

## **Hospitality behind bars – immigrant detention in the Netherlands**

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On the 26th of October about 150 people gathered at the gates to the Schiphol detention centre to remember the fire that broke out three years ago in one of the cells. Back then eleven detainees lost their lives in the fire because they were locked up in the cells. Many others got seriously injured or traumatized, among them also guards. Five people took the chance and tried to escape detention on that occasion, only one succeeded. While until now it could not be entirely revealed who or what had initially caused the fire, the degree of damage that resulted from it is in good part a result of mistakes made by the responsible municipality and state departments. Since then, relatives and activists organize a monthly watch to remember the victims of this tragic events. In the aftermath of the fire the Dutch government initially made no attempt to halt the expulsion of the, sometimes severely traumatized, survivors. This led to general protest until almost a year later, in August 2006, 39 of the survivors were granted residence permits on humanitarian grounds. Those who had already been expelled were excluded from this policy. The Schiphol fire led to a series of discussions and criticism about Dutch detention practices that had by no means been as vivid and serious before. Still, the situation is very worrying and in fact nothing much has changed.

### **Detention of immigrants**

Since the implementation of the new Aliens Act in 2001 the detention of illegal immigrants in the Netherlands has become more common and more similar to the penitentiary system. Being “illegal” in the Netherlands, that is: without a permit, is a reason to be locked up. Even worse, irregular immigrants who are in expectation of their asylum procedure need to be available and accessible for the Dutch government and therefore held in detention. However, this immigrant has the status of a legal immigrant for as long as the government is in the decision-making process of the asylum application. In the same Aliens Act, the Dutch government aspires to set the maximum time of detention for those expecting a decision on their asylum on four weeks. In practice, some immigrants are awaiting to hear from the government in the detention centres for more than ten months.

The Netherlands counts seven detention centers and expulsion centers, that are somewhat different in their function but an immigrant would not notice the difference as these functions are combined in one building and the immigrants treated in the same way. Next to these there is a ‘Freedom Constraining Location’ in the North East. Here people are allowed to go out whenever they want to, and live their lives during the day. However, these immigrants need to get a stamp twice a day to make sure that they did not leave the VBL or the country.

Explanation Figure below: The map shows where there are detention and expulsion facilities located (DC, UC, GH, VBL refer to the building’s functions).



**“It was inhumane. The time there was just hell.”<sup>1</sup>**

The conditions in the different detention facilities vary. Particularly famous for their very bad conditions have become the boats in Rotterdam, that have in the meantime been closed.

In general, people are most often detained in cells for two persons, sometimes also in cells of four or six persons. The size varies, but in extreme cases can be as small as six square meters for two people. The cells are equipped with bunk beds, a wash basin, a toilet and a television. Migrants in detention centers sit most of the day in their cell. Per week they normally have the right to one hour of visits, one and a half hours sports, six hours recreative activities and seven hours fresh air. Because of budget cuts there are no more practical courses offered that would provide learning opportunities.

All kinds of resistance and protest (suicide intent, emotional reaction, not eating) can lead to isolation. The detainment in isolation cells is often experienced as particularly humiliating and threatening. The “degree of severity” defines the length of isolation; it can be three days, seven or ten days as a woman, who had been in detention, explains.<sup>2</sup> The isolation cell is a small, darker room equipped with a mattress and a steel toilet. Sometimes the mattress and the blankets are taken away during the day. The isolated has to wear special clothing or even a straight jacket.

From many sides physical violence by guards against detained migrants have been reported, but often the psychological effects of being imprisoned without having committed a crime and without knowing when one is going to be released can be

<sup>1</sup> Translated title of Kox, Mieke (2007): “Het was onmenselijk! Het verblijf is gewoon hel!” Fragmenten uit “48 Vreemdelingen”, een wetenschappelijk rapport van Mieke Kox over het leven in de Vreemdelingengevangenissen, available at: <http://www.schipholwakes.nl/achtergrondinformatie-schipholwakes.htm> [1/12/08]

<sup>2</sup> This information stems from the report by Mieke Kox.

much more severe. As a recent report by Amnesty International on Dutch detention points out: "...asylum-seekers and irregular migrants are not detained as a disciplinary or punitive measure. Whereas incarceration upon conviction of a crime is imposed for a defined period of time, immigration detention can be prolonged, and in the Netherlands there is no statutory limitation on its duration."<sup>3</sup>

The detention is normally stopped whenever the detainee agrees to being expelled and it is possible to do so. Others are released whenever their asylum is denied or when their asylum status is recognized respectively. Most asylum seekers are expected to leave the country voluntarily, rather than being deported out of the country. Obviously, this does not happen and immigrants are out on the streets.

### **The resistance of the powerless**

Under these very restrictive conditions in a country with a culture of compromise instead of confrontation there is not much room for collective action. So what is left to the irregular migrants are the *weapons of the weak*. Being the only sphere of individual autonomy left to a detained person, the body is most often one's only weapon. Refusing to eat, refusing to move, refusing to obey and even suicide, including setting oneself on fire are examples of how detainees resist to the Dutch immigration regime. The detention centre often responds with measures of violence and punishment such as isolation. In rare cases the government admits its mistake and grants a residence permit.

Outside in society resistance means visibility, and visibility for many people means imprisonment or expulsion. Moreover, most immigrants are traumatized, disappointed of what they have found in the Netherlands so far and needing all their energy to survive. Resistance therefore does not happen often. The big exception is the collective action that has been effectively undertaken by Dutch civic organizations to stop the detention of children.

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<sup>3</sup> Amnesty International (2008): The Netherlands: The detention of irregular migrants and asylum-seekers, AI Index: EUR 35/02/2008, p. 15. Available at [http://www.schipholwakes.nl/rapport\\_vreemdelingendetentie.pdf](http://www.schipholwakes.nl/rapport_vreemdelingendetentie.pdf) [1/12/08]