

UNTOLD STORIES:

Immigration Detention and Deportation



PLATFORM FOR INTERNATIONAL COOPERATION ON
UNDOCUMENTED MIGRANTS

The Platform for International Cooperation on Undocumented Migrants (PICUM) was founded in 2001 as an initiative of grassroots organisations. Now representing a network of 148 organisations working with undocumented migrants in 30 countries, primarily in Europe as well as in other world regions, PICUM has built a comprehensive evidence base regarding the gap between international human rights law and the policies and practices existing at national level. With 15 years of evidence, experience and expertise on undocumented migrants, PICUM promotes recognition of their fundamental rights, providing an essential link between local realities and the debates at policy level.

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"I miss my dad too much, I'm sad and why did they take him away, I don't understand anything? Now I can no longer see him, he is my father after all: my mother has no work, Aly has difficulties and an IQ of 117, Fatoumata will soon be able to sit up and next year, I will start 6th grade and we cannot afford to buy supplies for the next school year and in addition, dad used to buy them. We don't know what to do without him."

Abdoulgadry, the big brother

Abdoulgadry, 10 years old and the oldest of three children, wrote this letter a few weeks after his father was deported. His father and mother had been living in France for 14 years but were not able to regularise their status. He and his siblings were all born in France.

Abdoulgadry's father was deported, handcuffed and with his knees and ankles taped together. He has since been living in Guinea, unable to reunite with his family.¹

Abdoulgadry
le grand frère



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Foreword

Migration has become a burning topic across the agendas of political parties and policy makers across the EU. Yet little room is given to those whose lives are affected, to what the actual impacts of these policies are in reality. While many voices are increasingly contributing to the debate on migration policies, there is near silence about the unspeakable suffering caused by immigration detention and deportation.

Arrests in the middle of the night or on the way to work; being separated from family members without knowing if you will see them again; being forced upon a plane in handcuffs; fearing for your life if you're sent back; feeling humiliated and defenseless after living and working for years in another country, hoping in vain to get a residence permit - all of these experiences have been lived by migrants in the process of being forcibly removed from the European Union.

The stories in this booklet are from people in our communities who have experienced immigration detention and/or deportation. They are only a little window into a non-transparent system which lacks accountability mechanisms for violations of human rights and shuts out enforcement methods and procedures from the public eye. In fact, in many countries the public is prohibited or has only very limited access to detention centres.

This booklet aims to call attention to the urgent need for more data on immigration detention and deportation, including through post-deportation monitoring, and for more transparency in all related procedures. We continuously call on policymakers to gather evidence on how migration policies are put in practice on the ground and to rely on evidence in their policymaking.

PICUM wishes to thank all our network partners and other migrant rights supporters who contributed to this booklet. We also thank the migrants who shared their personal stories for their trust and strength.



Michele LeVoy
PICUM Director

Michele LeVoy

Introduction

In recent years, European migration policy area has undergone a significant shift in political narrative and priorities. The presence of undocumented migrants has been perceived as an innate risk to Europe's common asylum system, the security of Europe's citizens, and even the stability of the European Union itself. Decision makers have been spurred on to appear tough on migration, and have responded by fixing an objective of increasing deportations² and stopping certain migratory movements.³ Seen as a benchmark of success in migration management, the focus on fast-track deportations may lead to a weakening of procedural safeguards, increasing the likelihood of human rights violations and abuse.

As a network of civil society organizations working directly with undocumented migrants, PICUM members are confronted daily with individual cases of migrants who are detained and deported from the EU. Through the stories and testimonies that migrants have conveyed about their individual experiences of detention and deportation – which by no means are an exhaustive overview of the situation – six major areas of concern have emerged.

Issues around the futility and extreme harmfulness of immigration detention have come strongly to the fore, especially in cases in which children and families are detained. Immigration detention of children is still a reality in Europe, despite the fact that the Committee on the Rights of the Child and other UN experts⁴ have held that

states cannot justify detaining migrant children under the UN Convention on the Rights of the Child (CRC), which has been ratified by all EU member states.

The consequences of auctioning off migration management tasks to third countries that systematically abuse and harm migrants on their territories are also highlighted.⁵ These stories depict cases of extreme violence, torture, humiliation and abuse of power in the deportation process, as well as the more subtle but equally devastating act of separating families through detention and deportation.

Asylum seekers and other migrants who are returned to countries that are labelled as “safe” can face disastrous consequences when they are deported. A complete disregard for the risks of deporting people to unsafe situations coupled with the lack of monitoring and accountability mechanisms for governments who deport them are among the key concerns that have emerged through this collection of stories.

This booklet sets out each of these areas of concern, and presents them in a succinct way to contextualize them within on-going policy debates. It is intended that the stories can illustrate how certain policy initiatives, existing laws and their implementation (or lack thereof) are responsible for creating conditions which may lead to violations of human rights, suffering and injustice.

Detention is harmful and counterproductive

Immigration detention - the deprivation of liberty for purposes linked to immigration or asylum procedures - is an extreme measure with long lasting harmful impacts to the individual⁶.

Medical professionals report⁷ that 85% of parents and children in detention experience negative mental health consequences. Harassment, sexual violence, rape, abuse, self-harm, and suicide are common. Poor living conditions increase the transmission of infectious diseases. Inadequate provision of medical care means that illnesses are often not properly treated. Avoidable disability and death are not uncommon.

EU legislation⁸ requires immigration detention to be applied only exceptionally and as a last resort. Nonetheless, the reality is much different from the legal guarantees and migrants are detained systematically across Europe.

The European Commission has published recommendations⁹ to EU member states encouraging countries to increase the use of and period of detention based on the presumption that this will facilitate the return of migrants. However, evidence points to the contrary. Research finds that detention discourages cooperation and decreases individuals' motivation and ability to contribute towards case resolution, including return.¹⁰ In fact, the European Commission itself has acknowledged that an "overly repressive system with systematic detention may also be inefficient, since the returnee has little incentive or encouragement to co-operate in the return procedure".¹¹

A growing body of international human rights law and jurisprudence¹² has also established that immigration detention is always a violation of children's rights, and must be expeditiously and completely ceased. Regardless of the conditions as well as length of time in which children are held, a number of studies¹³ have shown that detention has a particularly profound and negative impact on children's mental and physical health and language development.

***"It's like a cemetery here.
We're dying, little by little."***¹⁴

Even though EU law¹⁵ requires that “unaccompanied minors and families with minors shall only be detained as a measure of last resort and for the shortest appropriate period of time”, children are detained across the EU.¹⁶ Alternatives to detention are used for only a small number of individuals or families.¹⁷ In addition to the broad global consensus¹⁸ on reducing and ending the detention for immigration purposes of children and families, all EU governments committed to end child immigration detention at the UN General Assembly on 19 September 2016.¹⁹

Alternatives to detention that use a case management system, in which the migrants receive social support and assistance and are not placed in closed detention centers, have not been used by EU member states sufficiently. There is strong evidence that alternatives based on case management promote compliance and case resolution, including voluntary return, as well as protecting the rights of migrants.²⁰ The Council of Europe Human Rights Commissioner has called on member states to “step up their work on reducing migrant detention and developing effective alternatives” which would always include case management and ensure basic welfare needs.²¹



“He should never have been in detention”

Jose recalls his experience in a UK immigration detention centre:

“I saw so many people in detention I never expected to see there: under-age guys; really old people; people like me, with mobility problems; people in wheelchairs who were dependent on strangers to wash them and take them to the toilet; guys completely isolated by their lack of language; survivors of real, extreme trauma. I shared a room with a guy from Eritrea who was clearly a survivor of torture. When he changed his shirt you could see the cuts all over his back, everywhere.

It took some time before he spoke to me about his experiences. He should never have been in detention, never. When I left he was still in there. . . The responsibility for this human disgrace must be shared. It is not just the government to blame. The people themselves need to remember their own role in a parliamentary democracy. They have to remind the MPs in this debate that they are representing them and their values.”²²



“I was in a lot of pain”

“I arrived in Melilla and was very happy when I realised that I had finally managed to cross the border of Europe. I already felt a lot closer to France. That is where I wanted to go. That is where my husband and daughter live.

In Melilla I lived in a CETI, a centre for immigrants. It is a big place but not big enough for all. The good thing about the CETI being so full is that the Spanish police sometimes gave us a laissez-passer and took us to mainland Spain by air or sea. I dreamed about this happening to me. I told the white police officers that I could not stay in my country, the Democratic Republic of Congo. I told them that more than five million people had died since the start of the war and that the UN has said that it is the worst place in the world for a woman to be born...

One day some police officers arrested me. I was held in a police station with other immigrants. Nobody really knew what was going to happen to us... they flew us to Madrid. I hardly saw anything of the city – just the airport, then the motorway along which the bus drove us to the CIE [immigration detention centre]. This centre was not like the CETI. When I arrived, they told me that I had to learn a number, 3106, because this

was how they were going to address me, not by my name. We could not go out to the street. I did not feel good but the doctor and nurse in this centre did not speak French. So it was very difficult for me to explain what was wrong with me. I had severe headaches and I had terrible itching in my genital area...

I did not sleep during my last night. I was in a lot of pain but I had to put up with it until the next day when they let us out of the cells. Early in the morning two friends helped me up the stairs to the infirmary. It was the tenth time that I had been there since my arrival... The nurse gave me a pill and injected me with a tranquiliser... I know that my friends and a woman from an NGO tried to help me but the nurse said that it was not necessary to call an ambulance... The woman from the NGO asked for some shoes for me. While this woman put shoes on me, I remembered my daughter Bijoux, how I tied her shoelaces for her and that made me smile...

Several police officers put me in a car. It was a short journey and the new doctors treated me and they were concerned about me but it was already too late. My autopsy said that it was due to cryptococcosis, an illness caused by my AIDS infection ...”²³

Help for Samba Martine came too late. She died shortly after.



“We see in his eyes that he is completely lost”

Bambino has been locked up in the detention center (CRA) of Plaisir in France for over a month already. The prefect of Yvelines and various judges have decided a date when he will be deported to Italy. Bambino is 15 years old.

His real name is Ahmad, he fled Sudan and arrived in Italy after a long journey via Libya. To be able stay together with his traveling companion whom he calls “uncle”, Ahmad lies about his age at the time of taking fingerprints in Italy. He says he is 25 years old. He then continues his journey to France. In the emergency shelter where he is welcomed, everyone is charmed by his kid’s face and calls him “Bambino” [which means “child” in Italian]. He learns French with volunteers, participates in various sporting activities, flourishes. At the time, he is described as smiley and with very full cheeks.

Since he previously stated he was older than 18, the prefecture decides that as an adult, he should be transferred to Italy under the Dublin III regulation. He is sent to a detention center. All the remedies to get him out fail, and the judges do not even grant him house arrest. Brought to a plane for the first time, he refuses to leave and is taken back to the detention center. The second deportation attempt is scheduled.

Bambino is not well, his physical and psychological health is deteriorating. The volunteers at the shelter who visit him are worried. They find him weakened, talking with difficulty. He no longer eats, loses weight. He must swallow oral nutritional supplements that are usually prescribed for malnourished people. *“We see in his eyes that he is completely lost, his gaze is sad, his beautiful smile has disappeared,”* say people who visit him.²⁴



“They are killing me slowly”

“This is not my body anymore. I have been detained for 4 months. I am not a criminal. I have not committed any crime or offence. I have only come to seek asylum. I will never forget what they did to me. I want them to listen to me. I am a human being. They do not know what to do with me. They are killing me slowly. God is my witness. I cannot sleep. I walk. Everybody says that I am a good man. The pilot from the plane [taken to Sierra Leone] said ‘I can see you’re good.’ People in Caricole [detention centre] feel pity for me.”

Fleeing persecution in Sierra Leone, E.’s asylum claim in Belgium was refused, and he was detained. Belgian authorities attempted to deport him several times to China, a country where he had a transfer during his journey but to which he has no ties, and to Sierra Leone.

The last deportation attempt was very violent, involving 14 police officers. E. still suffers from the consequences. Despite intervention by the Federal Obudsman (Médiateur fédéral), a date to deport him has been scheduled.²⁵

Families separated by immigration enforcement

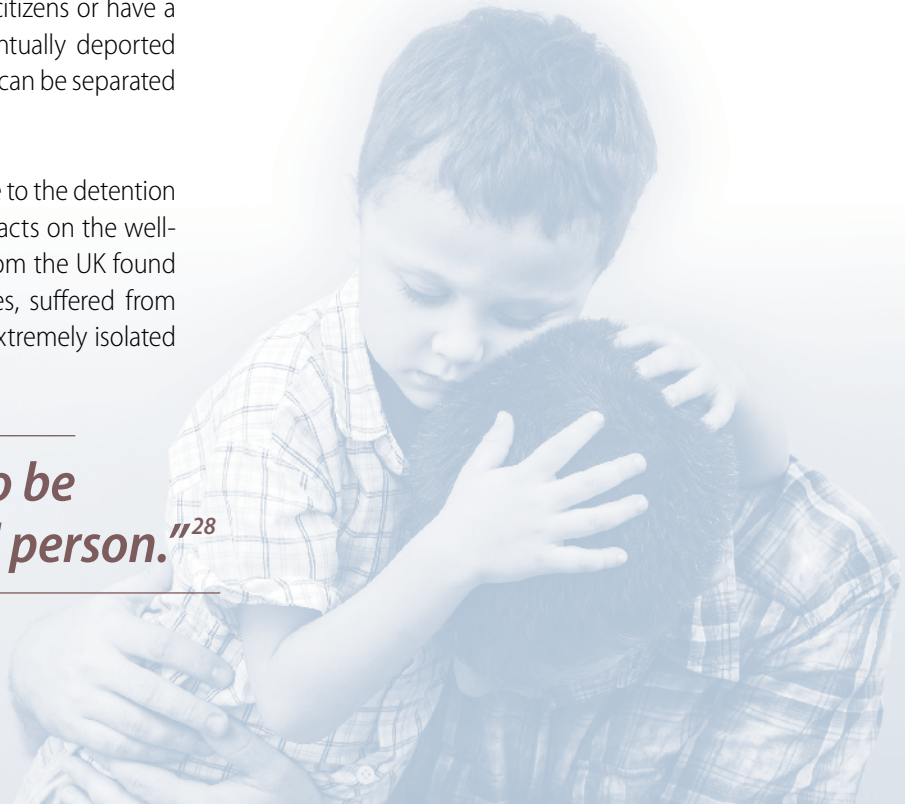
Across Europe, parents can be arrested and detained without the opportunity to see or make arrangements for their children. Some of the countries that do not detain children separate them from their parents in order to detain the parent and not the child. This has also occurred in cases of children with only one parent who is detained while the children are placed into alternative care²⁶. This is often the case in families where one or both parents are undocumented and the children are EU citizens or have a residence permit. If the parents are eventually deported and the children remain in the EU, families can be separated for good.

Research shows that family separation due to the detention of parents can have serious negative impacts on the well-being and safety of children. A study²⁷ from the UK found that children lost weight, had nightmares, suffered from insomnia, cried frequently and became extremely isolated

during their parents' detention. Some children moved between unstable care arrangements, were neglected, and were placed at risk of serious harm.

The best interests of the child are rarely considered when orders to leave the territory are issued or removal procedures carried out, unless the person is able to appeal. To appeal, however, can be very difficult.

"It is not my choice to be considered an illegal person."²⁸





“Detention and deportation destroys families”

“The last 48 hours were terrifying. I couldn’t sleep thinking about what I would lose if I was sent back to Jamaica. I have family here in the UK, my partner and kids. My youngest is only a few weeks old.

I had a ticket to be deported on the charter flight to Jamaica on Wednesday. On Tuesday I said goodbye to my Mrs. and kids. They came to the centre and they were crying. I had to say goodbye, thinking the worst, trying to reassure them that ‘Daddy will always love them, that wherever Daddy goes he’ll always have love for them.’

They told me on the Tuesday evening that I had a last minute reprieve. But all night long I couldn’t sleep. I didn’t believe them. I couldn’t believe these people who only care about targets and statistics. When it’s politics, not people that they care about, it’s hard to believe anything they say. It wasn’t until the flight left that I knew for sure I wasn’t going.

The future for me is still unclear. I think they’ll turn down my claim. I don’t know what more I can do. I reported to the Home Office every week for 3 years. I was given the opportunity to work and I worked, supported my family, paid tax.

My kids are here. I live with them. I’ve been here for births and birthdays. I bring them to school, go to parent teacher meetings and take them to church on Tuesdays. I don’t know what more I can do.

The use of charter flights is an embarrassment. They are putting people’s lives at risk. Sometimes bad things happen and when they do, the Home Office brushes it under the carpet, nothing is done, no one is held accountable.

Detention and deportation destroy families. It’s heart-breaking for the kids. The Home Office isn’t thinking about the impact on these kids, depressed at home. And they don’t think of the longer impact, how not having a Dad around chips away at them. . .”



Unconscious

Amnider, a 31-year-old man from India, worked in Cyprus for an employer who forced him to work a 20-hour shift every day, starting at 3 a.m., without any days off. The employer lied about processing his work permit and Amnider looked for another job. His new employer, a sheep farm manager, was no better; he was also abusive and promised to submit the necessary paperwork but did not do so. Amnider's life took a turn for the worse when he contracted a severe virus from working in inhumane conditions and had no access to medical care.

One day, he fell down unconscious and was taken by the ambulance to the General Hospital in Nicosia. There he spent 20 days in a coma, while his wife, 8 months pregnant at the time, spent every moment by his bedside in a state of unmanageable stress. Not long after he was released from the hospital, his wife gave birth prematurely to a baby girl.

While visiting his newborn daughter in the hospital, Amnider was arrested and sent to the Menoyia Detention Centre. There the authorities forced him to wear a mask whenever he was in their presence because of his health condition, although he was free to remove it when he was among fellow inmates. Amnider described the humiliation he felt putting on the mask, unworthy to talk to the officials. He pleaded with them to release him to prepare all the relevant documents for his newborn baby. He felt hopelessness sitting there in the centre, with the prospect of being deported from his family, his baby who was still too weak to leave the hospital and his wife still recovering. The authorities eventually freed him.²⁹



“They gave us no time”

Khoren and his family had been living in Belgium for five years. They are from Armenia. The younger of his two daughters was born in Belgium.

“It was the 3rd or the 4th of February. For Narine, it would have been her first day at her new school in Heverlee. Our last asylum application was still being processed so we thought we were protected”.

It turned out differently. At eight o'clock in the morning, immigration officers arrived at the front door.

“We did not know they would come. . . They gave us no time. My wife Nelli was very affected - everyone in their right mind would be”.

The officers threatened to hit her if she did not calm down.

Khoren was at work when he was notified that his family would be brought to the plane that same day. Since that morning, he has not seen his family again.

“In the past, I was not so sensitive. It was very difficult. I could not go with them.”³⁰

'Safe enough' country of origin

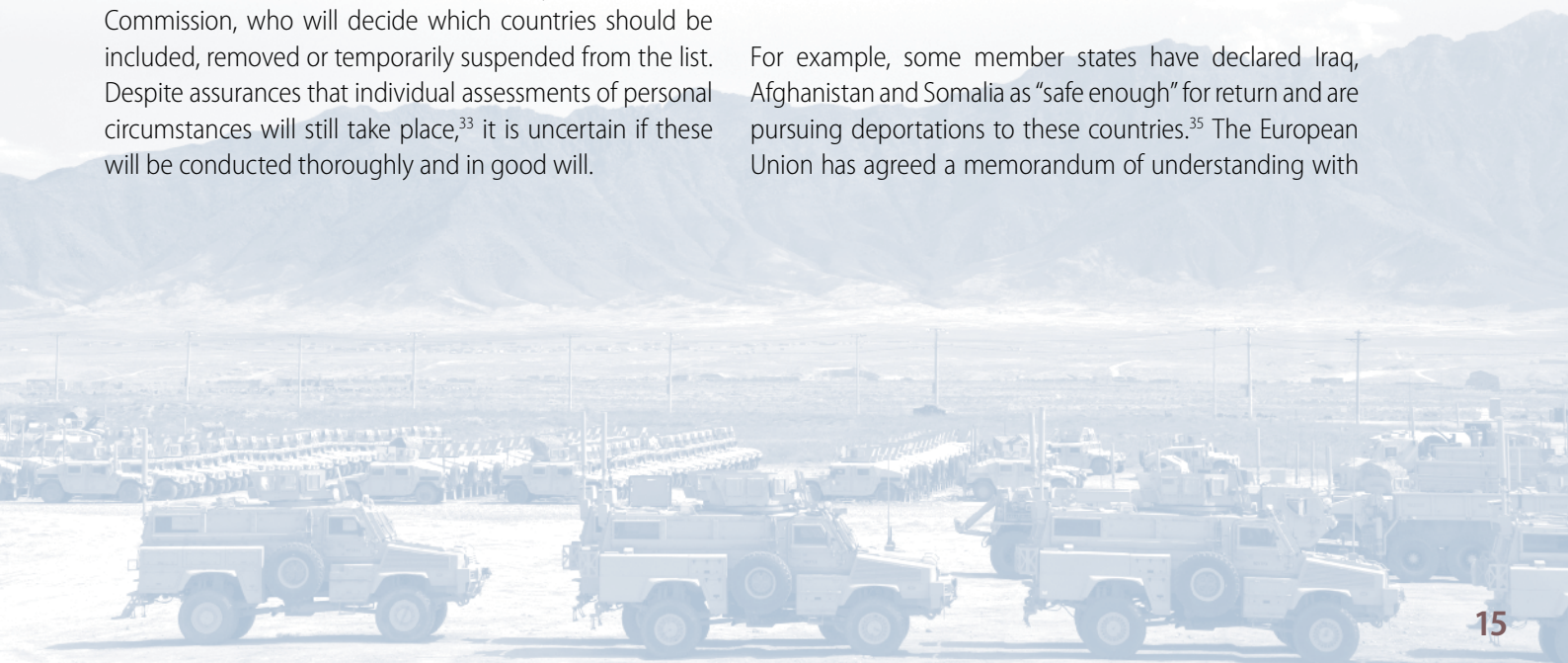
To be able to increase deportations, European countries have attempted to label a number of countries as “safe countries of origin” to which migrants can be returned. Designating countries as “safe” means that there would be much less of a possibility for a person to have an individualised assessment of their own risk of persecution or violence in their country of origin, irrespective of the general situation in the country.³¹

The European Parliament has decided³² that the national level lists of “safe countries of origin” will be merged together into a common EU list. The list of commonly defined “safe countries of origin” will be managed by the European Commission, who will decide which countries should be included, removed or temporarily suspended from the list. Despite assurances that individual assessments of personal circumstances will still take place,³³ it is uncertain if these will be conducted thoroughly and in good will.

The European Commission is already pursuing policies which would limit essential procedural safeguards in the returns procedure by asking member states to shorten the period in which appeals against negative asylum or residence status decisions can be lodged.³⁴ This could result in automatic accelerated procedures which severely limit individuals' possibilities to file an appeal against negative decisions.

Parallel to this, European countries and the European Union institutions are also pursuing deportations to countries that are undeniably and generally unsafe, with ongoing armed conflicts and widespread violence against civilians.

For example, some member states have declared Iraq, Afghanistan and Somalia as “safe enough” for return and are pursuing deportations to these countries.³⁵ The European Union has agreed a memorandum of understanding with



Afghanistan, "The Joint Way Forward on Migration Issues",³⁶ which foresees plans to return thousands of women, men and children to Afghanistan. Afghanistan is experiencing an ongoing and escalated conflict, despite EU efforts to present it as a country that is safe for returnees and able to reintegrate them successfully. The conflict has left more than 1.2 million people without permanent homes, and has resulted in three million refugees fleeing to Pakistan and Iran. People who are returned are exposed to a deeply deteriorating security situation across the whole country.

In this context, imposing deportations onto an already fragile situation puts the safety and security of returnees at risk as well as the overall efforts to promote stability.³⁷

"It is difficult to face one's own death and to already be halfway there. I prefer life imprisonment here to returning to my country. There, death is guaranteed"³⁸



"The threat of death to a family is as real as war"

"Merciful God, hear my concerns, it is now a year and there is talk of deportations for some of us because we are not a country at war. This is a problem for me as it does not make international news when there are some family or clan fights, but the threat of death to a family is as real as war. Returning us to the regime that wants our death seems to be insane, but that is what may well happen! How will this help me, as

I have already lost a brother and father and have no idea where the rest of the family is hiding or whether they have been captured? Since the government is a friend of the West, officials in the West overlook their failings, so perhaps my troubles are still to come. I may just have to keep running again and find some other country that may be safe. Merciful Lord, Protect and Guide my steps and take me to a place of safety."

Prayer of an undocumented woman living in Germany.³⁹



Deported despite threats from Boko Haram

In Nigeria, 20-year old Christopher was a university student. His father was killed in a bomb explosion in a neighboring house, and he escaped and fled the country, due to threats from Boko Haram. He left his younger sisters in the care of a religious association. He arrived by boat at the Spanish coast near Granada and was detained in the Algeciras detention centre for 31 days before being transferred to the Aluche detention centre. He applied for asylum a few days after his arrival but his application was not processed. He was deported from Spain to Nigeria on a collective flight.⁴⁰



Judge authorizes collective detention without examining individual circumstances

John and Patrick came to Spain escaping war in South Sudan.

*"The two tell us shocking scenes of their journey through Africa, coming from South Sudan, fleeing war in their country. They both somehow managed to survive in Morocco before getting on a boat. They both lost their families in the war and didn't know anyone in Spain or in Europe. They remember with horror the thirteen hours that they drifted at sea until they were rescued by the Spanish coast guard and taken to the port of Motril. Despite coming from a country in conflict, the judge authorized a collective detention order for everyone from the rescued boat, without making the slightest examination of their individual circumstances."*⁴¹

Deals with countries outside the EU

In line with its objectives to prevent irregular migration, the European Union has pursued agreements with countries where EU laws do not apply and in some cases, where violence towards refugees and migrants has been widely documented⁴². The agreements themselves lack transparency and mechanisms for how to ensure accountability in cases of human rights violations⁴³.

One example is the EU-Turkey agreement⁴⁴ which aims to return all migrants and refugees who crossed the sea to the Greek islands and did not apply for asylum in Greece or whose claim was refused, back to Turkey. However, since the deal was agreed, thousands of people have been left in deplorable conditions in Greece⁴⁵ due to systematic failure to proceed with individuals' claims⁴⁶ and due to the unwillingness of many European countries to take in refugees and migrants.



Another example are EU policies towards Libya⁴⁷ which attempt to transfer the responsibility for managing migratory movements along the central Mediterranean route to Libya. Largely under the pretext of cracking down on smugglers and with the aim of intercepting and pulling migrants out of the sea back to Libya, these plans risk increasing migrants' exposure to severe human rights abuses, including through arrests and detention of migrants in Libya.

Multiple reports⁴⁸ have described the grave, harrowing conditions in Libya, including rape, torture, executions, and other sufferings. Organisations have documented prolonged arbitrary detention, torture and other ill-treatment in the very centres where refugees and migrants are detained after being intercepted at sea by Libyan entities performing coastguard activities.⁴⁹



“I’m the last person the authorities will pay attention to.”

A 21-year-old man, stuck in the migrant camp in Moria on Greek island of Lesbos, explains his situation and how being from the Democratic Republic of Congo gives him little chance to have his claim thoroughly assessed:

“I left Congo two and a half years ago. I had to leave. I had no other choice. I was put into prison three times for nothing. A few weeks after, my family’s home was attacked by a militia. These men had machetes. Our entire village fled. Some of the people who were caught were killed and many other women were raped. . . . When I left, I had hoped to escape to a place where I could keep learning. I am young. I could still have a life. And I still have hope. I want to study law – after this experience I want to study human rights. I would like to learn how to defend people’s human rights because, here, ours are not being respected. For now, I’m blocked here in Moria. It’s inhumane. And because I’m from Congo, I know I’m the last person the authorities will pay attention to.”⁵⁰



“The police rape them.”

A 22-year old Malian man detained in Libya and awaiting deportation describes the treatment of women in detention:

“There are also women, Nigerians and Ghanaians. When men finish breakfast, that’s when they let the women go out. Some are pregnant, others breastfeed their children, there are young ones, old ones, of all ages. The police rape them. . . . At night, they let the women out to take them with them, that’s how they get pregnant. Some have spent more than eight months [here].”⁵¹



“It was to show Europeans that migrants are well treated in Libya.”

A 41-year old Malian man was deported from Libya after being detained for several months. He explains how the living conditions and abuse was hidden from Europeans:

“I saw women with children and pregnant women. [. . .] We were 130 in the cell. It was very hot, 45 degrees. There was one toilet, but it gets clogged and then there is urine everywhere, we have it up to our ankles. [. . .] The day before our deportation, we were given clothes, new clothes and the Libyan television came to film us. And after having filmed us with the new clothes, they tore them from us. They told us that it was to show Europeans that migrants are well treated in Libya.”⁵²

Deportation: conducive to violence and degrading treatment

The EU Return Directive⁵³ underlines that return procedures and detention have to fully respect the fundamental rights and dignity of the individual concerned and be in line with the EU Charter of Fundamental Rights, the European Convention on Human Rights and all other relevant international human rights conventions. However, violence, abuse and degrading treatment occurs regularly during forced return processes⁵⁴ and causes long lasting harm to individuals.

“Deportation is to be a victim another time.”⁵⁵

The lack of systematic and independent monitoring of return operations has been a long-standing concern for civil society. The new Frontex regulation⁵⁶ foresees the setting up of a European pool of forced-return monitors. Nonetheless, it remains to be seen how the independence of the monitors will be guaranteed, since the monitors would essentially review the actions of their employer as the pool would be managed by Frontex itself.

It will be important to ensure that all deportations organised by Frontex would be independently monitored in the future. Additionally, the monitoring obligation of return operations conducted by member states⁵⁷ is not adequately implemented in all countries. Post-deportation monitoring, which would include the systematic collection



of information about the human rights compliance of deportations, would increase transparency and make governments more accountable for their actions⁵⁸ when issuing removal orders and in the returns procedures.

Similar concerns remain in relation to accessible and effective complaints mechanisms that would allow migrants to report human rights violations in the return procedures. In the same vein, the new Frontex regulation foresees the

setting up of a complaints mechanism. While an accessible and impartial complaints mechanism is needed to ensure that Frontex fully complies with its fundamental rights obligations in all of its activities, this mechanism can only be complementary to mechanisms on national level. The mechanism should not be a substitute for a proper judicial remedy, whether before national courts or before the Court of Justice of the EU, or other regional and international bodies.⁵⁹



The pilot refused to take off under these conditions

Agbevide lives in Belgium. He is at risk of being persecuted by the authorities in his country if he returns to Togo. After his application for asylum failed, he attempted suicide. Unconscious, he was not taken to the hospital until the following day. As soon as he was released from the infirmary, he was put in solitary confinement, in a cell to be deported.

When Agbevide arrived at the airport, five men and a woman from the federal police were present. *"I had a razor blade on me, which I swallowed because I do not want to go back. They told me 'that way, you can die in Togo'".* The police removed his clothes to conceal the traces of blood. Panic-stricken, Agbevide began shouting, and the police then squeezed his neck. *"They were closing my mouth and my nose at the same time ... I was suffocating."*

A passenger then stood up and shouted to the policemen, *"You're going to kill him."* Agbevide was half unconscious. The pilot arrived and refused to take off under these conditions. They brought him back to the detention center. One of the policemen told him *"It's not over! When you come back, you will see what will happen"*.⁶⁰



“They carried me like an animal”

An undocumented Colombian man had been living in France for seven years. Married to a Colombian woman, they were living near Paris and had a daughter born in France. He was arrested and deported within days.

“I was arrested on Monday ... I was deported on Wednesday. Here is what happened: [...] Two plain clothed policemen were looking after me, I was taken to a room where they explained to me that I was going to Colombia and that I shouldn't struggle or I will be sent to jail. I told them I did not want to go. I was crying. I told them they would be separating me from my daughter and from my wife, that I refused to board the plane. [...] They tied my hands behind my back. They tied my feet and then my knees. Three policemen came in and put me on the ground. They took me by my arms and feet. They took me to the police truck and then directly to the plane. Like before, two policemen took me by the arms and two by the feet. They brought me up the stairs at the back of the plane; they carried me like an animal. At home, in Colombia, this is how we carry pigs. [...] All the while, I was crying, I was screaming that I wanted to stay, that they were separating me from my family. All the members of the crew were watching me. I told them I did not want to leave. They were silent.”⁶¹



“I didn't eat for five or six days”

Erfanullah and his sister fled Afghanistan when their uncle killed their father and brother. His sister got permission to stay in the UK. Erfanullah was deported to Afghanistan and recounts his experience of being arrested:

“At 7:30 a.m., they came to get me for the flight but I said no... My sister is here. I cannot go. I refused to go. Then they brought in the special squad. They hit me... in my chest and hurt my wrists. They put handcuffs on me. I was still crying when they took me. I cried for four or five hours. They had to carry me – four or five people – to the plane. My wrists still hurt... I didn't eat for five or six days, and I couldn't speak because my stomach was empty. I was crying that I don't want to go. I want my sister. No one listened. They restrained my wrists and beat me. It was too hard. I wanted to stay with my sister.”⁶²

Risks after deportation and migrating again

Many migrants who are deported are at risk of harm when they return to their country of origin. Aside from limited monitoring done by NGOs and researchers, governments do not generally keep track of deportation outcomes nor are they held accountable for any harm inflicted on the migrants they have deported.⁶³

Researchers report that migrants face serious risks upon return, which include loss of belongings, lack of identity papers, homelessness, destitution, trauma, depression, suicide, extortion, detention, and inhumane and degrading treatment.⁶⁴ This means that deportation in some cases may be refoulement, the forced return of migrants, prohibited by international law if the person would likely be in danger of persecution.⁶⁵

Specific research⁶⁶ into the situation of asylum seekers has found that an individual whose asylum application has been refused is particularly vulnerable upon deportation to their country of origin due to possible information sharing between the immigration authorities of the two countries. The process of issuing emergency travel documents risks

undermining the confidentiality of information that has been given to immigration authorities in Europe. Often the mere fact of claiming asylum in another country is viewed as treason in the country of origin and could expose the individual and their family to serious risks. Children face additional difficulties and risks because they are often not familiar with the countries to which they are returned.

Due to the heightened risks and the often unsafe situation deported migrants find themselves in, they frequently attempt to re-migrate. A study⁶⁷ focusing on returnees to Algeria, Morocco and Tunisia found that at the time of their return journey, 52.8% of the migrants asserted having the intention to stay permanently in their origin country. However, for those who were forcibly removed the number was halved. In the lapse of time between the return journey and the follow-up interview, migrants re-evaluated their post-return expectations in their origin country: when asked later about their intention to leave again their country for abroad, only 23.4% considered staying permanently in their country of origin. Similarly, research⁶⁸ conducted on the reintegration prospects of

Afghan migrants has concluded that 89% of returnees want to leave Afghanistan again, for which 82% mention economic and security reasons.

This also demonstrates that detention and deportation do not have a deterrent impact on migratory decisions and migration flows more generally. Research⁶⁹ conducted on the impact of deportations on the migration aspirations of the communities impacted by deportation and on returnees themselves found that “the inaccessibility of visas and the possibility of deportations further heighten

the value of global connections and thus strengthens, rather than decreases, people’s migration aspirations”. This suggests that information campaigns aimed at discouraging migrants from moving and the assumed “deterrent impact” of deportations are misguided.

Experts call for a robust system of post-deportation monitoring that would help mitigate these risks to increase migrant security⁷⁰ and improve the sustainability of return.





“I can hardly sleep at night”

Empress:

“My name is Empress. I am 12 years old, I live in Abuja, Nigeria with my mum and younger brother. We were both born in United Kingdom. We left London when the home office sent a letter to my mum that we have no right to remain in the UK. Coming back to Nigeria was very traumatic, the weather was unfriendly, the environment was so strange and I can hardly sleep at night, I felt ill time without number. Thanks to my mum for always caring for me. I missed my school and friends a lot and I hope to see them one day.”

Empress’ mother Jane:

“Never in my wildest imagination would I have thought I would leave the UK and come back to Nigeria. I have built my life in the UK had my two children there, but all of a sudden I was asked to leave due to my undocumented status, even though I was working on regularizing my stay. My first thought was how do I cope with two children in a country where I don’t have much idea on how to survive? How do I pay my bills? Who would be there for me and my kids? Where do I start from? Who do I run to? My experience back home is better left unimaginable. It was frustrating settling down. The pains, sorrow, agonies still hunt me till this moment. UK Home office actions concerning deportation are without human face.”

Empress, her brother Prince (6) and mother Jane were deported to Nigeria in 2010. Jane had lived in the UK for 10 years.⁷¹



“The problem is the fear of abductions for ransom, if they know you have come from a foreign country”

A young migrant deported from the UK to Afghanistan explains his constant fear:

“My uncle lives in one of the suburbs of Jalalabad city and whenever I plan to go and meet him he says it is dangerous for me to go there. Because Taliban are active in those areas and I can be a soft target for them [...] The other very problem is the fear of abductions for ransom, if they know you have come from a foreign country like UK, and then it can be dangerous for you. Most of the time when somebody asks me where have I came from, I say Pakistan.”⁷²



“I think I don’t have much life left”

Wali is from Pakistan and had been living in Belgium for several years, suffering from health issues related to diabetes. He was detained for five months and then deported to Pakistan.

“... I have no permanent place, normally no one will allow me to stay in their houses, especially with this health condition. In this condition no one will give me a job, I don’t know what I should do. Another thing, the Pakistani ‘Federal Investigation Agency’ is looking for me because I lived nearly 3 and half years in Belgium irregularly. . . here if you want to live you have to pay first, and I am empty pocket, I don’t know what will I do and how do I afford my expenses, along with it food and living, I think I don’t have much life left.”⁷³

Conclusion

While immigration detention and deportation are promoted in the political debates as a way to increase the control of migration, the reality is far more complex. The focus on increasing deportation numbers comes with significant risks.

The stories in this booklet point to actions that should be taken by the authorities in European Union member states and by European institutions to mitigate the risks described in the stories and to have better, more nuanced and evidence-based policies around migration.

Immigration detention is clearly an area that has been misleadingly appropriated in the political discourse as an effective mechanism to achieve more deportations. In

reality, detention is inefficient, costly, grossly overused and creates severe harm. States should invest in alternatives to detention that use a case management system, in which the migrants receive social support and assistance and are not held in custody. Through the case management model governments should ensure that families are not separated through detention and commit to ending child detention.

The drive for increased deportations will inevitably lead to more situations of rights violations and violence. It is therefore crucial to ensure that independent, effective and systematic monitoring of the deportation process and the post-deportation situation is put in place and linked to an effective complaints mechanism, judicial procedures and remedies.

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PLATFORM FOR INTERNATIONAL COOPERATION ON
UNDOCUMENTED MIGRANTS