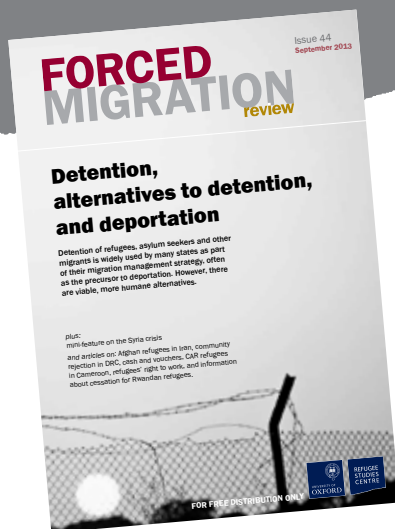


Expanded listing of all articles in
Forced Migration Review issue 44

Detention, alternatives to detention, and deportation

www.fmreview.org/detention/FMR44listing.pdf

September 2013



plus a selection of articles on other aspects of forced migration, including a mini-feature on the Syria crisis.

Overleaf you will find for each article: the title, the author(s) and their affiliation, introductory sentences and a link to the full article online.

The full version of FMR 44 is online at www.fmreview.org/detention in html, pdf and audio in English, and in html and pdf formats in Arabic, Spanish and French.

From the Editors

Seeking asylum is not an unlawful act. Yet asylum seekers and refugees – men, women and even children – are increasingly detained and interned around the world, as are numbers of other migrants. Sometimes detained indefinitely and often in appalling conditions, they may suffer not only deprivation of their liberty but other abuses of their human rights too. Families are separated. Medical and psychological needs are ignored. Contact with the outside world is fractured. Rigid rules, surveillance and restraints degrade, humiliate and damage. And lack of information and hope leads to despair.

Detention may appear to be a convenient solution to states' political quest to manage migration but it is an expensive option and has lasting effects on people and on their capacity to be independent, self-sufficient and fulfilled members of the community when released. In the search for a more humane – and cheaper – approach, agencies and government authorities have trialled a variety of alternatives to

detention, some of which are promising in terms of low levels of absconding, a greater degree of normality for the people involved, and improved chances of eventual integration. It will take shifts in attitudes as well as successful pilots, however, for alternatives to detention to become the norm.

For many people, their detention is the precursor to their deportation (or 'removal'). Here again, there seems to be a marked lack of care for people's rights and protection, as well as for their safe, successful and sustainable reintegration.

We would like to thank Jerome Phelps, Robyn Sampson and Liza Schuster for their assistance as special advisors on the feature theme. We are very grateful to the Oak Foundation and to UNHCR for funding this issue.

www.fmreview.org/detention

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Detention

Detention under scrutiny

Alice Edwards (UNHCR)

Seeking asylum is not an unlawful act, yet asylum seekers and refugees are increasingly detained and interned around the world, suffering not only deprivation of liberty but also other abuses of their human rights. UNHCR's new detention guidelines challenge governments to rethink their detention policies and to consider alternatives to detention in every case.

www.fmreview.org/detention/edwards

Psychological harm and the case for alternatives

Janet Cleveland (CSSS de la Montagne Research Centre)

Studies in countries around the world have consistently found high levels of psychiatric symptoms among imprisoned asylum seekers, both adults and children.

www.fmreview.org/detention/cleveland

Establishing arbitrariness

Stephen Phillips (Åbo Akademi University, Finland)

The majority of provisions in the international human rights law instruments that deal with deprivations of liberty contain the term 'arbitrary', yet there is no clear definition of what this entails; understanding it requires awareness of the different factors affecting how individual deprivations of liberty are examined and understood.

www.fmreview.org/detention/phillips-s

Voices from inside Australia's detention centres

Melissa Phillips (University of Melbourne)

At the heart of the asylum debate in Australia there is little sense of the individual in question. People who had previously been asylum seekers in immigration detention (and are now Australian permanent residents) express in their own words the impact that detention had on them.

www.fmreview.org/detention/phillips-m

Health at risk in immigration detention facilities

Ioanna Kotsioni, Aurélie Ponthieu and Stella Egidi (MSF)

Since 2004 Médecins Sans Frontières (MSF) has provided medical and psychosocial support for asylum seekers and migrants held in different immigration detention facilities across Europe (in Greece, Malta, Italy and Belgium) where the life, health and human dignity of vulnerable people are being put at risk.

www.fmreview.org/detention/kotsioni-et-al

The impact of immigration detention on children

Alice Farmer (Human Rights Watch)

States often detain children without adequate attention to international law and in conditions that can be inhumane and damaging. Asylum-seeking and refugee children must be treated first and foremost as children, with their rights and protection needs given priority in all migration policies.

www.fmreview.org/detention/farmer

Captured childhood

David Corlett (International Detention Coalition)

States should develop alternatives to immigration detention to ensure that children are free to live in a community-based setting throughout the resolution of their immigration status.

www.fmreview.org/detention/corlett

No change: foreigner internment centres in Spain

Cristina Manzanedo (Centro Pueblos Unidos-SJM)

Draft regulations for the running of Spain's Foreigner Internment Centres fall far short of the hopes and demands of those campaigning for better guarantees of the rights of detainees.

www.fmreview.org/detention/manzanedo

Detention monitoring newly established in Japan

Naoko Hashimoto (International Organization for Migration, Tokyo)

Recently established monitoring committees in Japan are opening new channels of communication and opportunities for improvements in detention facilities.

www.fmreview.org/detention/hashimoto

Be careful what you wish for

Michael Flynn (Graduate Institute's Programme for the Study of Global Migration)

Can the promotion of liberal norms have an unintended – and damaging – impact on how states confront the challenges of irregular immigration?

www.fmreview.org/detention/flynn

A return to the 'Pacific Solution'

Fiona McKay (Deakin University)

Over the last 50 years, Australian governments have introduced a range of measures that seek to deter asylum seekers. Current practice sees asylum seekers once again detained in offshore detention in neighbouring countries.

www.fmreview.org/detention/mckay

My story: indefinite detention in the UK

William (Freed Voices/Detention Action)

"When I fled civil war to come to the UK, I thought that I would be free but instead of helping me, the UK detained me for three years." William recounts his story.

www.fmreview.org/detention/william

Closed detention in the Czech Republic: on what grounds?

Beata Szakacsova (Organization for Aid to Refugees in the Czech Republic)

Despite relatively good conditions in the Czech Republic's closed detention facilities, serious questions should be asked about the justification for detention.

www.fmreview.org/detention/szakacsova

Threats to liberty in Germany

Jolie Chai (University of Erfurt)

Those seeking asylum in Germany face fast-track assessments, risk of immediate detention and deportation, and lengthy stays in 'communal shelters' scattered throughout Germany.

www.fmreview.org/detention/chai

New European standards

Dersim Yabasun (Maastricht University)

On 29 June 2013 the amended 'Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast)' became law. It is now up to the Member States to implement these new measures.

www.fmreview.org/detention/yabasun

Detention of women: principles of equality and non-discrimination

Ali McGinley (Association of Visitors to Immigration Detainees)

International principles of equality and non-discrimination must be applied to the UK's immigration detention system, which at present fails to meet even the minimum standards which apply in prisons.

www.fmreview.org/detention/mcginley



Asylum-seeking woman from Ukraine looking through the bars of the detention centre in Medvedov, Slovakia.

If you want to listen to FMR as podcasts, all FMR articles are also online in audio format in English for you to download or listen to online.

Security rhetoric and detention in South Africa

Roni Amit (African Centre for Migration and Society)

The increasing reliance on detention as a migration management tool has given rise to growing rights abuses, corruption and illegality that, while justified through a security discourse, has failed to fulfil its security goals. The South Africa example is instructive in demonstrating both the limits and the dangers of such an approach.

www.fmreview.org/detention/amit

Detention in Kenya: risks for refugees and asylum seekers

Lucy Kiama and Dennis Likule (Refugee Consortium of Kenya)

Refugees and asylum seekers detained in Kenya risk multiple convictions and protracted detention due to poor coordination between immigration officials, police and prison officers, coupled with lack of sufficient interpreters and low levels of knowledge among government officers and law enforcement officers on protection of refugees and asylum seekers.

www.fmreview.org/detention/kiama-likule

A last resort in cases of wrongful detention and deportation in Africa

Matthew C Kane and Susan F Kane (Ryan Whaley Coldiron Shandy PLLC/Oklahoma City University School of Law)

Where this is no viable forum to address human rights violations by African states, the African Commission on Human and Peoples' Rights will consider such violations. Its recommendations can then provide a basis on which other actors can put pressure on an offending state to comply with human rights norms.

www.fmreview.org/detention/kane-kane

Women: the invisible detainees

Michelle Brané and Lee Wang (Women's Refugee Commission)

Research by the Women's Refugee Commission into immigration detention of women in the US explores why and how differences in treatment between men and women in detention matter.

www.fmreview.org/detention/brane-wang

Do higher standards of detention promote well-being?

Soorej Jose Puthooppambal, Beth Maina-Ahlberg and Magdalena Bjerneld (Uppsala University)

Sweden is generally considered to have high standards of immigrant detention. However, a recent study conducted in Swedish detention centres suggests that irrespective of the high standards life in detention still poses a huge threat to the health and wellbeing of detained irregular migrants.

www.fmreview.org/detention/puthooppambal-et-al

Alternatives to detention

Immigration detention: looking at the alternatives

Philip Amaral (Jesuit Refugee Service Europe)

Endangering the health and well-being of people by detaining them is unnecessary; governments can instead use community-based alternatives that are more dignified for migrants and more cost-effective for states.

www.fmreview.org/detention/amaral

Thinking outside the fence

Robyn Sampson (La Trobe University)

The way in which we think about detention can shape our ability to consider the alternatives. What is needed is a shift in thinking away from place-based control and towards risk assessment, management and targeted enforcement.

www.fmreview.org/detention/sampson

Predisposed to cooperate

Cathryn Costello and Esra Kaytaz (University of Oxford)

Recent research in Toronto and Geneva indicates that asylum seekers and refugees are predisposed to be cooperative with the refugee status determination system and other immigration procedures, and that the design of alternatives to detention can create, foster and support this cooperative predisposition – or can undermine or even demolish it.

www.fmreview.org/detention/costello-kaytaz

Alternatives to detention in the UK: from enforcement to engagement?

Jerome Phelps (Detention Action)

The UK detains migrants on a large scale and has had limited success in developing alternatives. The British experience highlights the need for a cultural shift towards engagement with migrants in place of reliance on enforcement.

www.fmreview.org/detention/phelps

New models for alternatives to detention in the US

Megan Bremer, Kimberly Haynes, Nicholas Kang, Michael D Lynch and Kerri Socha (Lutheran Immigration and Refugee Service in the US)

While there is growing recognition of the value of community-based alternatives to detention in the US, shortfalls in funding and political will are hindering implementation of improved services and best practice.

www.fmreview.org/detention/bremer-et-al

Alternatives to detention: open family units in Belgium

Liesbeth Schockaert (UNHCR)

Preliminary outcomes of an alternative to detention programme in Belgium, based on case management and individual 'coaches' for families, are positive and merit consideration by other countries.

www.fmreview.org/detention/schockaert

Community detention in Australia

Catherine Marshall, Suma Pillai and Louise Stack (Jesuit Refugee Service Australia)

Moved by the plight of vulnerable asylum-seeking minors being held in detention centres, a group of Australian advocates lobbied successfully for the implementation of community detention as a viable, humane alternative, giving asylum seekers an opportunity to engage in a more meaningful existence while awaiting the outcome of their asylum application.

www.fmreview.org/detention/marshall-et-al

Flawed assessment process leads to under-use of alternatives in Sweden

Maite Zamacona (Swedish Red Cross)

Sweden is often held up as following 'best practice' in legislation with regard to detention and alternatives to detention but research by the Swedish Red Cross highlights a number of flaws.

www.fmreview.org/detention/zamacona

Questions over alternatives to detention programmes

Stephanie J Silverman (Nathanson Centre on Transnational Human Rights, Crime and Security)

Alternative to detention programmes may be less restrictive and less expensive than formal detention but they may still have drawbacks. The provision of competent legal advice appears to be key to low rates of absconding.

www.fmreview.org/detention/silverman

State reluctance to use alternatives to detention

Clément de Senarclens (Université de Neuchâtel)

States continue to show a marked reluctance to implement alternatives to immigration detention. The reason for this may well be because such alternatives ignore the disciplinary function of detention by which states coerce people into cooperation.

www.fmreview.org/detention/senarclens

Deportation

No longer a child: from the UK to Afghanistan

Catherine Gladwell (Refugee Support Network)

Young Afghans forced to return to Kabul having spent formative years in the UK encounter particular risks and lack any tailored support on their return.

www.fmreview.org/detention/gladwell

Shortcomings in assistance for deported Afghan youth

Nassim Majidi (Institut d'Etudes Politiques de Paris/Samuel Hall Consulting)

Programmes to assist deported Afghan youth to reintegrate on their return are failing miserably. There needs to be much greater awareness of what it is like for them when they return, and of good practice in implementing such programmes.

www.fmreview.org/detention/majidi

Assisted voluntary return schemes

Anne Koch (Berlin Graduate School for Transnational Studies)

In recent years, 'assisted voluntary return' (AVR) schemes have spread across Europe and the Western industrialised world. While AVR is clearly preferable to deportation, NGOs and academics alike have criticised these schemes for being misleadingly labelled and lacking genuine voluntariness.

www.fmreview.org/detention/koch

Deportation of South Sudanese from Israel

Laurie Lijnders (independent)

Israel's aggressive campaign of arrest and deportation of South Sudanese asylum seekers contravenes the principle of *non-refoulement* and international standards for voluntary, dignified return.

www.fmreview.org/detention/lijnders

Post-deportation monitoring: why, how and by whom?

Leana Podeszfa and Friederike Vetter (Post-Deportation Monitoring Network)

The monitoring of refused asylum seekers post-deportation is critical to effective protection.

www.fmreview.org/detention/podeszfa-vetter

Syria crisis

Humanitarian and medical challenges of assisting new refugees in Lebanon and Iraq

Caroline Abu Sa'Da and Micaela Serafini (MSF)

The massive and continuing flows of Syrian and Palestinian refugees to Syria's neighbours have shown the limitations of humanitarian practice and present new challenges for medical and humanitarian interventions.

www.fmreview.org/detention/abusada-serafini

Failure to adapt: aid in Jordan and Lebanon

Jon Bennett (independent)

Many aid agencies in Lebanon and Jordan find themselves stuck in a wholly inappropriate paradigm of assistance from which they cannot extricate themselves.

www.fmreview.org/detention/bennett

Dimensions of gender-based violence against Syrian refugees in Lebanon

Ghida Anani (ABAAD-Resource Center for Gender Equality)

Assessments of the impact of the Syrian crisis indicate high levels of sexual and gender-based violence, with rape, assault, intimate partner violence and survival sex appearing increasingly common. Humanitarian agencies urgently need to work together to address this trend.

www.fmreview.org/detention/anani

Conflict in Syria compounds vulnerability of Palestine refugees

Gavin David White (UNRWA)

Palestine refugees in Syria find themselves once more engulfed in a cycle of conflict and displacement that exacerbates their underlying vulnerability and highlights the ongoing need for durable solutions.

www.fmreview.org/detention/white

General articles

UNHCR in Uganda: better than its reputation suggests

Will Jones (Refugee Studies Centre)

Mistrust and fear abound among Rwandan refugees in Uganda. The dearth of information available about cessation urgently needs to be addressed by UNHCR.

www.fmreview.org/detention/jones

Insights from the refugee response in Cameroon

Angela Butel (Multifaith Engagement in the Public Sphere)

The integration of Central African refugees into existing Cameroonian communities has had far-reaching development impacts on the region and the state as a whole; this observation calls us to re-evaluate the significance of smaller-scale, less noticed refugee crises.

www.fmreview.org/detention/butel

Freedom of movement of Afghan refugees in Iran

Farshid Farzin and Safinaz Jadali (UNHCR)

Although legally justifiable, increasing restrictions on movement and work for refugees in Iran have detrimental effects for the refugees.

www.fmreview.org/detention/farzin-jadali

Community rejection following sexual assault as 'forced migration'

AJ Morgen (American Graduate School in Paris/Friends of Orphans Uganda)

When women are banished from their communities following sexual assault, this rejection should be considered an act of forced migration by the administrators of truth commission reparations programmes.

www.fmreview.org/detention/morgen

Cash and vouchers: a good thing for the protection of beneficiaries?

Michelle Berg, Hanna Mattinen and Gina Pattugalan (independent/ UNHCR/WFP)

The international humanitarian community has moved from the more traditional approach of providing in-kind assistance to the use of cash and vouchers. In situations of displacement they can work as a dignified, easily accessible form of assistance.

www.fmreview.org/detention/berg-et-al

Refugees' rights to work

Emily E Arnold-Fernández and Stewart Pollock (Asylum Access/ University of California)

Host economies benefit when refugees work. Nations seeking economic growth and political stability should allow refugees to access employment and to enjoy employment-related rights.

www.fmreview.org/detention/arnoldfernandez-pollock

Forced Migration Review (FMR) provides a forum for the regular exchange of practical experience, information and ideas between researchers, refugees and internally displaced people, and those who work with them.

It is published in English, Arabic, Spanish and French by the Refugee Studies Centre of the Oxford Department of International Development, University of Oxford, 3 Mansfield Road, Oxford OX1 3TB, UK.

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