

## ***Restrictive migration policies and the role of the media: the impact on undocumented migrants***

**Conference – 6 December 2011**

### **Summary**

Migration has shaped Europe for centuries and its economic, social and demographic significance is ever growing in a fast changing world. But designing the right migration policy is a huge challenge for the EU. Indeed, some member states are inadvertently creating undocumented migrants by pursuing overly-restrictive migration policies. This was a main issue heard by participants in a conference organised by the European Policy Centre together with EPIM, the European Programme for Integration and Migration. This conference marked the end of a three-year phase, during which EPIM supported NGOs active on migration and integration issues. It was an opportunity to gather their collective learning and challenge the mainstream opinions of MEPs and journalists.

### **Full Report**

#### ***Keynote speech***

"Immigration remains high on the political agenda at both EU and national level, bringing with it opportunities in both economic and human terms," said **Diane Schmitt**, head of unit for immigration and integration at the **European Commission**.

"Some sectors are beset by labour shortages and skilled people are hard to find. Reducing unemployment among people who are already here – and particularly among EU nationals – must be the top priority, but migration is also part of the labour shortage solution," Schmitt insisted.

"Media coverage of the issue is often simplistic and alarmist, so there's a need for accurate reporting," she said.

Many migrants to Europe are vulnerable – they are often at their employers' mercy, for example. But some issues can be addressed at EU level, because the Lisbon Treaty and the European Convention on Human Rights give Brussels the tools to do so, Schmitt explained.

Existing measures aimed at tackling irregular migration – like the Employer Sanctions Directive and the Returns Directive – can benefit migrants by combating xenophobia, she said.

Consolidating the rights of migrants and discouraging employers from hiring irregular people would help to discourage irregular migration in the first place, the Commission official added.

According to Schmitt, the Returns Directive helps by guaranteeing irregular residents access to health care pending a decision on their stay. But there is no EU-level harmonisation of treatment of irregular migrants who haven't been arrested and are not yet subject to a returns procedure, Schmitt explained.

"No-one can be returned if that would subject them to abuse or torture," she added.

Meanwhile, new EU rules preventing mistreatment of seasonal workers – which also seek to provide them with legal rather than illegal means of entering the EU – are, explained Schmitt currently being discussed by governments and the European Parliament.

A new EU directive will punish trafficking of migrants into the EU, while another new law will help grant residence permits to victims of trafficking.

"Migrants to the EU aren't always aware of their rights. We're going to launch a portal for migrants interested in moving to the EU, explaining their rights in all 27 member states," the Commission official said.

"The EU Treaties don't foresee specific legal provisions for the rights of migrants. They only deal with illegally-staying ones. But we're trying to introduce them into other directives, and of course fundamental rights must be respected everywhere, Schmitt said.

The Commission prefers to use the term 'irregular' or 'undocumented' migrants, rather than 'illegal', she explained.

Schmitt concluded by stressing the importance of "avoiding number games". She urged the media to avoid putting "panic headlines" into public discourse.

### ***Panel 1: Views on irregular migration from the European Parliament***

Facilitated by **Yves Pascaou, EPC Senior Policy Analyst**, the panel were asked to provide some observations regarding the current climate for migration policies. **Hungarian Socialist MEP Kinga Göncz** began: "the crisis means that the current climate in the EU is not in favour of migration in general,"

"The Arab Spring triggered a small flow of people seeking refuge in the EU, but there was resistance and fears of crime. This isn't a good climate for ensuring that migrants enjoy human rights or access to health care," Göncz warned.

"The media plays on fears of migration but also sheds light on the human aspect," she added.

Explaining that the term 'irregular migrants' refers to a very diverse group of people, Göncz warned that criminalising these individuals denies them their dignity and human rights, puts at risk women and children, and does not benefit society as a whole.

"I'm depressed by the issue. We can't have an unlimited free-for-all, but we're being thoroughly dishonest in this debate. Europe is shooting itself in the foot," said **UK Conservative MEP Sajjad Karim**.

"Extremist views are being fed by policymakers' lack of backbone, leading to the rise of the far right," Karim lamented.

Nevertheless, he drew hope from the events of the Arab Spring, during which people had put their lives on the line to spread a hopeful message via social media.

However, here too he sounded a sombre note. "In the EU, people use social media to spread hate and fear. We're not dealing with this problem. You in the audience know what I'm talking about, but policymakers are ignoring it. It's very depressing indeed," Karim said.

"I was a member of Amsterdam City Council for 10 years. I met dozens of law-abiding migrants who were well-respected and had built lives in the Netherlands, despite having always held illegal status," said **Dutch MEP Judith Sargentini**, a member of the Greens/European Free Alliance group in the European Parliament.

## Debate

Asked whether the EU's own policies were themselves creating the problem of undocumented migration, **Hungarian MEP Kinga Göncz** said "policies are growing more restrictive and there's a growing fear among migrants of being reported to the authorities, for example if they go to hospital".

**UK Conservative MEP Sajjad Karim** said: "We need an honest debate on migration. Europe claims to have certain values as a Union, continent and people, but huge question marks emerge regarding our nation-state mindsets when it comes to applying these values to those living on our shores."

Karim was keen to make the case for Turkey's EU membership, arguing that the Union urgently required more young people. "But not enough politicians are making this point in Europe," he said, adding: "Turkey's young population is huge."

**Dutch MEP Judith Sargentini** cited an example of repressive new legislation from the Netherlands. "Dutch law connects your social security number to where you live, via a computer system. Before that law, undocumented migrants had social security numbers and were therefore guaranteed a certain standard of living, like in the US," she said.

"This new law makes it impossible to work properly. Many workers are now even more illegal than they were before, and it adds to integration divisions. In the past, documented and undocumented migrants could work side by side," the MEP added.

Responding to calls on the European Parliament to act concretely to improve access to health care for destitute migrant women and children, Sargentini said "when the European Parliament calls, urges or suggests something, it's a moral call. What are we concretely doing? Nothing: because we don't have the legal tools to act. Those lie with the member states".

**Hungarian MEP Göncz** insisted that "we're moving towards a common EU asylum policy," despite huge fears among EU governments of the impact of EU directives in the field. "We need to recognise that the burden is much higher on some member states than others," she said.

But **Karim** strongly disagreed. "It's quite right that member states hold the ultimate power to design their own immigration policies," he said.

Despite his tough stance, he urged the EU to put in place a level of harmonisation sufficient to ensure that all member states were fulfilling their membership obligations.

Asked how policymakers should respond to the rise of populism, Karim admitted that in the current climate he had "no real answers".

"If I put a pro-migration argument across, I know how the majority of the UK press will portray it. They'll accuse this MEP with an Indian-sounding voice of wanting to open the floodgates to migration of his 'fellow countrymen' into Britain, also because I'm the rapporteur on an EU-India free trade agreement. How do I counter this? I have no idea," he conceded.

## ***Panel 2: Views from practitioners on the role of the media in the migration and integration debate***

Setting the scene, **Anke Schuster**, project development and liaison officer in the Brussels office of the **International Organisation for Migration**, said that migration to Europe is likely to increase in future, and improving the image of migrants will be essential if integration policies are to succeed. "Ethnically-diverse societies tend to be the best economic performers. So why such negative views of migration? Because we're seeing misinformation and growing visibility of migrants as the phenomenon increases," Schuster explained.

Migrants come in many guises, including economic migrants, asylum seekers and refugees. Therefore it is essential to define each group clearly, she said. Most of the time the public overestimate the number of migrants in their country, presenting the findings of a study carried out by her organisation. Age, level of education, political inclination and income level all shape public opinion, as does the overall economic health of a nation.

“Opinions can be time-sensitive and often negativity recedes once an economy picks up”. She also explained that migration was constantly present in opinion polls because it was such a cross-cutting issue. In turn this has led to more media coverage of the issue, she added.

Much media reporting of migration is characterised by a lack of suitable data or accurate evidence, and not enough evaluation of its impact, Schuster claimed. “Migrants are aware that they are stereotyped negatively. This makes them feel underrepresented and gives them a strained relationship with the mass media”.

Schuster urged all actors to work with the media to support balanced reporting that takes into account the huge diversity of migrant groups. “Civil society can work more closely with the media to make reporting more accurate,” she said.

Journalists should be trained “to talk about migration properly”. “Break down barriers to diversity in the media: that would break down content discrimination too,” she claimed.

**Don Flynn** from EPIM grantee **European Network against Racism** and the **Migrant Rights Network** said that “there’s a lot of good English-language journalism about migration out there. The problem is that’s just one side of the spectrum. Then there’s the UK tabloid press, which is almost a satire. It’s just made-up xenophobia”.

“The tabloids are read by millions and the quality press is read by just hundreds of thousands. That’s not a problem in itself until politicians start to ride the wave. The public doesn’t necessarily take press stories at face value. We can deal with the press by working with the best of it and disregarding the worst. But the problem is how much politicians pay heed to it,” Flynn explained.

“Being an immigrant isn’t a crime. A crime is transgressing regulations. That’s the problem: the term is often associated with crime or even hardcore criminal activity. Actually, so-called ‘illegal immigrants’ are actually society’s most law-abiding, because they’ve got the most to lose from contact with the authorities,” he added.

“The media is a tool. Work with the media in a professional manner. You need quality people from civil society to work with the media, otherwise they will use us. Identify partners and compromise if you must, but choose who you work with,” advised **Mbela Nzuzi**, a **TV journalist** and a representative of the **Refugee Women’s Organisation** in **Romania**.

Educate the public about the terms used in the debate. “But don’t change your terms according to your audience. That’s confusing,” Nzuzi added.

Rejecting suggestions that journalists were under pressure to toe the editorial line of their newspapers, **Bruno Waterfield**, the **Daily Telegraph’s** Brussels correspondent, said “we’re no more in thrall to our employers than municipal bus drivers”.

“The problem is that the leader writers in most UK mass media are uniformly anti-immigration. There’s an implicit suggestion that the tabloids steer public opinion and ultimately reflect the views of the population, meaning that politicians don’t confront people’s fears. But that’s a myth. The working classes in the UK often support immigrants facing deportation, because they’re workmates,” Waterfield claimed.

He believes it is acceptable for journalists to use the term ‘illegal immigrant’ because it reflects the reality of their lives: their existence in their country of residence has been made illegal and so they are treated as such.

"Tackle the issue head on and turn it around. Most illegal migrants are only illegal because they are breaking laws that have been designed to regulate them. They haven't committed any crimes themselves," Waterfield said.

"Every country has different ethnic and political realities, and that's reflected in people's attitudes," said **Marc Janssen**, president of the **Conseil Supérieur de l'Audiovisuel** (Belgium).

He argued that the problem was not so much the quality of media coverage of migration issues – "the quality is often good" – but rather a lack of it.

"Don't blame the media for the discourse of populist politicians. It's their duty to report what's being said. That content isn't the journalists' fault," he said.

Janssen warned that "journalists don't like to be told what to do and they don't want to be told that they're doing a bad job".

"Most journalists want to do the right thing. But they're in a hurry and they rely on their established networks," he explained.

"They also need an interesting angle to sell to their editors which is different from what everyone else is writing," he said, advising NGO representatives in search of media coverage to "try to offer journalists that angle".

### **Final remarks**

All attempts by governments to criminalise 'irregular migrant' status must be rejected, argued **Antonio Vitorino**, a **former European commissioner for justice and home affairs**.

Offering NGO representatives advice on dealing with the media, he said "NGOs must be prepared to address all issues in the media, even those they don't like".

"The first job for NGOs should be to clarify the reality. Most EU citizens have the wrong idea about how many migrants there are in their country. They think there are far more than there really are," Vitorino said.

He urged activists to distinguish between legal and illegal migrants: a distinction which citizens themselves did not always make. "Migrants keep on arriving but they keep finding jobs too," he said.

"The crisis has had a negative impact on public opinion towards migration," Vitorino said, urging activists to dismantle inaccurate arguments against migration, including the notions that migrants are "benefit tourists" and take jobs that otherwise would have gone to native citizens.

"One very disturbing issue is the majority opinion that migrants should leave their adopted countries if they lose their jobs. This view isn't just prevalent towards third-country nationals, but EU citizens too. This is a very worrying trend and contradicts legislation," the former EU commissioner said.

He was critical of the tendency to use migrants as a scapegoat for European countries' current economic woes. "The crisis wasn't their fault," he said.

"Populism is on the rise, and racism and xenophobia are still there, so we need to address this," Vitorino said. He also spoke of new dangers, like growing antagonism towards Islam and an "assault on the rights of gay people".

Extremist views and parties have a disproportionate impact on politics in many EU countries, particularly in the Netherlands but also in France, Finland and Sweden, for example, Vitorino said.

“Remember enlargement? The Russians were coming! There were fears that East European countries couldn’t control their external borders. But that simply wasn’t true. Charles de Gaulle and Barajas airports are the EU’s biggest illegal entry points,” the former EU commissioner claimed.

In any case, he said, overstaying is the biggest source of illegal migration to the EU.

Vitorino urged policymakers not to neglect the importance of border controls in the migration debate. “They may not catch many people, but they have a dissuading influence on criminal gangs,” he explained, calling for “a total rethink” of how the EU manages its borders.

However, he sounded a warning note. “Reinforcing border controls mustn’t restrict the right to seek asylum. That’s a human rights issue, not a migration control one.”

Moreover, migrants must have access to certain fundamental rights irrespective of their status, he argued.

“The difficulty we have today isn’t just filtering migrants according to their legal status. It’s that the most vulnerable migrants are the ones who’ll be sacrificed first,” Vitorino said, arguing that in the post-crisis EU, the migrant debate cannot be separated from discussions on the future of social security.

“Integrating migrants into our social security systems is the key to social cohesion,” he concluded.

## **Discussion**

Responding to criticism of the inhumane way in which undocumented migrants were often treated by EU governments, the **European Commission’s Diane Schmitt** said “the ongoing economic crisis is clearly influencing member states’ positions on migration. But restrictive migration policies often don’t help the economy”.

“We need facts and figures highlighting the effects of migration to inform debate on the issue,” she argued.

Asked whether focusing on checks at the EU’s external borders was misplaced – because irregular migration was often manufactured within an economy, and residence rights and regulations were frequently changing – Schmitt agreed that “clandestine status is often acquired later, for example, by overstaying visas”.

“We need to control this better. But we can also help the people concerned, by highlighting legal ways of coming to the EU and highlighting labour shortages in certain areas. Make it clear that work is available in some sectors. Make it clear whether or not a person will be granted the right to stay. Make the risks clear,” she suggested.

Schmitt highlighted a number of initiatives to encourage legal migration to the EU, including a Green Paper on Family Reunification and directives in the pipeline aimed at students, researchers, highly-skilled workers, seasonal workers, intra-corporate mobility and long-term residents.

Responding to criticism that EU migration policy lacked a human dimension by focusing too strongly on restricting migration and returning irregular migrants to their countries of origin, Schmitt agreed that “the human dimension is very important”.

“Hopefully new directives on employment rights will improve things. Five years of residency is supposed to end with a residence permit, but this isn’t always implemented,” she said.

Asked whether members of the media were allowing themselves to be exploited by politicians, **Marc Janssen**, president of the **Conseil Supérieur de l'Audiovisuel**, said it was up to journalists to give a voice to everyone involved in the debate.

He urged journalists to help frame the discussion by reporting people's real news, including personal stories. "Journalists fear being accused of taking sides or being too progressive, not reflecting the views of the majority," he claimed.

"Sometimes they self-censor themselves and don't tackle populism head on. For example, journalists can be uncomfortable coming out in support of gay people," Janssen added.

**TV journalist Mbela Nzuzi** went further. "We don't always state our own beliefs on TV, because as journalists we know what our editors want us to get the politician to say. It's sad, but it's the truth. You try to do the best you can. You can't come across as a migrant woman rather than a journalist," she said.

**Bruno Waterfield** of the **Daily Telegraph** said he hated writing immigration stories because he was morally opposed to "having to come at a story from the presumption that immigration is a problem". "But journalists don't like to be told what to write by NGOs or politicians either," he added.

He was echoed by **Marc Janssen**, who advised activists: "Don't tell journalists what to do. I know how frustrating it is. You're passionate about the issue and you're dealing with journalists who know very little about the topic. But look at it from their side too: you're an ideologue, someone to be wary of. In their eyes, you might not be telling the truth either. So tell them facts."