

DETENTION OF MIGRANTS

The favourite means of migration “management”

> MIGREUROP EDITORIAL

Since the 1990's, immigration detention has become the instrument most commonly used to manage migrant populations in Europe and beyond. People are deprived of liberty for the sole reason of having infringed on border crossing and/or sojourn legislation. Detention results in the violation of the rights of migrants (increasing lengths of detention, unacceptable living conditions and obstacles to justices). Behind the official objective of rationalising migration management, the institutionalisation of immigration detention demonstrates the criminalisation of those who are deemed undesirable, a logic which encourages xenophobia. This policy is extremely costly for our societies, both in human and financial terms. Since 2002, Migreurop has documented and denounced the impact of the European Union's migration policies. The network calls on governments to stop using detention for migration control purposes, and the public opinion to oppose this phenomenon.

DETENTION = RIGHTS VIOLATION



At the heart of immigration and asylum policy, the growing use of immigration detention is concerning cause for concern. Detention camps, where fundamental rights are often violated, are emblematic of the apparatus deployed to isolate those considered undesirable.

Detention for irregular migrants may take different forms, from the detention conditions to the purpose of detention. “Closed” camps – real detention facilities – are usually used to identify migrants and decide whether they will be authorised or denied entry to the territory. Other sites are labeled “open camps”.

They usually serve as temporary accommodation facilities for asylum-seekers in isolated areas, and reflect a similar logic : to permit the administrative and social control of migrants.

Other forms of detention exist alongside these official sites: “invisible” detention sites, i.e. informal places where urgency is

used as an excuse by the authorities to detain migrants away from the public eye and outside any legal framework (in police stations, stadiums, car parks, prisons, ports and airports, hotel rooms etc.). This isolation leaves migrants in limbo, as they are pushed away in border areas and in impoverished neighbourhoods where they have no choice but to live in precarious conditions.

From the 1990's onwards, the Member States of the European Union (EU) have deployed legal, administrative and political strategies for the reception, selection and removal of migrants. Detention camps are the cornerstone of this apparatus. Over time they have become larger, elaborated and more numerous. The fifth edition of the "Encampment Map"¹, where only closed camps are represented, shows the existence of 473 camps in 44 countries, with a detention capacity of almost 37,000 persons.

Adopted in 2008, the "Returns" directive² is symptomatic of how ordinary the use of detention has become for managing migration. In particular, the directive makes it possible to detain and remove vulnerable persons such as minors, to use prisons to detain migrants pending their removal, and to prohibit entry to the EU territory for up to five years. Moreover, it gives an upper limit of 18 months for the length of detention, thereby aligning EU law with the most repressive practices in place in some of its Member States. Finally, the directive limits the rights of NGOs to access the camps, as such access may be "subject to authorisation."

The visits conducted by Migreurop have confirmed a deterioration of the situation: the directive has led states to adopt "lowest" common denominator policies. Despite what officials say, immigration detention is a form of prison and leads to many human

rights violations (access to health care, right to claim asylum, legal advice, etc.). The multiplication of acts of despair – from self-harm to suicide attempts – shows how dangerous detention can be. This was acknowledged by European judges in landmark rulings in which detainees in Italy and Greece were acquitted of the charges of uprising and absconding: in both cases, the judges ruled that detention conditions were disrespectful of human dignity.



Venna Detention Camps (Greece).

The NGOs providing support in the camps have many times demonstrated the inefficiency of immigration detention. However, the authorities have never questioned its necessity. Beyond its official objective, detention acts above all as a political and a communication tool. Even if it does stop prospective migrants who want to reach the EU, it "reassures" public opinion in front of those presented as "enemies", a logic that fuels racism and xenophobia.

SOME FIGURES

In Europe and at its borders, the number of detention sites has grown from 324 in 2000 to 473 in 2012.

In 2012, 570,660 migrants were detained in the European Union and 252,785 were removed or deported.

In 2008, the "Returns" directive put an upper limit of 18 months on immigration detention. In practice, situations vary depending on the country: up to 45 days in France, up to 60 days in Spain and Portugal, up to 12 months in Greece and Poland, and up to 18 months in Italy and Germany.

OPEN ACCESS NOW

Because citizens should be aware of the consequences of the policies implemented in their name, Migreurop and European Alternatives launched, in February 2012, the Open Access Now campaign. It calls for unconditional access for NGOs and journalists to immigration detention, and for more transparency on detention sites.

Several visits were organised in detention centres in several countries, in Europe and beyond. They were conducted by members of parliaments, journalists and NGOs. What was witnessed and reported – obstacles to external oversight, poor detention conditions and human rights violations – recall the conditions in prisons.

The campaign continues:

- >> Regular visits are organised
 - >> Advocacy to the European parliament
 - >> Collection, analysis and dissemination of information
 - >> Legal action on refusal to access by the authorities
- >> Creation of a media working group
- >> Work on detention outside of the EU and on "invisible detention sites"

www.openaccessnow.eu

1. See p. 4 « More information... »

2. Directive 2008/115/EC

WHEN EUROPE EXTERNALISES MIGRATION MANAGEMENT TO LIBYA

In 2011, Libya came to the fore of international attention after the revolution inspired by the Arab Spring led to the fall of Gaddafi. However, the country is less well-known for its active role in the management of migration flows in cooperation with the European Union (EU).



Libya is certainly the most illustrative example of cooperation in migration management between EU states and their neighbours. The EU “externalises” its policies, from border control to immigration detention and the expulsion of migrants, in exchange for financial support, at the expense of refugees’ rights¹. In 2005, an EU/Libya Action Plan was proposed reinforcing sea border controls, refurbishing some detention centres and promoting dialogue with several countries of origin of migrants in Libya – in order to facilitate expulsion. This led to Gaddafi using migrants as a tool to help obtain EU development aid.

Gaddafi did not hesitate to use European fears of African immigration to pressure the EU. He regularly threatened to “open the tab”, i.e. to allow the departure of many migrants to Italy on unseaworthy

vessels, by partly lifting border controls on the coast. He actually did so in spring 2011 in retaliation for NATO’s attacks.

The revolution did not change the situation of refugees. Wrongly accused by different Libyan factions to have served as Gaddafi’s mercenaries, migrants from Somalia, Eritrea, Ethiopia etc. became victims of racist violence. Their situation did not improve after the regime’s fall. An investigation mission² by the FIDH, JSFM and Migreurop in June 2012 showed that hundreds of migrants suffer serious human rights violations while many are still detained in inhumane conditions. Some have been deprived of liberty for years in places now managed by local militias with no legal or medical support of any kind. Others have been recruited by external employers using forced labour-like methods. Migrants attempting to travel to Europe by boat are sent back to

2. See the report « Libya: the hounding of migrants must stop » (October 2012) <http://www.migreurop.org/article2209.html>

Libya, particularly by the Italian authorities, without the situation in the country being taken into consideration. A Somali refugee woman reports : “After five days at sea, we have been rescued by a commercial boat. Two persons died on our boat.



(...) The commercial boat brought us back to Libya. Then the Libyan coast guards got us. They beat us up when we arrived. Eleven of us had to be brought to a hospital (...) then they were brought back to the centre. Among us were five pregnant women.” It therefore seems that the current Libyan authorities and the EU have engaged in the same cooperation path that prevailed before the revolution, to “counter clandestine immigration.”



1. See Migreurop’s first brief on readmission agreements (June 2012) – available in French only : <http://www.migreurop.org/article2222.html>

SITE RESSOURCES

- > Migreurop
<http://www.migreurop.org/?lang=en>
- > Open Access
<http://www.openaccessnow.eu>
- > International Detention Coalition
<http://idcoalition.org/>
- > Global Detention Project
www.globaldetentionproject.org/
- > Her Majesty's Inspectorate on Prisons: reports on immigration removal centres in the UK
www.justice.gov.uk/publications/inspectorate-reports/hmi-prisons/immigration-removal-centres
- > Independent Monitoring Boards: regular independent reports on detention conditions in the UK
www.justice.gov.uk/about/imb

This project has been supported by the European Programme for Integration and Migration (EPIM), a collaborative initiative of the Network of European Foundations.



The sole responsibility for the content lies with the author(s) and the content may not necessarily reflect the positions of NEF, EPIM, or the Partner Foundations.

More information...

- > MIGREUROP IDENTIFIES DETENTION SITES IN EUROPE AND BEYOND (fifth edition).
www.migreurop.org/article2224.html
- > THE TRIBUNAL 12'S "HEARING" ON THE DETENTION OF MIGRANTS.
tribunal12.org/
- > Report by Corporate Watch on Yarl's Wood detention centre (near Heathrow airport, London): IMMIGRATION PRISONS: BRUTAL, UNLAWFUL AND PROFITABLE (2011)
www.corporatewatch.org/?lid=3930
- > Report by the London Detainee Support Group: DETAINED LIVES – THE REAL COST OF INDEFINITE IMMIGRATION DETENTION (2009)
- > Campaign on child detention (despite the current coalition's promise to end child detention for immigration purpose in 2010 children are still detained in immigration detention) "END CHILD DETENTION NOW"
ecd.n.org/
- > Report by Medical Justice providing evidence that victims of torture are held in immigration detention : "THE SECOND TORTURE": THE IMMIGRATION DETENTION OF TORTURE SURVIVORS (2012)
www.medicaljustice.org.uk/images/stories/reports/secondtorturereport.pdf
- > Bail for Immigration Detainees (BID) website including detainees' stories.
www.biduk.org/137/detainees-stories/overview.htm
- > Amnesty International Punishment without a crime – DETENTION OF MIGRANTS AND ASYLUM-SEEKERS IN CYPRUS (2012).
reliefweb.int/sites/reliefweb.int/files/resources/eur170012012en.pdf
- > Post by the Group of Lawyers for the Rights of migrants and refugees on the ruling acquitting migrants of all charges for escaping inhumane detention conditions: 'DETAINEES RIGHTS OVERRULE ABSCONDING AND RIOTING CHARGES, COURTS RULE' (2013).
omadadikigorwnenglish.blogspot.fr/2013/01/detainees-rights-overrule-absconding.html
- > Film on indefinite detention (2012) by Alexis L. Wood: 'HOW LONG IS INDEFINITE ?' (film available on request by email)
howlongisindefinite.wordpress.com/
- > 'THE VISITOR', a movie by Thom Mc Carthy (2007)

MIGREUROP

Migreurop is a network of organisations, activists and researchers both from several European Union member states, Sub-Saharan, Maghreb and Near-East countries. It aims at identifying, denouncing and spreading information concerning European policies that marginalise migrants (detention, expulsions, and externalization of migratory controls) as "unwanted" on European territory, and concerning the consequences of such policies for Southern countries.

The novelty of this network consists in its effort at promoting synergies between actors from the North and the South, in order to reach a shared vision and analysis of such processes, in particular as concerns the dimensions of the externalization of migratory flows management policies, migrants' detention and the increasing militarization of borders.

Migreurop raises awareness on these issues through campaigns, cartographic and photographic work and annual international meetings aimed at elaborating joint strategies to decode and fight policies and processes that violate migrants' rights.

migreurop

BRIEF

POSTAL ADDRESS : CICP
21TER, RUE VOLTAIRE 75011 PARIS

NEWSLETTER N° 02

EDITOR

Olivier Clochard

SUB-EDITOR

Simon Mazurelle

CONTRIBUTORS

Lydie Arbogast, Anna Billard,
Laure Blondel, Alessandra
Capodanno, Marie Charles,
Olivier Clochard, Marine De Haas,
Mathilde Mariette, Marie Martin,
Sara Prestianni,
Anna Sibley, Louise Tassin.

WWW.MIGREUROP.ORG