

Liveblog corona crisis March 2020

Meldpunt Corona crisis: impact on immigration detention

The Immigration Detention Hotline

Collects reports about the circumstances in immigration detention.

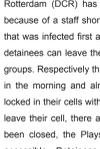
The aim is to gain more insights into the conditions of detention and to disclose this information to politics and the media. In addition, we offer assistance with the follow-up of complaints.

The coronavirus is a worldwide pandemic that has caused many victims. To limit the spread of this virus, many countries have taken many measures that impact peoples freedom. The Netherlands have also taken these kind of measures: these also impact the people held in immigration detention. Currently, the coronavirus is referred to as a 'crisis' and the news updates spread quickly. Through this liveblog, an overview will follow regarding the relevant developments for immigration detention in the Netherlands and Europe, due to the corona virus.

Do you have a complaint? Call 010-7470156. From detention you can call toll-free at 0800-3388776.

Follow us on: [Social media icons]

Or visit our website.



March 9th: Adjusted program DCR

Since March 9th, the schedule for detainees in the immigration detention centre in Rotterdam (DCR) has been adjusted and activities have been limited. This happened because of a staff shortage because many staff members are from Brabant, the province that was infected first and foremost with the coronavirus. The new schedule contains that detainees can leave their cells between 08:00 and 12:00 and 13:00 and 15:00 in small groups. Respectively this means that an individual is allowed to leave the cell for two hours in the morning and almost two hours in the afternoon. This means that detainees are locked in their cells with another person for 20 hours a day. During the hours that they can leave their cell, there are hardly any activities offered. For instance, the fitness area has been closed, the Playstations have been disconnected and the kitchen is also hardly accessible. Detainees are informed about the adjusted schedule by a letter. The Immigration Detention Hotline receives many phone calls of detainees who are frustrated about the adjusted schedule. They claim to be bored now the number of activities is limited and now they have to spend a lot of time in their cells.

March 10th: Court Amsterdam issues release

The sector migration law of the Court of Amsterdam decided on March 10th that an irregular migrant had to be released from immigration detention because there was no reasonable perspective on removal. This person had a Dublin-claim to Italy, however this country has closed their borders due to the coronavirus. According to the law, the Dutch government cannot legally detain an irregular migrant in immigration detention if there is no actual possibility that they can be deported.

March 13th: new measures DCR

The House of Representatives decided on March 13th that starting from March 14th, detainees are not allowed to receive visits anymore, with the exception of lawyers. The purpose of this measure is to limit the risk of getting infected with the coronavirus due to physical contact. Furthermore, the immigration detention centres in Rotterdam has also prohibited family and friends to import goods for the detainees. As a result, it is also not possible to import cash; money can be transferred by card but this takes up to three weeks.

As an alternative, more opportunities ought to be provided for detainees to maintain social contact through phone or video calls. The irregular migrants who are detained in DCR have received a single amount of €25 on their phone cards. However, for many detainees it is extremely expensive to call family members as they live abroad. They have run out of the phone credits rather quickly. The immigration detention hotline receives a lot of calls from people that are stressed about these measures. One man told he couldn't call his pregnant wife who is due soon because he didn't have money to call her.

March 14th: Organisations UK plead for release

Several organisations in the United Kingdom have plead for immediate release of irregular migrants from immigration detention to prevent uncontrolled coronavirus infections. Ten organisations that stand up for irregular migrants an human rights have written a letter in which they claim that there is a substantial risk of uncontrolled corona outbreaks in immigration detention. They state that: "We are concerned that if the government does not act now detainees will continue to be held in close proximity in a high-risk environment, leading to a preventable spread of the virus and losses of life".

In the immigration detention centre near Heathrow, people who are possible infected have been placed in isolation. Concerns were raised about infection control measures. Furthermore, lawyers are worried that the current detention and deportation policies do not only expose detainees to the risk of getting infected, but also the public. A spokesperson of the Home Office claims that deportations will continue, however because many flights are delayed due to corona, the deportation procedures will be difficult. Organisation Detention Action even sued the State in their plead for immediate release of irregular migrants. They said: "As the UK braces itself for this pandemic and as borders close the Home Office must take swift action to prevent a human catastrophe".

March 15th: new measures Ministry of Justice

On March 15th, the Ministry of Justice issued new measures concerning the approach towards the corona crisis. Many of these measures have an impact on migration policies. Asylum seekers who arrive in the Netherlands will no longer be allowed into shelter locations. They will also not be identified or registered. The Dutch immigration service has ceased the deportation procedures because it is almost impossible to travel abroad due to the crisis. Therefore, in most cases the result of these procedures will not outweigh the risks for public health.

Due to these developments, it is impossible for people to be deported. The Immigration Detention Hotline hopes that irregular migrants will be released from immigration detention as soon as possible.

March 16th: Hotline pleads for release

On March 16, the Hotline called upon the House of Representatives to release irregular migrants in irregular migrant detention as soon as possible. The D&TV has stopped return interviews. This is because the results of such interviews would not weigh on the risks from the point of view of public health. This refers to the fact that several countries, such as Italy and Morocco, have closed their borders because of the corona virus. This makes deportation to these countries impossible. As a result, the legitimacy of irregular immigration detention can be questioned. After all, the temporary cessation of return conversations, limited access to flights and the closing of national borders means that there is no longer a 'prospect of deportation' without this having to be met, the basis for detaining foreign nationals in detention lapses. Namely, the group of people for whom deportation is currently impossible should therefore be released.

It is important that these people do not end up on the street. Due to the corona virus, reception locations cannot accommodate everyone. Fortunately, there is a large group of foreigners who have a social network in the Netherlands and can stay with family or friends. As an alternative of detention they can have a reporting obligation.

In any case, the starting point should be that the health of people remains monitored. In the opinion of the Hotline, detention center Rotterdam cannot currently offer sufficient guarantees for this. Foreigners are locked up in a cell for more than 20 hours a day because of the coronavirus and the shortage of personnel. During the free hours, detainees cannot go to the gym and hardly undertake activities. This causes a lot of boredom and unrest among the detainees. There is also a shortage of staff within the medical service, which means long queues for medical care. As a result, there is less insight into possible contamination and this poses an unnecessary risk to others in detention (both detainees and staff).

Finally, there should be more phone credits available and Skype options should be offered in detention. As yet, this has not been sufficiently met. And right now is the time when contact is indispensable, because family members or acquaintances of foreigners can also become ill, contact options are essential.

The Hotline has therefore urgently appealed to the Dutch government to guarantee human treatment of foreign nationals and to release them immediately.

March 17th: irregular migrants released Spain

On March 17th, the Spanish authorities released the first eight irregular migrants from an immigration detention centre in Valencia. Spain has closed all borders due to the corona crisis which makes deportation of irregular migrants impossible. As a result, the legal basis to detain irregular migrants has ceased to exist.

March 18th: Amnesty pleads for human rights

On March 18th, Amnesty International published a letter calling on all governments and actors who are involved in measures to tackle the corona crisis, to keep them in accordance with international human rights and law. The specific needs of risk groups must be taken into account.

The letter examines the many human rights and safeguards. Here are a few important points:

Quarantine: Quarantining people limits their right to free movement. This can impede access to basic needs such as food, hygiene and health care. This can also have negative financial consequences. Amnesty recommends that all rights of people who are in quarantine must be protected and respected.

Travel restrictions and prohibitions: Restricting and prohibiting the possibility to travel affects the right of free movement, including the freedom to leave and enter each country. These measures hinder, among other things, people who are trying to reach their family. Amnesty states that if these restrictions are necessary, they must be in accordance with international treaties (ICCPR).

Access to information: Amnesty states that an important aspect of health care is that it is accessible to affected individuals and communities and that these groups are entitled to information about the nature of the health threat, the risks and the necessary measures, and to be warned about possible consequences.

Preventive care, goods and resources: The right to health includes prevention, treatment and control of diseases. This obliges governments to provide preventive care, goods, services and information to all persons of affected states on how to protect themselves. It is important that these goods are available and affordable to everyone, such as disinfectants and masks.

Different impact on certain groups: certain groups, such as the elderly and the sick, are at greater risk with regard to the virus. Governments should consider the impact of the measures for all these different groups and look for an appropriate solution.

Social security: the measures taken due to the virus have negative consequences for people who work in unsafe work circumstances, such as people who work illegally. They are often not entitled to social security and have less to no income due to the crisis. Amnesty calls for everyone to have access to social security.

Long-term recovery: In the long-term, the countries most affected by the virus will need international support and solidarity in rebuilding health systems and economies.

March 18th: Organisations France plead for release

The French Observatory for Detention of Foreigners (OEF) is alarmed to see that men, women and children are still deprived of freedom in administrative detention centers (CRA, detention facilities (LRA) and waiting areas (ZA). This is in contradiction with having "solidarity and responsibility" to one another what Emmanuel Macron proclaims now that France is in lockdown.

The immediate release of these people is an absolute requirement according to the OEF. They can only be detained if there is a reasonable prospect of deportation. However, the removal of these people is impossible for the following reasons: Firstly, because most of the air connections to countries, to which the irregular migrant would be deported are disrupted, and secondly, because the removal would violate the recommendations of the World Health Organization, which aims to to limit the risks of export or import of the virus in countries.

Additional reasons for releasing undocumented migrants are as follows:

- No satisfactory measures have been taken to protect them from the risks of contamination inside the detention centers
- There are insufficient measures to ensure that no humans, who carry the virus, enter the detention center
- Because in the detention center it is not possible to follow the regulations of the Ministry of Health are not always "sufficient distance"
- Inmates are not always well informed about the risks of potential contamination from Covid-19 and measures taken by the government

A similar situation is currently taking place in French prisons. Measures are being taken here to limit contact with people from outside detention by suspending visiting rooms and socio-cultural activities. However, staff members didn't take any measures to protect themselves and prisoners from any contamination. They do not wear gloves and masks for protection. In addition, detainees do not receive the latest information about the measures taken by the government and the progress of the virus.

It is inconceivable that the government won't take the initiative to release the detained irregular migrants, now that they have been exposed to health risks.

The Hotline agrees with the OEF's reasoning and hopes that worldwide people will be released as a result of the taken measures.

March 19th: 64 Dublin-claimants released

On Thursday, March 19th, 64 people were released from the immigration detention centre in Rotterdam and transported to the COA, which is an organisation that provides shelter for asylum seekers in the Netherlands. These people were all Dublin-claimants. A Dublin-claim means that another European country is responsible for the asylum procedure of a person. Due to the coronavirus many asylum procedures are impacted and therefore people cannot be deported.

March 19th: Again less personnel in DCR

The Hotline received several phonecalls of detainees in DCR who told us that as of the previous weekend there will again be less personnel present in the detention centre. They told us that psychologists are working from home and will conduct appointments through video calls. Especially the people in the Extra Care Unit are worried that they will receive less care per unit of this. Other detainees told the Hotline that there are on average four guards per unit right now.

March 19th: Hotline interviewed by EenVandaag

On Thursday, March 19th, the Immigration Detention Hotline was interviewed by the radio program 'EenVandaag'. During this interview, the Hotline, talked about the problem that people in DCR are locked in cells for 20 hours a day with two people. Furthermore, also the issues concerning the lack of activity and visits of family and friends were discussed.

The Hotline explained that due to the coronavirus many countries have closed their borders and the Dutch immigration service has discontinued deportation procedures. Due to these developments, it is said that there is no longer a 'reasonable perspective on removal'. According to the law, if this criterion is not met, people ought to be released from immigration detention. It was then announced that the group of 64 irregular migrants have been released from DCR. Additionally, a spokesperson of the COA was interviewed as well. He said that because the Netherlands is currently not allowing new asylum seekers to enter the country and procedure, there is some space available to shelter the people who were released. Usually, the COA does not provide shelter from people who have been in immigration detention, but due to the coronavirus it must be prevented that people sleep in the street. However, he emphasised that the shelter that is provided is only a very temporary solution.

The Immigration Detention Hotline is glad that the COA can provide shelter for irregular migrants in these times of crisis. However, we also share their concerns about the capacity of shelter places. Luckily, many irregular migrants have family and friends in the Netherlands who they can stay with after they have been released. Though there is also a group that is between a rock and a hard place; they have no right to shelter and also do not have a social circle. This is a group of very vulnerable people who will become even more vulnerable if they end up on the street. It is of utmost importance that this problem is resolved. The Hotline hopes that the rules and regulations concerning shelter can be waived temporarily. This crisis impacts everyone and it is important to support each other as much as possible and ensure that everyone has access to shelter and medical care.

March 19th: 200 irregular migrants released Belgium

The Belgium newspaper 'HLN' published an article saying that 200 irregular migrants have been released from immigration detention due to the corona crisis. According to the Belgium immigration service these people who were released are vulnerable people and other undocumented migrants who cannot be deported by plane because of the virus.

This group of people was held up in closed centres in Brugge, Merksplas, Vlammen Steenokkerzeel where they were waiting on the decision whether they could stay in Belgium or had to be deported. According to the article, among this group were people with chronic diseases like diabetes or heart disease, Dublin-claimants and people who did not commit any felonies in terms of public disorder. The spokesperson of the immigration service emphasised that the 304 irregular migrants who do have a criminal record will remain in immigration detention.

It is unclear where the group of released undocumented migrants are residing at the moment.

March 19th: Fear corona outbreak in prisons

FNV Dienst Justitiële Inrichtingen (FNV-DJI) is worried about the lack of social distance between personnel and detainees in prisons. The organisations calls for a disbandment of double cells. There is too much risk of people getting infected by the coronavirus when they share a cell with someone else for a large portion of the day.

The organisation furthermore states that it is extremely important that the distance of 1,5 meters is maintained. Therefore, sports should only be available if it can occur with social distance. According to the organisation, the prison personnel is insufficient in explaining detainees to keep distance from each other.

The Hotline is also worried about the usage of double cells. We receive many phonecalls of detainees who are in double cells for around 20 hours a day.

March 20th: Article EenVandaag

The interview with EenVandaag and the Hotline and COA is published in this article. We are happy that the situation is getting more attention in the public.

March 20th: CPT publishes standards on how to treat prisoners during corona crisis

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) states that protective measures for the coronavirus must never result in inhuman or degrading treatment of people in detention. As a reminder, the CPT publishes the next principles that should be applied by authorities responsible for persons deprived of the liberty in times of the coronavirus:

- 1) Take all possible action to protect the health and safety of detainees. These actions will also contribute to preserving the health and safety of the staff.
2) WHO-guidelines, national health and clinical guidelines to fight the virus must be respected and implemented in detention centres.
3) Staff availability should be reinforced and the staff should get professional support. The staff should also get health- and safety-protection and training to be able to continue to fulfil their tasks in detention centres.
4) Every measure taken against detainees to prevent the coronavirus should have a legal basis and be necessary. The measure should be proportionate, respectful of human dignity and restricted in time. Detainees should be informed about these measures in a language they understand.
5) Relevant authorities should make efforts to search for alternatives to deprivation of liberty. Authorities should make greater use of alternatives to pre-trial detention, commutation of sentences and early release and probation. Detaining migrants should be prevented to the maximum extent.
6) Special attention in health care should be required to the specific needs of detained persons, especially to vulnerable groups like older people and persons with pre-existing medical conditions. Detained persons should also receive additional psychological support from the staff.
7) In times of a pandemic it's reasonable that not-essential activities in detention centres will not continue, but fundamental rights of detained people should be respected. This includes the right to maintain adequate personal hygiene and the right of daily access to open air. Restrictions on contact with the outside world, like visits, should be compensated with other means to communicate.
8) A detained person that is placed in isolation of quarantine that may be or is infected with the coronavirus should be provided with meaningful human contact every day.
9) Fundamental safeguards against the ill-treatment of detained persons, like access to a lawyer of a doctor, should be respected in all circumstances. Precautionary measures, like wearing a protective mask, may be appropriate in some circumstances.
10) Monitoring by independent bodies like National Preventive Mechanisms (NPMs) and the CPT is an essential safeguard against the ill-treatment. States should continue giving access to these monitoring bodies for detained people or detained people that are kept in quarantine.

March 21st: 300 irregular migrants released in UK

The past few days, the UK released almost 300 irregular migrants from immigration detention due to the corona crisis. Presumably, more than 900 people are still detained in immigration detention.

Organisation 'Detention Action' sued the government and claimed that the Ministry of Foreign Affairs did not protect the detainees sufficiently from getting infected. Furthermore, it was not possible to determine which detainees were at a higher risk of getting infected due to their age or underlying health problems.

On March 25th a hearing will take place to determine whether detainees must be released from immigration detention. The decision of the court has not been published yet..

March 23rd: social distance in DCR

It was decided by the government that everyone in the Netherlands must remain at a distance of 1,5 meters from each other. As of March 23rd, this measure is also in force in DCR, detainees told us. Amongst others, this has consequences for cooking; detainees are not allowed to be in the kitchen with more than two people at the same time. The detainees are frustrated by this measure as cooking was one of the last activities still standing. As the detainees are only allowed to leave their cells for a few hours a day, not everyone will get their turn to cook due to this measure. Furthermore, it is difficult for the detainees to remain at a social distance of 1,5 meters as they are in a double cell of around 10m2 for the biggest part of the day.

March 23rd: Court The Hague decides against release due to corona virus

The Court in The Hague decided that an irregular migrant of Morocco descend will not be released from immigration detention. This decision was made while Morocco has closed all borders and the complainant did not receive a laissez-passer yet. The court states that the closing of borders is only a temporary situation and therefore does not see any reason to release the complainant.

The Hotline understand that the measures taken to tackle the corona crisis are only temporary, however as of right now it is unclear how long these measures will last. Moreover, the court go into the medical side of the arguments; namely, the medical care in DCR is currently not sufficient to prevent the disease to spread due to social distancing. The Hotline is disappointed that this was not taken into account with the decision of the court.

March 24th: unrest in DCR

The Hotline received several phone calls of detainees who say that they feel stressed due to the strict measures. They feel bored because of the lack of freedom and activities. Many detainees say they try to kill time by sleeping. They are also stressed because there is a lot of uncertainty about their situation. They are unsure whether they will be released because there is no perspective on removal. The Hotline hopes that this will be cleared up as soon as possible.

Writing a postcard Call us from detention

Currently, it is not possible for detainees to receive visits from family and friends. If you wish to support them in these difficult times, you can write them a post card! The people that we are in contact with are very appreciative of postcards with positive messages.

Despite the coronavirus, the Immigration Detention Hotline will remain reachable by the phone. You can call us from detention free from monday until friday on this number: 0800-3388776.

You can just write a general, supportive message and send the card to us. We will make sure to forward them to someone in immigration detention.

You can call us just to chat or to file a complaint on your behalf. We only file complaints about circumstances and incidents that occur within immigration detention. Beware: complaints must be submitted within seven days.

You can send the postcards to the following address:

Stichting LOS Tà.v. Meldpunt Vreemdelingendetentie Hang 16 3011 GG Rotterdam



Meldpunt Vreemdelingendetentie Hang 16 - 3011 GG Rotterdam Tel. 010 747 0156 Tel. vanuit detentie 0800 33 88 77 6 info@meldpuntvreemdelingendetentie.nl www.meldpuntvreemdelingendetentie.nl

