Certain members of the Union will go further, as they have already done by suppressing borders and adopting a single currency. For Europe needs to be open, but also dynamic thanks to these steps forward. I am an optimist. Europe will continue to contribute to the values of liberty, democracy and peace. In this anniversary period, we know how much, in the postwar years, the builders of Europe were able to count on the political support and economic aid of the United States. And we will not forget it."

**Jacques Delors, France**  
President of the European Commission, 1985-1995

Quoted in International Herald Tribune, Monday 26th March 2007

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