

# EXTERNALISATION OF BORDERS

detention practices and denial of the right to asylum

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## Landscapes of Border Control

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### Introduction

For many years, the European Union has been channeling funds to its Southern frontier to strengthen its external borders. In addition to paying for the construction of physical barriers and investing in local and transnational border police, the EU has earmarked considerable resources for immigration detention. It has also passed a series of agreements that have widened the definition of and reason for administrative confinement for immigration and asylum matters that include ‘hotspots’ and a controversial 2016 agreement with Turkey to facilitate the return of third country nationals.

The deprivation of liberty as a key migration management practice has received longstanding and amply highlighted concerns in both Greece and Italy; mainly due to overcrowding and poor conditions in detention facilities, widespread ill-treatment and the large ineffectiveness of this measure to secure migrants’ returns. Indeed, both countries have consistently resorted to systematic detention of migrants at their borders and on their soil. While before 2015, there was an international trend towards minimising detention, to which Greece and Italy responded by reducing their detention capacity (albeit for different reasons), the recent legal and political changes signal to a new era of detention policies in both countries. In Italy, new and rebranded detention centres - no longer called Centres for Identification and Expulsion (CIE) but rather Centri di Permanenza per il Rimpatrio (CPR), i.e., Holding Centres for Removal – are to be opened throughout Italy to expand the capacity of the Italian detention estate: from the current 7 centres (in Rome, Turin, Gradisca d’Isonzo, Palazzo San Gervasio, Bari, Brindisi and Macomer) to 20, one in each Italian region (see Law no. 46).<sup>1</sup> Furthermore, the 2018 Law Decree on Immigration and Security (also known as ‘Decreto Salvini’),

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<sup>1</sup> In December 2019-January 2020 the detention centres of Gradisca d’Isonzo and Macomer were opened (re-opened in the case of Gradisca). Other detention facilities are also being prepared to become operational in the course of 2020 – i.e., in Milan, Modena and Oppido Mamertina).

later converted into Law 132/2018, has widened the range of hypotheses and places for administrative detention, and extended the time limit for this form of confinement. In particular, this reform introduced the possibility to detain asylum seekers in ‘special spaces’ within hotspots and governmental first reception centres in order to identify them (up to 30 days). It also introduced the ambiguous category of ‘suitable places’ or ‘suitable facilities’ where foreign nationals affected by a removal order can be temporarily confined (up to six days). In Greece, the government is not only opening more detention facilities but also converting reception centres into closed camps. In addition to these new facilities, Greece continues to use a number of pre-removal detention centres, older dedicated detention facilities, and numerous border guard and police stations to hold migrants. The International Protection Act (Greek IPA), approved by the Parliament on 31 October 2019, undermines the right to liberty in Greece by pushing the legal boundaries of detention of asylum seekers and entrenching previously blurred boundaries as well as by seemingly introducing new places of detention.

Immigration detention is a sensitive subject and a political minefield in both countries. Both governments have historically tried to guard access to their respective detention infrastructure. Therefore, what is going on in the expanding detention systems of these two countries remains largely hidden from public view. Even basic numbers are impossible to obtain. Only those who work in these sites are able to enter them freely, leaving the institutions outside meaningful scrutiny and public accountability. As a consequence, detainees find it hard to avail themselves of a good quality legal aid,<sup>2</sup> or medical assistance, and, notwithstanding OPCAT, monitoring of human rights in these places of confinement remains limited. The role of NGOs varies. In Italy some have become service providers, running daily regimes in detention centres, while others enter the centres occasionally in order to provide socio-legal aid to detainees and engage in advocacy efforts (Esposito et al., 2020) In Greece, too, some NGO groups facilitate service provision and offer legal aid (Fili, 2018). In both countries, journalists, activists and academics are largely prevented from entry. Nevertheless, challenges against detention persist, from within their walls and outside.

## **Background**

Our project ‘Safeguarding Human Rights at Europe’s Southern Frontier’ builds on previous work we have done in the area of immigration detention. It draws on the strong track record of Mary Bosworth for ground-breaking work on immigration detention where, since 2009, she has been the sole academic permitted to conduct independent research in UK’s immigration removal centres (IRCs). It also includes material gathered from and about Greece and Italy by Andriani Fili and Francesca Esposito.

It further relies on previous projects. In two ESRC IAA knowledge exchange projects, Dr Hindpal Bhui, inspection team leader at HM Inspectorate of Prisons (HMIP), and HMIP’s lead on immigration detention, worked with Professor Mary Bosworth and the Border Criminologies research group to

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<sup>2</sup> In our research in the Italian detention context we found that many lawyers, with the exception of those who understood their work as a political engagement, did not invest sufficient time and energy in detainees’ cases and often conveyed partial or inadequate information to their clients, accepting money from them in exchange for unrealistic expectations of release. Abuses such as keeping migrants’ detention orders were also highlighted by some interviewees (see Esposito et al., 2019)

help build a mutual understanding of and shine light on sites often hidden from the world – immigration detention centres.

The pilot project, undertaken during 2016 and 2017, aimed to investigate the conditions in immigration detention and the nature of human rights-based detention monitoring in four countries affected by large scale migration, i.e., Turkey, Greece, Italy and Hungary. Working together we sought to understand the political and migration policy context, the structure of and conditions in detention, and the way that detention was being used. Most importantly, we sought to understand the structure and history of the National Preventive Mechanisms, how they were monitoring immigration detention and what they felt would help to improve the impact and outcomes of their work. You can read the final report from this project [here](#).

The second phase of the project developed this exploratory work. It focused in more detail on Greece in particular, but also Turkey and Italy. The project built on the work already done to foster direct engagement and exchange visits among NGO advocates, activists and academics. In so doing, we hoped not only to better understand what is happening, but also to make this information accessible and contribute to change some of the public understanding in this field. Part of this project was to create briefing papers to bring a range of actors into dialogue to explore the potential for social change and for creating channels of accountability in the detention infrastructure. You can read the briefing papers and reports from this project [here](#), [here](#), [here](#) and [here](#).

## **The map**

The [new project funded by the Open Societies Foundation \(OSF\)](#) was designed to assist civil society organisations, activists, and solidarity groups that work to safeguard human rights in Italy and Greece, and to collaboratively provide much-needed narratives in order to challenge the growing xenophobia that is corroding political discourse and practice in both countries. In particular, it seeks to ensure that what happens in sites of border control, such as immigration detention centres, is not hidden from scrutiny, that migrant voices are heard, and that human rights defenders are given information and support to disseminate their findings to a wider audience which is not limited to their national contexts but reaches out globally. To achieve this aim an interactive map, the [Landscapes of Border Control](#), was launched in the beginning of 2020.

This map visualises what goes on in detention centres, and other facilities where migrants can be detained, and was specifically designed to increase public access to knowledge about immigration detention and the treatment of migrants in these sites. We started with Greece and Italy but eventually other countries will be added in the future. For each detention facility a variety of forms of evidence including videography, photography, original art, oral history, and testimonies from those directly affected are provided. This material draws on a large set of data obtained over different time periods and under a range of diverse research projects and long-term engagement with civil society organisations and activist groups.



Clicking on a node, you can see the name of the centre; by clicking again you are directed to the centre’s page where an array of information is provided including images, video and audio (where applicable), academic work, human rights organisations’ reports, policy briefs and other published material. New items can also be easily added through the button ‘add information to this location’ found at the bottom of each individual page. Contributors will remain anonymous if they wish and they can add either text, document, video or audio files. We hope that in time, this material will be enriched by original contributions from people in the field and those who have survived these centres.

Overall, we hope this initiative will challenge attempts by the Greek and Italian states to invisibilise and spatially isolate migrants, while supporting local partners who are engaged in advocacy and strategic litigation, e.g. through factual investigation, research and analysis. This map depicts Italy and Greece as they are experienced and shaped by migrants’ presence and their struggles. Initiatives like this one, which seek to provoke critical witnessing, are important, especially in political times such as the one in which we live. Locking people up for immigration matters is a relatively recent practice. We don’t need to detain; this is a political choice. Given the robust evidence so many people have produced about its harms, inefficiency and financial costs, it is one that we should be working together to draw to a close.

You can see the map [here](#). For a full presentation on how it works see [here](#).

## References

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