

DETENTION UNDER THE SPOTLIGHT

JRS visits people in immigration detention across Europe. We witness detention's negative impact on detainees and the effects of flawed migration systems. By exposing some of it, we hope to gain support in our call to end immigration detention. Stories are real. Names and other details were adapted for people's protection.

VULNERABLE PEOPLE UNPROTECTED

Detention negatively impacts people mental and physical health. The specific situation of some people (e.g. medical condition, age, ethnicity, gender, sexual orientation) can make them more vulnerable to it. Current legislation and practice in Belgium fail to protect them.

Upon arrival in detention, the law only provides for a medical exam. This is not sufficient to identify non-medical vulnerabilities. The immigration office could decide not to detain someone based on other considerations. But in practice, only the likelihood of return is considered for a detention order, except for +24 weeks pregnant women and children. Also, when reviewing detention orders, judges are only allowed to assess their legality and cannot consider vulnerability.

Rules on how to deal with vulnerable detainees only exist in an internal note of the immigration office.

THE STORY OF AJANI

I'm Ajani and I'm 23. I asked for asylum at the airport and they brought me to this place. I told that I was gay to the authorities because they asked me about my reasons to claim asylum. They put me in a room full of men with whom I had to shower. I felt really uncomfortable. It's like they didn't take my sexual orientation into account.

I didn't feel safe. While I was asleep, a man started caressing my leg and when I woke up he was touching his crotch. He freaked me out. I found the courage to tell the social assistant and they moved him out of the room. I'm still with the others though.

Bullying is my daily routine here. It's like at home but I can't go anywhere, I can't escape. Today someone pushed me in the queue for food and I fell. There's no system here for people who are different. They can change people's room but that's pretty much it.

RECOMMENDATIONS

JRS believes that vulnerable people should never be detained. If vulnerabilities arise or are detected when people are already detained, they should be released. To this end:

- The law should be changed to allow judges to look beyond the legality of detention so that they can take into account the vulnerability of a person while reviewing their detention.
- A clear legal framework that identifies vulnerability and spells out the consequences in relation to detention should be established. To start, the current internal rules of 'extra care and attention' could be made public and translated into legislative acts.

