FOCUS ON MIGRATION

ADMINISTRATIVE DETENTION IN THE NETHERLANDS

In English and Dutch

IOM International Organization for Migration
the Netherlands

European Return Fund
Focus on Migration is the periodical of the International Organization for Migration (IOM) in the Netherlands. The magazine is published two times a year and contains news, commentary and opinion on current migration topics in the Netherlands, including assisted voluntary return and reintegration, migration and development, and resettlement.

This special edition of Focus on Migration is one of the activities implemented by the IOM project ‘Assisted Voluntary Return to Migrants in Detention III (AVRD III)’, funded by the European Return Fund 2011 and co-funded by the Dutch Ministry of Security and Justice.
The detention of irregular migrants and asylum seekers in the Netherlands is not an easy subject. Among the criticism and controversy it has generated, the positive developments may be less visible. IOM has been a qualified witness in this process. Since 2004, IOM Netherlands has assisted some 3000 migrants in administrative detention who decided to leave the Netherlands and start life anew in their home country. This is why we have decided to review the subject in a special issue of Focus on Migration.

We spoke with organizations working on a daily basis with migrants in administrative detention - the Custodial Institutions Agency and the Spiritual Care Service, and also with non-governmental organizations and embassies. Then, of course, there are the stories of the migrants: the difficulty of making the decision to return; the plight of getting one’s life back on track in the effort to reintegrate in the home society.

Changes are underway. Earlier this year, the Dutch Secretary of State Teeven announced his plans to reform administrative detention in the Netherlands. On 13 September 2013, just before this magazine went to print, Dutch Prime minister Rutte confirmed the introduction of measures for a more humane detention for aliens. Things are definitely looking up.

Martin Wyss
Chief of Mission IOM the Netherlands

CONTENTS

Focusing on Departure
Organizations working in the Detention Centre Rotterdam work well together. This cooperation has resulted in a more socially-minded stay and an increase in successful departures.
Page 6 and 7, 10 and 11

Administrative Detention is Changing
After the fire at the detention centre at Schiphol in 2005, the Dutch government introduced a safer and more humane approach.
Page 2 and 3, 12 and 13

Working closely with Embassies and Consulates
It is very important for us to get in contact with migrants in administrative detention in the Netherlands, says the Ambassador of the Republic of Indonesia in the Netherlands.
Page 19

Migrant Stories
Personal stories about being detained as an irregular migrant and about return and reintegration.
Page 4 and 5, 23 and 24

The Need for Comfort and Faith Sharing
“The power that faith can give people in a difficult situation is impressive”, say prison chaplains Mohamed Ajouaou and Jan Eerbeek.
Page 8 and 9, 18

Exchanging Best Practices
To gain more insight and to exchange best practices, IOM organized visits to administrative detention centres in other European countries.
Page 21
Interview

Eric Nijman and Hans Butselaar

ADMINISTRATIVE DETENTION IS CHANGING

In the Aliens Act of 1965, the Dutch government ruled that freedom can be taken from immigrants. Their detention is based on an administrative measure and not on a criminal offence.

Until the beginning of the 21st century, undocumented immigrants in the Netherlands were often placed in prisons. A shortage of cells however led to the decision to introduce separate detention for immigrants, for instance in old prison buildings and boats.

The fire in the detention centre at Schiphol airport in October 2005, which killed eleven migrants, resulted in harsh criticism of the Dutch administrative detention. Since those days, more attention has been given to identifying a safer and more humane form of administrative detention. For instance, a range of activities has been introduced for people staying in administrative detention, including intensive counseling focused on voluntary return options.

On the night of 26 October 2005, eleven people lost their lives in a major fire at the Schiphol-Oost Detention Centre. This tragedy was devastating for everyone involved and had damaging effects on the Dutch immigration policy, both nationally and internationally. Eric Nijman was asked to manage the detention centre at Schiphol airport and to introduce changes. He focused mainly on the process of managing fire hazards in combination with a redesign of the administrative detention concept. “We formulated a new vision on administrative detention. The core of the new policy was the requirement to provide safe and humane detention with proper support for the migrant, with a focus on voluntary return.”

Looking back, Eric Nijman argues that the change has been successful. “Every employee understood that we had to change our work approach. With the opening of the new detention centre at the Schiphol airport, all the other forms of administrative detention were abolished. This resulted in the opening of detention centres at Schiphol, Alphen aan den Rijn, Rotterdam and Zeist, with a total capacity of 2,000 places for administrative detention.”

Motivating and Encouraging rather than Correcting

The big change consisted of talking to, motivating and encouraging migrants to think about their future. “Different organizations were invited to come and have a look including political parties and Amnesty International. We showed them that people staying in administrative detention had more freedom of movement than before, as well as access to good health care and professional guidance. IOM has played an important role. If at all possible, you have to try to interest the migrants in voluntary return. It is an essential complementary instrument for an undocumented migrant who finds himself in a fairly hopeless situation. The result is that each year dozens of people choose to return voluntarily to their countries of origin with IOM,” says Eric Nijman.

Hans Butselaar remarks that the actual detention facilities are an enormous improvement. “The detention boats have been replaced by new buildings. The Detention Centre Rotterdam, for instance, is a fairly friendly building, where parents and children* can stay in connected adjacent rooms.”

From 2,000 to 933 Places in Administrative Detention

The current capacity of 2,000 places in administrative detention is about to change. The Dutch State Secretary for Security and Justice Fred Teeven has announced that the number of places will be reduced to 933 by 2014. Eric Nijman says that freedom-restricting arrangements will probably replace the current custodial setup. “To me, a freedom-restricting centre (based on limited freedom; ‘vrijheidsbeperkende locatie’ or VBL) or a transit home of the type initiated by the churches constitute good alternatives to the conventional detention system.” Hans Butselaar finds that the reduction in the number of places is a logical consequence of what happens in practice.

* Families with children can only be placed in detention facilities temporarily, for a maximum of 14 days, before departure
"We simply do not need more places. We notice a significant decline in the number of places needed, although we do not quite know the causes. It means that, by 2018, we will no longer host migrants in the Alphen aan den Rijn detention center. Only three detention centres will eventually remain: Schiphol, Rotterdam and Zeist."

"After the fire at the detention centre at Schiphol in 2005, a safer and more humane approach has been introduced."

More Humane
These three centres focus on what State Secretary Fred Teeven calls a ‘more humane scale approach’. Teeven made this promise during the parliamentary debate following the suicide of Russian activist and asylum seeker Aleksandr Dolmatov in a Dutch detention centre. Hans Butselaar: “I am absolutely in favour of a more humane approach to administrative detention. But what does this imply? More freedom, various daily programmes and less time spent in their cell? Although the State Secretary has the final say, we are already taking preparatory measures.” Also important is the assistance given to the migrants in administrative detention and the focus on voluntary return, acknowledges Butselaar. “This is why we offer residents the opportunity to do their own research on the internet about the situation in their country of origin.”

Migrants’ quotes from the report ‘Leaving detention... A study on the influence of immigration detention on migrants’ decision-making processes regarding return’ published by IOM the Netherlands November 2011.

– “I think it is justified if people are detained once. But people should not be detained for a second or a third time if they cannot be repatriated. You damage people this way. And it doesn’t work anyway.”

– “I cannot spend the rest of my life in illegality in the Netherlands. It is obvious that I don’t have a future here. I’ve decided to return, but cannot return without money. I’ve been living here for 10 years and I cannot return empty handed.”

– “If the security and political situation in my country do not improve, I will never return there. Wherever I stay, if it’s the Netherlands or another country, legally or illegally, I will never return to my country.”

– “I want a new start. I don’t want to be detained for nothing. I’m fed up with my life here. I want a new start and I want it in my country.”

– “I’m willing to return, but I want my pension. I’ve been contributing to my pension fund in the Netherlands.”

– “The detention conditions are good. I receive medication. That is very important for me. If you are outside, you don’t have a doctor or the right to medication. Here, my health is now better since I receive treatment for Hepatitis C.”

– “I have thought about return. I have children over there and I miss them a lot. I can hear their voices and see their faces. I want nothing more than to be with them.”

– “I don’t see a future. I’m still in detention. I used to think about maybe saving some money and start something of my own, whether in my country or in the Netherlands. But now, I’m really numb and cannot think about the future anymore.”

– “I’ll return with money. I have a lot of experience now. I learned to cook very well in the Netherlands because I’ve been working as a cook. I would like to start a restaurant in my country, so I need the start-up capital.”
Helping is rewarding. As IOM Project Officers, my colleagues and I have made it our profession. Every day, we offer our assistance to migrants who are interested in voluntary return. Our assistance is based on sustainable reintegration opportunities in countries of origin, in which we cooperate closely with colleagues in the local IOM missions. A form of assistance we provide is hope, as reflected in these personal stories.

Euphrem Yamuremye, Project Officer IOM the Netherlands

Reunited with family
NAME: MIHAEL P.*
COUNTRY OF ORIGIN: KOSOVO/UNSC 1244

Mihael P. had been moving around Europe for many years. He registered with the Dutch Immigration and Naturalisation Service (IND) in 1997. He applied for a residence permit, but the application was denied. Mihael decided to remain in the Netherlands and often travelled to Germany for seasonal work.

Upon his arrest in the Netherlands in February 2008 he was diagnosed with a mental illness. After staying in several detention centres (Zeist, Alphen and Amsterdam) he was brought to the detention centre in Vught, where he received special medical care. A few months before his departure he was transferred to the detention centre in Rotterdam.

After one year in administrative detention, the Judicial Institutions Service (DJI) brought Mihael’s case to our attention. The Repatriation & Departure Service (DT&V) had tried to send him back to Kosovo a few weeks earlier, but Mihael used violence to stop his return. He was brought back to the detention centre in Vught. Although Mihael did not say much at that time, he made it clear to me that he had decided to return to Kosovo with IOM assistance.

Because of Mihael’s psychiatric condition an important requirement for his return was a safe place for him to go to upon arrival. Mihael said that his family lived in Pristina, but he did not know where exactly. Although details about his family were limited, I made a request to IOM in Pristina to trace his family. After two months of searching the good news arrived: his relatives, his mother and five brothers, had been located. They were very happy to hear about Mihael as they had lost contact with him over the past two years. Although his family realized that it would not be easy to take care of him, there was no doubt that they would take on the responsibility. I organized a phone call for Mihael to talk to one of his brothers. It was a great moment and reassured him that he was welcome to return home.

Three months passed before his doctor in the Netherlands confirmed that it was safe for him to travel to his country of origin escorted by a nurse. In Pristina he was reunited with his family who picked him up from the airport. The latest report of IOM Pristina informs us that Mihael is doing fine six months after his return.

The decision to return to Iraq took some hard thinking
NAME: KHALID B.*
COUNTRY OF ORIGIN: IRAQ

Khalid B. left Iraq in 1994 when his country was still ruled by Saddam Hussein. His parents were able to settle in the USA but Khalid went to Turkey where he stayed for eight years. His problems began in 2002 when he decided to come to Europe. He first went to Norway, where his asylum application was rejected and he returned to Norway. After another year living in the street he decided to come to Europe. He first went to Norway, where his asylum application was rejected. He worked illegally for two years earning just enough money to survive. After two years he lost his job and ended up in the street begging for money because he had nothing to eat.

In 2005, Khalid left Norway and travelled to Sweden to ask for asylum. Since he had already applied for asylum in Norway, his request was turned down and he returned to Norway. After another year living in the street he decided to come to the Netherlands. He travelled via Germany, but did not want to apply for asylum there. A friend advised him to come to the Netherlands with the hope that he would have a better chance of being accepted.
When Khalid arrived in the Netherlands in June 2007, he met many Iraqis whose asylum applications had been refused and who eventually forced to leave the country. Khalid was so disappointed that he did not apply for asylum. He was confused and did not know what to do. He decided to stay in the Netherlands without papers. He was so ashamed of his situation that he did not dare to contact his relatives. In July 2010 the police picked him up and put him in administrative detention.

At the detention centre in Zaandam, Khalid indicated that he wanted to talk to IOM about his situation. He told me his long story, and I advised him to contact his mother in the United States. She was very happy to hear from her son. His mother advised him to return to their family home in Iraq, which would be his because his siblings were now settled in the United States. Khalid was very positive about his forthcoming return to Iraq. His siblings however were upset with the news because they were renting out their parents’ house to supplement their income.

Khalid was angry with his siblings. He strongly felt that he had a right to at least part of the rent earnings. I understood his problem and tried to arrange his travel documents quickly so he could get to Iraq and sort out the problem.

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**A disappointing life in Europe**

**NAME:** KIRILL D.*  
**COUNTRY OF ORIGIN:** UKRAINE

Kirill D. came to the Netherlands with friends from Poland in September 2009. After arriving in the Netherlands he worked illegally and shared a small and squaid room with two Polish men. He worked as a house painter and earned approximately €1200 per month. Each month he would send €300 to his wife in Ukraine. But in January 2011 Kirill lost his job. He had high hopes of finding a new job. He used all his savings to pay the rent for 3 more months but could not find any work. He stopped sending money to his family. In April his roommates called the police because he could not pay the rent anymore, and the police placed him in the detention centre in Zaandam.

Kirill only spoke Russian so he was relieved to meet me and to explain his problems in his own language to an independent party. He told me his story, and that he wanted to go back to his country if at all possible. He was worried about his wife who had returned to live with her parents because she literally had nothing to eat. Kirill did not have any documents but I contacted his wife and she faxed us a copy of his passport. Kirill D. returned within three weeks.

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**Too afraid to return**

**NAME:** NOSAKHERE S.*  
**COUNTRY OF ORIGIN:** NIGERIA

Nosakhere S. comes from Nigeria. He was brought to the Netherlands by Mr. B. from Nigeria in October 2011. He was promised a better life in Europe. Upon arriving in the Netherlands, Mr. B. forced Nosakhere to work in the sex industry. One night he was raped and beaten by three men. The following day he managed to escape and ran away. In blind panic, he went to the police station and reported the case. The police were kind to him and had his wounds treated.

After the rape, Nosakhere bled for three days. The detective in charge took his statement and referred him to the Aliens Police. The police took him to a place where he could stay for a few days and they arranged an appointment for him with FairWork, an organization specialized in helping victims of trafficking. Nosakhere had travelled to the Netherlands with a visa and a passport, but the documents were confiscated by his traffickers. As an irregular migrant, Nosakhere was transferred to a detention centre where he was counselled by FairWork and IOM.

Nosakhere has told me he does not want to be irregular, but going back to Nigeria frightens him because he has given the police the name and address of the man who brought him to the Netherlands for sex trafficking. He only wants to return after the police investigation is complete and the trafficker arrested. FairWork continues to support him with counseling. Nosakhere feels very tired.

* Names has been changed, for privacy reasons. However all stories are true.
Focus on Migration spoke with four staff of the different organizations working in the detention centre in Rotterdam. Peter Bolderheij is a division manager at the Repatriation and Departure Service (DT&V) of the Ministry of Security and Justice. Marjon Beker, also from DT&V, coordinates the procedures concerning migrants in administrative detention. Ard Venhuizen is an IOM project officer specializing in voluntary assisted return from detention (AVRD). Marina aan de Wiel from the Custodial Institutions Agency, the detention centre’s management, addresses the daily social and practical issues in the centre.

The interviewees acknowledge that cooperation between their organizations has intensified, leading to positive results. Peter Bolderheij: “We notice an increase of successful independent departures. The number of forced returns rose as well. The duration of stay has decreased to an

Migrants not allowed to stay in the Netherlands are placed in detention, based on the Dutch Aliens Act 2000. Administrative detention ensures that the migrants are available for departure and prevents their disappearance into illegality. Irregular migrants are held in the detention centres in Alphen aan den Rijn, Rotterdam or Zeist, or at the Schiphol airport. According to the employees of the different organizations in the Detention Centre Rotterdam (DCR), they cooperate well together. This has resulted in a more socially-minded stay and an increase in successful departures.
Focus on Migration
19th edition, number 2

average of three months. This progress is mainly due to the good cooperation between our organizations: DJI, DT&V and IOM. Until a few years ago, some organizations did not want to be involved with administrative detention. Now however, we are all working together.”

Ard Venhuizen explains that IOM is struggling with the reality that irregular migrants are being detained. “Administrative detention is a very serious measure, only to be used as a last resort. However, IOM has always been active in the detention centres in the Netherlands. The detention centre in Rotterdam is well-organized. We have access to all migrants at any moment they want to see us, so it is easier for us to reach out to people.”

More Freedom of Movement
Administrative detention is becoming increasingly socially-conscious. Migrants have more room to move around, activity programmes, sports facilities and movie nights. People have access to spiritual guidance and medical care, and they can make appointments with psychiatrists, psychologists and dentists. Families have more freedom to go outside, and although regular meals are served, the residents can also buy groceries and cook for themselves. Immediately upon arrival the migrant is interviewed by the centre’s medical staff. Marina aan de Wiel: “On behalf of the detention centre’s management, we explain what the detention centre offers. We check if the migrant has established contact with a lawyer, because newcomers do not always remember that a lawyer has been assigned to them.

If they wish, they can also visit lawyers during free of charge consultation hours organized in the detention centre. For migrants who have lived in the Netherlands for a while, we can settle issues concerning the termination of rent contracts and insurance. In addition, we outline what the next steps are, by providing information about DT&V and IOM. We point out that people are responsible for their own future. Central to our work, however, is their departure from the Netherlands.”

“Administrative detention is a very serious measure, only to be used as a last resort.”

Voluntary Departure is Preferable
After these initial procedures, DT&V starts the departure process. Marjon Beker: “This requires an individual approach. We will look for the most appropriate way for each person to leave the Netherlands with regard to his or her future prospects. We immediately begin by applying for travel documents at the embassy. We also point out the possibility of return with support from IOM. Voluntary return with IOM has always been our preference because it expedites the process and thus limits the time the migrant spends in administrative detention. If voluntary return is not a viable option, we focus on a forced return.”

DT&V prepares for a forced return even if a person chooses to return with IOM support. “A migrant might reconsider. Every month people have the right to appeal against their detention. If no progress is being made the court will not allow the migrant to remain in administrative detention.”

Manager Peter Bolderheij ensures that coordinator Marjon Beker has all the instruments she needs to organize a migrant’s return. “We know that many migrants are embarrassed to go back home empty-handed. This was not what they had in mind when they left their country. At this point, migrant organizations can step in, with projects supporting the migrant’s reintegration in countries of origin. IOM is one of the organizations offering reintegration support upon return.”

While DT&V will surely try to persuade people to leave voluntarily, IOM does not work this way. “We do not persuade anyone. A well-informed decision is what IOM stands for,” says IOM’s Ard Venhuizen. The notion that the longer the stay in administrative detention the surer the departure appears outdated. Ard Venhuizen: “It is much more complicated than that. It is not only about cooperation, it is also about obtaining documents, tracing the family and many other things. Once the obstacles are clear, you can work on solutions.” The employees often notice that people are relieved to return. “They often realize that remaining illegally in the Netherlands is not a solution.”

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Marjon Beker, Marina aan de Wiel, Peter Bolderheij and Ard Venhuizen: “Our cooperation has resulted in a more socially-minded stay and an increase in successful departures.”

Picture on page 6: Administrative detention is a serious measure – photo from IOM the Netherlands’ film ‘Caged’.

Marjon Beker, Marina aan de Wiel, Peter Bolderheij and Ard Venhuizen: “Our cooperation has resulted in a more socially-minded stay and an increase in successful departures.”

Picture on page 6: Administrative detention is a serious measure – photo from IOM the Netherlands’ film ‘Caged’.
Interview

THE NEED FOR COMFORT AND FAITH SHARING

Many people in administrative detention are struggling with faith issues and the meaning of their lives. They are often deeply religious and want to share their faith and to confess,” says Mohamed Ajouaou, Head of the Islamic Chaplaincy, and Jan Eerbeek, retired Head of the Protestant Chaplaincy of the Spiritual Care Service, Ministry of Security and Justice (see box).

The approximately 177 chaplains working in detention centres across the Netherlands belong to seven spiritual backgrounds: Roman Catholic, Protestant, humanist, Jewish, Muslim, Buddhist and Hindu.

Mohamed Ajouaou: “The chaplains provide spiritual care in individual interviews and in group meetings. This happens in the special prayer or meditation rooms available in each detention centre and suitable for all life philosophies and faiths. It is where, for example, Muslims say their Friday prayers, Christians conduct their Sunday services, and humanists organize reflective meetings. We believe that the Dutch government adequately facilitates the professing of religion for migrants in administrative detention.”

Many of these migrants experience their situation as hopeless,” says Jan Eerbeek. “They came to Europe because they wanted to build a future and the opposite has happened. They are now asked to leave the country. We see how people struggle to cope when their hopes and expectations are not realized. We appoint special migrant ministers and involve volunteers and churches outside the administrative detention system to assist. This substantial religious emphasis comes from the fact that these people come from regions in the world where religion is a very strong factor in a person’s life.”

Faith Creates Trust

Through their personal conversations, the migrant and the resident chaplain are building a bond of trust. Mohamed Ajouaou: “People feel free to tell us how they feel and they expect consolation.” But the chaplain’s work goes beyond this. “Because people trust us, deeper conversations take place as well. You try to encourage them to do something with their lives, because hope does not come by itself. Together we look at the years that are lost, and we look towards the future and how they can work towards their return home.”

Mohamed Ajouaou: “People dare to open their hearts to us. They expect our consolation.”

Jan Eerbeek: “Many people want to communicate about their faith with someone from their own faith tradition.”

Transit House for Possible Return

The chaplains give attention to migrants who are not allowed to remain in the Netherlands and who want to return, as well as to those who are unable to return to their country of origin. This can happen for various reasons, for instance out of shame because their migration plans have failed or because their country of origin does not cooperate with the return process. Jan Eerbeek: “A few years ago we set up a transit house for these people (ed.: see also page 23). Migrants can stay there for a while. In the meantime, we assess whether their voluntary return is feasible.” Several organizations participate in the Transit House, including IOM and the NGO INLIA Foundation.
Focus on Migration
19th edition, number 2

Agent of Change
In the year 1965, the legal provision to detain irregular migrants was for the first time included in the Dutch Aliens Act by a Catholic-led government. Surprised? I was. To my mind, that era is associated with the flower power movement and the reinforcement of the welfare state with its wellbeing-for-all concept. The controversial topic of migrant detention doesn’t seem to fit in that era’s philosophy. To what extent is there any logic in the development of aliens’ detention in the Netherlands?

It wasn’t until the mid-eighties that the government actually started to make use of the law. Parallel to the bad weather the Dutch economy was facing, the social climate for migrants deteriorated too.

From that time on, more and more irregulars were placed in detention, with numbers peaking at over 3000 in the first years of the new millennium. Decades went by without much scrutiny of this practice in the context of human rights. It took a fire at the Schiphol detention centre in 2005, which killed 11 migrants, to have the topic placed on the political agenda. It was a tipping point.

I recall my first years working for IOM, in ramshackle detention boats floating in a desolate corner of the Rotterdam harbor. Those are history now, having been replaced by safe buildings. Over the years, the facilities have gradually improved. In addition, there are fewer migrants in detention and they stay shorter than before.

Improved, but far from indisputable, as demonstrated in the aftermath of Aleksandr Dolmatov’s suicide in detention in January this year. State Secretary Fred Teeven announced he would further modernize aliens’ detention, more focus on alternatives to detention included.

You wouldn’t expect this move from a right-wing politician. Not more than you would expect a church-going government to lay the foundation for aliens’ detention in an era in which the concept of freedom was reinvented.

If it weren’t for the 11 Schiphol fire casualties and the suicide of a Russian man, these developments may not have taken place.

**Spiritual Care Service, Ministry of Security and Justice**

The Spiritual Care Service advises the political and administrative management of the Custodial Institutions Agency (Dienst Justitiële Inrichtingen DJI) about spiritual care needs in detention centres in the Netherlands. All 177 chaplains are both religious ministers and civil servants. They give guidance, based on their faith, to migrants in administrative detention about dealing with the latter’s past decisions, current situation and prospects for the future.

(Source: www.dji.nl)

**Adviser on Humanity**

An important task for all chaplains is to observe and monitor the humanitarian aspects of administrative detention. “In the early nineties, when the Netherlands was using detention boats, we advocated for more activities for migrants, such as listening to music or reading books in their own languages. The Detention Centre Rotterdam started a large library and local churches collected musical instruments. Over the years, we have organized meetings and concerts in the detention centres with the help of other parties and volunteers.” Jan Eerbeek and Mohamed Ajouaou do not comment on the public opinion about the inhumane aspect of administrative detention. “It is important for us to help and guide people in administrative detention. To a chaplain, all people are equal and we give everyone the care they ask for.” Both chaplains feel that their work has had a positive impact on their own faith. “The power that faith can give people in a difficult situation is impressive. This is very rewarding. It is not true that all people in administrative detention are simply miserable. Both of us meet vital people who draw their strength from their faith.”

**COLUMN: Olivier Sprée, IOM the Netherlands**

**Agents of Change**

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If it weren’t for the 11 Schiphol fire casualties and the suicide of a Russian man, these developments may not have taken place.
Migranten aan wie geen verblijf in Nederland is toegestaan, kunnen in de vreemdelingenbewaring terechtkomen. Zij vallen niet onder het strafrecht maar onder het bestuursrecht, namelijk de Vreemdelingenwet 2000. De inbewaringstelling zorgt dat de migranten beschikbaar is voor vertrek en voorkomt dat iemand uit het zicht verdwijnt. De inbewaringstelling vindt onder andere plaats in het Detentiecentrum Rotterdam (DCR) met een capaciteit van circa 580 plaatsen. Volgens de medewerkers van diverse diensten binnen DCR is dankzij goede onderlinge samenwerking en een socialer verblijf sprake van steeds meer succesvol vertrek.

De redactie sprak met vier medewerkers van diverse diensten binnen het Detentiecentrum Rotterdam. Peter Bolderheij is afdelingsmanager bij de Dienst Terugkeer en Vertrek (DT&V) van het ministerie van Veiligheid en Justitie. Marjon Beker heeft de regie over het traject van de in bewaring gestelde mensen van binnenkomst tot vertrek uit Nederland. Ard Venhuizen is Project Officer binnen het team Assisted Voluntary Return from Detention (AVRD) van IOM. Hij informeert de bewoners over de mogelijkheden van vrijwillig vertrek en de ondersteuning van IOM. Marina aan de Wiel is medewerker Vreemdelingenzaken van de Dienst Bijzondere Voorzieningen binnen de Dienst Justitiële Inrichtingen. Zij houdt zich bezig met sociale en praktische problemen waar bewoners tegen aanlopen.

**Korter verblijf in detentie**

De medewerkers merken dat de samenwerking is gegroeid en vruchten afwerpt. Peter Bolderheij: “We zien in toenemende mate succesvol zelfstandig vertrek en een toename van het aantal uitzettingen. Zij houdt zich bezig met sociale en praktische problemen waar bewoners tegen aanlopen. Dit zorgt voor een korter verblijf in detentie.”
Focus on Migration
19e jaargang, nummer 2

is vooral te danken aan de samenwerking tussen de partijen en de opgedane ervaring. Sommige organisaties moesten een aantal jaren geleden niets weten van vreemdelingebewaring, terwijl we nu met hen samenwerken.”

Ard Venhuizen licht daarbij toe dat IOM worstelt met het principe van vrijheidsontneming. “Vreemdelingebewaring is een erg zwaar middel dat alleen in het uiterste geval ingezet mag worden. Dat neemt niet weg dat wij altijd in de vreemdelingebewaring hebben gewerkt. Daarbij moet ik zeggen dat het niet beter geregeld kan zijn dan hier. We hebben toegang tot alle bewoners en kunnen de mensen makkelijk bereiken.”

Meer bewegingsvrijheid
Vreemdelingebewaring is volgens de medewerkers een stuk socialer geworden. Er is meer bewegingsruimte, er zijn dagprogramma’s, sportmogelijkheden en filmavonden. Mensen hebben toegang tot medische zorg, geestelijke verzorging, psychiater, psychologen en tandartszorg. Gezinnen en moeders met kinderen hebben meer bewegingsvrijheid om naar buiten te kunnen. Er is vaste voedselverstrekking maar mensen kunnen ook boodschappen bestellen en zelf koken.

Direct na binnenkomst heeft de bewoner een gesprek met de medische dienst. Marina aan de Wiel: “Vervolgens geven wij als medewerker Vreemdelingenzaken uitleg over het traject van vertrek. We zoeken voor elk persoon een passende vorm met maar het doel dat betrokkene Nederland verlaat en perspectief voor de toekomst krijgt.

We starten direct met het aanvragen van een reisdocument bij de ambassade én wijzen op de mogelijkheid van vertrek met ondersteuning van IOM. Vrijwillig vertrek met IOM heeft altijd onze voorkeur, want dan gaat het proces veel sneller en de vreemdeling zit korter in bewaring. Maar lukt dat niet, dan volgt uitzetting.”


De medewerkers stellen ook regelmatig vast dat mensen opgelucht zijn. “Ze zien vaak zelf wel in dat als illegaal in Nederland blijven geen oplossing is.”

Zelfstandig vertrek absolute voorkeur
Na deze procedure begint DT&V met het traject van vertrek. Marjon Beker: “Dat doen we met maatwerk. We zoeken voor elk persoon een passende vorm met maar het doel dat betrokkene Nederland verlaat en perspectief voor de toekomst krijgt. We starten direct met het aanvragen van een reisdocument bij de ambassade en wijzen op de mogelijkheid van vertrek met ondersteuning van IOM. Vrijwillig vertrek met IOM heeft altijd onze voorkeur, want dan gaat het proces veel sneller en de vreemdeling zit korter in bewaring. Maar lukt dat niet, dan volgt uitzetting.”

Ook al kiest iemand voor terugkeer via IOM, dan toch bereidt DT&V het eigen traject voor. “Je weet nooit of hij nog op die keuze terugkomt. Mensen kunnen elke maand een beroep indienen bij de rechtsgang tegen de inbewaringstelling. Als hier niet voortvarend is gehandeld zal de rechtbank de grond voor de inbewaringstelling niet goedkeuren.”

Als leidinggevende zorgt Peter Bolderheij dat de regievoerder zoveel mogelijk instrumenten heeft om vertrek mogelijk te maken. Dit gebeurt onder andere door met zoveel mogelijk organisaties samen te werken. “Bekend is dat veel mensen zich schamen om met lege handen terug te keren. De migratie had immers een heel ander doel. Daar kunnen migrantenorganisaties een rol in spelen. Zij kunnen subsidie krijgen als ze zich inzetten om terugkeer te ondersteunen die is gericht op herintegratie in het herkomstland. IOM is een van de organisaties die mogelijkheden voor herintegratie-ondersteuning biedt na terugkeer.”

“Vreemdelingebewaring is een erg zwaar middel dat alleen in het uiterste geval ingezet mag worden.”

Marjon Beker, Marina aan de Wiel, Peter Bolderheij en Ard Venhuizen: “Dankzij goede onderlinge samenwerking en een socialer verblijf sprake van steeds meer succesvol vertrek.”

Foto op pagina 10: De gedachte is achterhaald dat langer vasthouden de kans op vertrek vergroot – foto uit de film ‘Caged’ van IOM Nederland.

Foto op pagina 10: De gedachte is achterhaald dat langer vasthouden de kans op vertrek vergroot – foto uit de film ‘Caged’ van IOM Nederland.
Interview

Eric Nijman en Hans Butselaar

VERANDERINGEN BINNEN VREEMDELINGENBEWARING

In de Vreemdelingenwet van 1965 heeft de Nederlandse overheid geregeld dat aan vreemdelingen de vrijheid kan worden ontnomen. Deze in bewaringstelling is geplaatst in het kader van een bestuursmaatregel en niet binnen het strafrecht.

Trot het begin van de 21ste eeuw worden ongedocumenteerde vreemdelingen veelal in de strafinrichtingen ondergebracht. Vanwege cellentekort wordt echter besloten tot het realiseren van aparte detentievormen, onder andere in oude gevangenissen en boten.

Na de Schipholbrand in oktober 2005, waarbij elf gedetineerde vreemdelingen omkomen, wordt deze uitvoering sterk bekritiseerd. Sindsdien is er gewerkt aan een veilige en humane inbewaringstelling.

Er is een activiteitenaanbod dat er toe doet en mensen krijgen intensieve begeleiding gericht op zelfstandige terugkeer.


De brand in oktober 2005 in het cellencomplex van het detentie- en uitzetcentrum op Schiphol-Oost was voor alle betrokkenen een vreselijk drama en gaf nationaal en internationaal een enorme imagoschade aan het Nederlandse vreemdelingenbeleid. Eric Nijman werd gevraagd de directie te voeren en veranderingen door te voeren. Hij concentreerde zich vooral op de verwerving van de brand door alle partijen in combinatie met een heroriëntatie op de vreemdelingenbewaring zelf.

“We schreven een nieuwe visie op de vreemdelingenbewaring en uitvoering ervan. Kern daarvan was: wij gaan niet over het beleid, onze focus ligt op de uitvoering. Wij moeten zorgen voor een veilige en humane bewaring met een goede begeleiding gericht op vrijwillige terugkeer.”

Terugblikkend vindt Eric Nijman dat dit veranderingsproces goed is verlopen. Elke medewerker begreep dat we ons werk anders moesten uitvoeren en inrichten.

“Na de Schipholbrand in 2005 is gewerkt aan een veilige en humane inbewaringstelling.”

Motiveren en stimuleren in plaats van corrigeren

Het gesprek aangaan, mensen motiveren en stimuleren, dat was de grote omslag. “Allerlei partijen en organisaties werden uitgenodigd om te komen kijken, zoals politieke partijen en Amnesty International. Ze konden zien dat mensen meer bewegingsvrijheid hebben, toegang hebben tot goede zorg en dat de begeleiding en motivering was geprofessionaliseerd.

Daarin had IOM een belangrijke rol. Want als het maar even kan moet je mensen zien te bewegen tot vrijwillig vertrek. Dat is een wezenlijk aanvullend instrument voor de ongedocumenteerde vreemdeling die in een toch tamelijk uitzichtloze positie zit. Het resultaat is dat jaarlijks tientallen mensen vanuit detentie via IOM terugkeren”, aldus Eric Nijman.

Hans Butselaar ziet ook in de gebouwen een enorme verbeterslag. “Zo hebben de detentiepunten plaatsgekomen voor nieuwe gebouwen. Neem Rotterdam, dat is nu een redelijk vriendelijk en mooi gebouw, waar bijvoorbeeld ouders en kinderen in twee kamers met een open verbinding kunnen verblijven.”

“Na de Schipholbrand in 2005 is gewerkt aan een veilige en humane inbewaringstelling.”

Van 2000 naar 933 plaatsen in bewaringstelling

In de huidige capaciteit van 2000 plaatsen komt verandering. De staatssecretaris van Veiligheid en Justitie, Fred Teeven, zal het aantal plaatsen voor vreemdelingenbewaring in 2014 terugbrengen naar 933. Het is volgens Eric Nijman niet ondenkbaar dat er zelfs meer vrijheidsbeperkende dan vrijheidsontnemende plaatsen komen.

“Ik vind een vrijheidsbeperkende locatie (VBL) of een transithuis zoals de kerken hebben opgezet goede alternatieven.”

Hans Butselaar constateert dat het
Focus on Migration
19e jaargang, nummer 2

verminderen van het aantal plaatsen een logisch gevolg is van de praktijk. “Er zijn gewoon niet meer plaatsen nodig. We zien een enorme terugloop van het aantal benodigde plekken, zonder dat we daar een verklaring voor kunnen geven. Het betekent overigens dat wij in 2018 geen vreemdelingen meer zullen huisvesten in het detentiecentrum in Alphen aan de Rijn. We houden dan drie detentiecentra, namelijk Schiphol, Rotterdam en Zeist.”

Mee r de menselijke maat
In deze drie centra komt wat staatssecretaris Teeven betreft een ‘meer menselijke maat’. Hij heeft dit toegezegd in het Tweede Kamerdebat naar aanleiding van de zelfmoord van de in bewaringgestelde asielzoeker Dolmatov. Hans Butselaar: “Ik ben zeker voorstander van meer menselijke maat voor deze vreemdelingen. Ik vraag me echter wel af hoe we dat gaan vormgeven. Want waar denk je aan? Meer vrijheden, andere dagprogramma’s, minder uren verblijf op de kamer? Hoewel uiteraard de staatssecretaris hierover beslist, gaan we ons daar alvast in verdiepen.”

Migrants’ quotes from the report ‘Leaving detention... A study on the influence of immigration detention on migrants’ decision-making processes regarding return’ published by IOM the Netherlands November 2011.

- “I think it is justified if people are detained once. But people should not be detained for a second or a third time if they cannot be repatriated. You damage people this way. And it doesn’t work anyway.”

- “I cannot spend the rest of my life in illegality in the Netherlands. It is obvious that I don’t have a future here. I’ve decided to return, but cannot return without money. I’ve been living here for 10 years and I cannot return empty handed.”

- “If the security and political situation in my country do not improve, I will never return there. Wherever I stay, if it’s the Netherlands or another country, legally or illegally, I will never return to my country.”

- “I want a new start. I don’t want to be detained for nothing. I’m fed up with my life here. I want a new start and I want it in my country.”

- “I’m willing to return, but I want my pension. I’ve been contributing to my pension fund in the Netherlands.”

- “The detention conditions are good. I receive medication. That is very important for me. If you are outside, you don’t have a doctor or the right to medication. Here, my health is now better since I receive treatment for Hepatitis C.”

- “I have thought about return. I have children over there and I miss them a lot. I can hear their voices and see their faces. I want nothing more than to be with them.”

- “I don’t see a future. I’m still in detention. I used to think about maybe saving some money and start something of my own, whether in my country or in the Netherlands. But now, I’m really numb and cannot think about the future anymore.”

- “I’ll return with money. I have a lot of experience now. I learned to cook very well in the Netherlands because I’ve been working as a cook. I would like to start a restaurant in my county, so I need the start-up capital.”

– Eric Nijman: “Ik vind een vrijheidsbeperkende locatie (VBL) of een transithuis zoals de kerken hebben opgezet goede alternatieven.”

– Hans Butselaar: “We zien een enorme terugloop van het aantal benodigde plaatsen.”
HULP AAN ONGEDOCUMENTEERDE MIGRANTEN

Pauluskerk: een laatste strohalm


Stichting ROS

Belangenbehartiging en hulp

Het Rotterdams Ongedocumenteerden Steunpunt (ROS) is een NGO die zich inzet voor migranten zonder verblijfsrecht. Het ROS werkt voor uitgeprocedeerde asielzoekers en (arbeids)migranten zonder verblijfsvergunning. Stichting ROS biedt advies en informatie over verblijfsrechten, medische zorg en onderwijs, gratis Nederlandse les, bemiddeling naar advocaten, tijdelijke nood-opvang, hulp bij terugkeer (herintegratie) naar het land van herkomst; ondersteuning in zelforganisatie, belangenbehartiging en lobby en protest.

Het werk van stichting ROS wordt financieel mogelijk gemaakt door o.a. SKANfonds, fonds DBL, DCI Rotterdam, Cordaid, Volkskracht en Stichting Rotterdam.

Voor meer informatie: www.pauluskerkrotterdam.nl

Stichting INLIA - Transithuis

Onderdak en hulp gericht op duurzame hervestiging

Stichting INLIA, het Internationaal Netwerk van Lokale Initiatieven ten behoeve van Asielzoekers in Groningen, biedt hulp aan asielzoekers in nood. INLIA is een netwerk van lokale kerken met twee doelstellingen: noodhulp bieden aan asielzoekers en het ondersteunen van aangesloten kerken in hun betrokkenheid bij asielzoekers in nood. Eind 2009 is Stichting INLIA, op verzoek van Kerk In Actie, in de stad Groningen gestart met het project ‘Transithuis’. Dit project is bedoeld voor migranten zonder verblijfsdocumenten die zich in vreemdelingenbewaring bevinden of die dreigen daar terecht te komen. Justitiepastores kregen steeds meer zorgen over deze groep migranten. Samen met professionele medewerkers worden de belemmeringen in beeld gebracht die een duurzame hervestiging in het land van herkomst of een ander land in de weg staan. Vervolgens wordt samen bekeken hoe kan worden gewerkt aan een duurzame en veilige terugkeer en wederopbouw in het land van herkomst.

Het project ‘Transithuis’ is een samenwerking tussen het Justitiepastoraat, ICCO, Kerk in Actie, het Leger des Heils, de Stichting INLIA en IOM. In de afgelopen jaren zijn diverse migranten succesvol teruggekeerd.

Voor meer informatie: www.inlia.nl/transithuis
Interview

Sandra Claassen

SLACHTOFFERS MENSENHANDEL IN DETENTIE

Onder vreemdelingen die in bewaring zijn gesteld bevinden zich ook slachtoffers van mensenhandel. FairWork wil dat deze slachtoffers (h)erkend worden en dat ze informatie krijgen over hun mogelijkheden en rechten. Daarom heeft FairWork de achterliggende jaren een ondersteuningsproject uitgevoerd en 230 slachtoffers in detentie ondersteund. Directeur van FairWork Sandra Claassen: “Onze ondersteuning gold zowel voor slachtoffers die aangifte wilden doen als mensen die kozen voor terugkeer of verder verblijf in Nederland. Want ook in detentie kunnen slachtoffers aangifte doen tegen hun handelaar en wellicht aanspraak maken op een tijdelijke verblijfsvergunning (B9).”

FairWork ontwikkelt campagnes, trainingen en kennis op het gebied van signalering en begeleiding van slachtoffers van mensenhandel en arbeidsuitbuiting. FairWork informeert deze slachtoffers over de keuzes die ze kunnen maken en over hun rechten.

Meer informatie: www.fairwork.nu
Nationale ombudsman: “Detentie alleen als er geen alternatief is”

In het rapport Vreemdelingenbewaring, strafregime of maatregel om uit te zetten pleit de Nationale ombudsman Alex Brenninkmeijer voor alternatieven zoals een meldingsplicht voor migranten met een irreguliere status of het betalen van een borgsom.

Jaarlijks sluit Nederland zesduizend mensen zonder verblijfsstatus op in vreemdelingen-detentie waarbij irreguliere migranten worden onderworpen aan een strafrechtelijk detentieregime. De Nationale ombudsman doet tot de volgende aanbevelingen:

– Hanteer vreemdelingenbewaring alleen als uiterste middel.

Het mag alleen ingezet worden als middel om de migrant beschikbaar te houden voor directe uitzetting als er geen enkel alternatief voorhanden is. Het is noodzakelijk om korte termijn te komen tot volwaardige alternatieven voor bewaring.

– Ontwikkel een eigen regime, maatwerk, met slechts de noodzakelijke minimale beperkingen en met oog voor de specifieke behoeften van mensen in vreemdelingenbewaring.

Amnesty Nederland: “Geen enkel land hanteert een ideaal systeem”


“Er is geen land dat een ideaal systeem hanteert, maar er zijn wel bepaalde elementen die wezenlijk beter zijn dan in Nederland”, aldus Eduard Nazarski, directeur van Amnesty Nederland.

Amnesty wil dat vreemdelingendetentie alleen worden ingezet als er geen enkel ander alternatief voorhanden is. Amnesty International publiceert sinds 2008 rapporten over vreemdelingendetentie in Nederland.

Justitia et Pax doet suggesties voor alternatieven voor vreemdelingenbewaring

In januari 2012 publiceerde Justitia et Pax, een internationaal netwerk gericht op solidariteit, de notitie ‘Effect door Respect. Alternatieven voor vreemdelingententie’. Deze notitie vormt een vervolg op het in mei 2010 door Justitia et Pax uitgegeven rapport Humaniteit in Vreemdelingenbewaring. De conclusie van dat rapport was dat vreemdelingententie een buitenproportionele maatregel is. Uitgangspunten voor lichtere alternatieven:

– een meer respectvol en humaan vreemdelingenbeleid;
– minder mensen onnodig in vreemdelingenbewaring;
– een stijging in het aantal vrijwillig terugkerende asielzoekers en migranten;
– een daling in illegaliteit (en daardoor een daling in de bijbehorende problemen van overbewoning, onderbetaalde en gevaarlijke arbeid en andere vormen van uitbuiting);
– snellere immigratieprocedures en minder zinloze hogere beroepen;
– mogelijk ook lagere kosten.

Bron: Vreemdelingenbewaring, strafregime of maatregel om uit te zetten, National Ombudsman of the Netherlands, 7 August 2012 (Dutch only)
VREEMDELINGENBEWARING OF EEN LICHTER MIDDEL?

In juni adviseerde de Adviescommissie voor Vreemdelingenzaken (ACVZ) de staatssecretaris van Veiligheid en Justitie over vreemdelingenbewaring. Een vreemdeling die niet (langer) in Nederland mag blijven, is zelf verantwoordelijk voor zijn vertrek uit Nederland. Als de vreemdeling geen pogingen ondernemt om zelfstandig te vertrekken kan de overheid besluiten om tot vreemdelingenbewaring over te gaan. Vreemdelingenbewaring mag uitsluitend worden ingezet als er gegrondde redenen zijn om aan te nemen dat een vreemdeling zich tijdens een vertrekprocedure zal onttrekken aan het toezicht van de overheid en er een reële mogelijkheid bestaat dat het vertrek zal slagen. Daarnaast mag de maatregel uitsluitend worden opgelegd of blijven voortduren als er geen alternatieve maatregel voorhanden is met een minder ingrijpend karakter.

De ACVZ heeft tijdens het onderzoek verschillende juridische, beleidsmatige en praktische knelpunten geconstateerd. Ten eerste hebben hulpofficieren van Justitie in de praktijk niet altijd voldoende tijd om bij het nemen van hun besluit over vreemdelingenbewaring alle mogelijke alternatieve maatregelen in overweging te nemen. Ook hebben ze in de praktijk onvoldoende zicht op de beschikbare alternatieven, vooral in vergelijking met de DT&V. De belangenbehartiging van de vreemdeling wordt bij het besluit tot inbewarringstelling onvoldoende geborgd.

Regievoerders van de Dienst Terugkeer & Vertrek (DT&V) en advocaten gaven aan dat een vreemdeling al binnen de eerste weken voor zichzelf het besluit neemt om mee te werken aan zijn vertrek vanuit bewaring, of niet, zodat gedwongen vertrek daarna nog de enige optie is. Verschillende organisaties die vreemdelingen faciliteren bij terugkeer, zoals IOM en Bridge to Better, boeken goede resultaten in het omzetten van ‘de knop’ bij vreemdelingen die in eerste instantie niet bereid zijn vrijwillig terug te keren naar landen van herkomst.

De Adviescommissie doet de staatssecretaris van Veiligheid en Justitie aanbevelingen die ertoe kunnen leiden dat een hulpofficier van Justitie in de praktijk voldoende kennis en mogelijkheden heeft om zijn beslissing goed voor te bereiden. Daarnaast stelt de commissie maatregelen voor waardoor bewaring niet langer voortduurt dan gerechtvaardigd is. Ten slotte spoort de Adviescommissie de staatssecretaris aan om door te gaan met het ontwikkelen van alternatieven voor bewaring en de bestaande begeleiding van vreemdelingen tijdens vertrekprocedures verder te verbeteren.

Het ACVZ-rapport “Vreemdelingenbewaring of een lichter middel?” kan worden gedownload op: http://www.acvz.org/
BEHOEFTEN AAN TROOST EN DELEN VAN HET GELOOF

“Het valt op dat veel mensen in de vreemdelingenbewaring enorm worstelen met hun geloof en de zin van hun leven. Ze zijn vaak diep gelovig en willen hun geloof delen en belijden”, aldus Mohammed Ajouaou, hoofd van de Islamitisch Geestelijk verzorging en Jan Eerbeek, inmiddels gepensioneerd hoofd van de Protestantse geestelijk verzorging binnen de Dienst Geestelijke Verzorging (DGV) van het ministerie van Veiligheid en Justitie. (zie kader).


Veel mensen in de vreemdelingenbewaring ervaren hun situatie als uitzichtloos, aldus Eerbeek. “Ze zijn naar Europa toegekomen met de gedachte er een toekomst op te bouwen, de christenen de zondagse kerkdienst en humanisten hebben er bezinningsbijeenkomsten. Wij vinden dat de Nederlandse overheid het kunnen belijden van religie en levensbeschouwing voor mensen in detentie goed faciliteert.”

Geloof geeft vertrouwensband

Transithuis om terugkeer te begeleiden
Aandacht is er ook voor mensen die terug moeten en willen keren, maar die niet terug kunnen keren. Dat kan allerlei redenen hebben, zoals schaamte omdat de migratieplannen niet gelukt zijn of omdat het land van herkomst niet meewerkt. Eerbeek: “Voor deze mensen zijn we enkele jaren geleden begonnen met een transithuis. Dat is een huis waar mensen kunnen verblijven, terwijl bekeken wordt of vrijwillige terugkeer op de een of andere manier toch gerealiseerd kan worden.” Bij het transithuis zijn meerdere organisaties betrokken, waaronder IOM en INLIA.

Adviseur over humaniteit
De geestelijk verzorgers hebben ook een adviserende rol wat betreft de humaniteit in de vreemdelingendetentie. Mede dankzij die inzet is er in het detentiecentrum in Rotterdam een grote bibliotheek met boeken in allerlei talen. Ook zijn er via de kerken bijvoorbeeld muziekinstrumenten ingezameld en zijn er concerten in detentiecentra georganiseerd.

Eerbeek en Ajouaou realiseren zich dat er binnen de samenleving veel kritiek is op de vreemdelingenbewaring op zich. “Ons gaat het er om dat we met onze aanwezigheid, activiteiten en adviserende rol kunnen bijdragen aan de humaniteit. We gaan met mensen een band aan en geven hen de zorg die ze nodig hebben. Dat doen we ook door migrantenpredikanten in te zetten en door vrijwilligers van moskeeën en kerken van buiten te betrekken.”

Beiden vinden indrukwekkend hoe veel geloofskracht mensen in een moeilijke situatie kunnen hebben. “We hebben daar zelf ook veel aan. Het beeld van ‘alleen maar zielige mensen’ gaat lang niet altijd op. We zien ook heel vitale mensen die kracht halen uit hun geloof.”

Dienst Geestelijke Verzorging (DGV)
De Dienst Geestelijke Verzorging is een landelijke dienst van de Dienst Justitiële Inrichtingen (DJI) en adviseert de politieke en ambtelijke leiding van DJI over de geestelijke verzorging in de justitiële inrichtingen. De geestelijke verzorgers zijn, behalve geestelijk ambtsdrager, ook ambtenaar. Ze begeleiden vanuit hun eigen overtuing iedereen bij het omgaan met verleden, de actuele levenssituatie en de ontwikkeling van toekomstperspectief.

(Bron: www.dji.nl)
Diplomatic Representations

WORKING CLOSELY WITH EMBASSIES AND CONSULATES

IOM is committed to maintaining good relations with diplomatic representations. To this purpose, IOM makes regular visits to embassies and consulates to present IOM’s voluntary return projects. The diplomatic representations play an important role in informing migrants about the option of voluntary return and referring them to IOM.

H.E. Mrs. Retno L.P. Marsudi, Ambassador of the Republic of Indonesia in the Netherlands:

“We have a good cooperation with IOM the Netherlands. Overall, IOM does an excellent job dealing with voluntarily returns and reacting quickly when migrants need assistance. However, we would appreciate more information about the support IOM can provide to undocumented migrants.

Migrants who have returned to Indonesia have a good impression of IOM. But a lot of them are not well informed on how to access support such as how to obtain the services provided by IOM after their return. We also notice that most of the Indonesian Diaspora in the Netherlands do not have enough sufficient information about IOM’s activities.”

About Administrative Detention:

“It is very important for us to get in contact with migrants in administrative detention in the Netherlands. The protection of Indonesian nationals is one of the priorities of our mission. We have to make sure that our citizens’ rights are fully respected when they face legal issues in the Netherlands.

The Netherlands’s Privacy Act has prevented the Embassy from immediately getting in touch with Indonesian nationals facing legal problems.

The Embassy of Indonesia renders its full support to migrants wishing to return to Indonesia while he or she is in an administrative detention center. The Embassy will provide him or her with a Passport in Lieu (an emergency travel document). The process of presenting the Passport in Lieu to its holder takes place at the Embassy. Assistance from IOM in enabling the migrant to come to the Embassy for this process is highly appreciated.”

“...”

Migrants themselves are responsible for securing the necessary travel documents for their return. IOM does however assist migrants in the procurement of travel documents if needed. This is only possible with the continuous support of its diplomatic relations. The IOM assistance ranges from informing migrants about the procedures at their embassies to assisting directly throughout the entire process. IOM is always involved as a facilitator on behalf of migrants in administrative detention who wish to return voluntarily, to ensure that their stay in detention is not extended unnecessarily.
IOM Finland

TOBIAS VAN TREECK, IOM HELSINKI:

What happens to irregular migrants in your country after they are apprehended by the police?

Based on the 2004 Aliens Act, an immigrant can be detained if the person’s identity is unclear, if there are reasonable grounds to believe that he or she would commit an offence in Finland, or if there are reasonable grounds to believe that he or she would prevent or considerably hinder the issuance of a decision concerning him/her, or that he or she will not comply with the enforcement of the decision. Finland currently has one detention centre. The police or the border guard can decide whether the person should be detained and informs the district court immediately. The court has four days to grant its decision concerning the detention.

Does IOM have a role in administrative detention?

IOM does not have a role in the detention centres. The detention centre staff is familiar with IOM’s voluntary return activities, and can give information about voluntary return to migrants if needed.

What are the current trends in Finland regarding the detention of irregular migrants?

The current government is reforming the Aliens Act of 2004, especially the provisions concerning the detention of immigrants. The Government Programme prohibits the detention of unaccompanied minors who are asylum seekers, and one of its goals is to identify alternatives to administrative detention. The legislative reform is also concerned with the treatment of detained immigrants and the evaluation of the provisions on detention (2002), as well as with other reforms of the Aliens Act in line with the European Union instruments. Better monitoring and data collection are also part of the reform. The government proposal will be presented to the Parliament in the spring of 2014. Many civil society actors such as the Finnish Refugee Council, Amnesty International Finland, the Finnish Red Cross and the Refugee Advice Center have also requested that the law should prohibit the placing in administrative detention of vulnerable people, such as pregnant women, unaccompanied minors, families, or victims of torture.

IOM Poland

ANNA ROSTOCKA, IOM WARSAW:

What happens to irregular migrants in your country after they are apprehended by the police?

An irregular migrant apprehended by either the police or the border guard will most likely be issued a return decision with a period of between 7 and 30 days granted for voluntary return. If a migrant is not willing to return, has no valid travel document, has been issued a deportation decision with no option for voluntary return, has entered Poland in violation of a re-entry ban, has crossed or attempted to cross the border illegally or has not complied with a return decision in the past, he/she will most likely be put in a detention centre and eventually forcibly removed. Currently, there are no alternatives to administrative detention.

Does IOM have a role in administrative detention?

IOM Warsaw is not present in the Polish detention centres.

What are the current trends in Poland regarding the detention of irregular migrants?

It is foreseen that with the implementation of the new Aliens Act, most likely in the beginning of 2014, alternative measures will become available. This may include: reporting to the authorities on a regular basis, residence in designated locations, the transfer of travel documents to the designated authorities and the payment of a cash deposit (amounting to 2 minimum wages).

IOM Belgium

PASCAL REYNTJENS, CHIEF OF MISSION IOM BRUSSELS:

What happens to irregular migrants in your country after they are apprehended by the police?

In general terms, migrants in an irregular situation are placed in closed facilities. Belgium has 5 closed centres with a capacity of around 600 beds each. If no room is available in detention centres, migrants receive an order to leave the country within 5 to 30 days.
Does IOM have a role in administrative detention?

IOM and the Immigration Office have an MoU that regulates the voluntary return requests from the centres. The social services of these centres are partners of IOM. Migrants in the detention centres expressing their desire to return voluntarily can submit their request to the social services of the centre which then forward it to IOM. IOM organizes the pre-departure preparations and the actual return and provides reintegration support as needed. IOM regularly visits the centres upon the request of the social services to conduct counseling following individual requests for reintegration support.

What are the current trends in Belgium regarding the detention of irregular migrants?

At the moment there are no particular changes in this regard. The government of Belgium is investing a great deal of energy into the field of voluntary return and reintegration and has adopted new initiatives, such as return centres and a list of safe countries. In addition, the Belgian Immigration Office is implementing the SEFOR (Sensibilisation, Follow-up and Return) project, co-financed by the European Return Fund, since July 2011. This project regulates the follow-up of orders given to third-country nationals in Belgium to leave the country. Through this project, candidates also receive information on the possibility to return back home voluntarily.

A Broader View: Exchanging Best Practices

IOM the Netherlands has been facilitating assisted voluntary returns from administrative detention since 2004. Working in administrative detention brings specific dilemmas. To gain more insight and to exchange best practices, IOM staff joined by the Repatriation and Departure Service (DT&V) visited the Czech Republic, Sweden and Switzerland in 2013.

The systems for administrative detention in the three countries are very different. Being bound to the Dublin agreement, Switzerland has adopted the EU’s Return Directive. This has shortened the maximum time in administrative detention from 2 years to 18 months. Within Switzerland, systems differ due to the relative autonomy of the ‘cantons’. Every canton has its own facilities varying from just a few cells in a police station, to part of a prison with around 100 places, or a special centre for migrants awaiting their forced return.

The Swedish government prefers a system of supervision and uses administrative detention as a very last resort. There are 5 centers for administrative detention. On average migrants stayed in administrative detention for 11 days. Migrants can move freely within the centers. Facilities such as computer rooms with internet and fitness or meditation rooms are open day and night and the staff does not wear arms or uniforms. The decision to place migrants in detention is made by the Swedish Migration Board. Sweden is clearly making an effort to be transparent towards migrants and to take care of asylum seekers without taking away their own responsibility.

The Czech Republic detention centres offer very basic facilities; 3 migrants are placed in 1 room with 1 TV in the living room shared by 12 migrants (4 rooms). Their cells are open from 7 am to 11 pm. The Czech Republic follows the EU guidelines and their system for administrative detention is monitored by the national ombudsman. The Czech Republic does not offer alternatives for administrative detention.
ORGANIZATIONS WORKING WITH ALTERNATIVES FOR ADMINISTRATIVE DETENTION

Pauluskerk: a Last Resort
Pauluskerk in Rotterdam helps migrants without a residence permit, such as (ex) asylum seekers and undocumented migrants. Pauluskerk supports undocumented migrants who have applied for residence and are still involved in procedures. This support includes legal advice, some cash, temporary shelter and medical assistance. Files are being reviewed and, in cooperation with IOM, migrants are assisted with their voluntary return to their country of origin. For its activities, Pauluskerk receives contributions from funds, private individuals and churches.

Bridge to Better Foundation
Empowerment through Dignity
The Bridge to Better Foundation in Amsterdam offers return assistance to undocumented migrants. The aim is to help them return to their country of origin with the prospect of rebuilding their lives. Bridge to Better has developed a training programme with the goal of empowering, encouraging and coaching migrants who have an uncertain future in the Netherlands. Together with the migrant, a plan is developed to enable him or her to make a new start in their country of origin. Bridge to Better has partnerships with other organizations including IOM. Migrants in administrative detention wishing to return to their country of origin can also participate in this programme.

ROS
Protecting Migrants’ Interests
Rotterdam’s Ongedocumenteerden Steunpunt (ROS), the Organisation to Support Undocumented Migrants, is an NGO dedicated to assisting migrants without residency permits. ROS also works for ex asylum seekers and undocumented (labor) migrants. Additionally, ROS advises volunteers and professionals working with undocumented migrants, and organizations and churches that have legal questions. The activities of ROS are financed, among others, by Skanfonds, DBL fonds, DCI Rotterdam, Cordaid, Volkskracht and Stichting Rotterdam.

INLIA - Transit House
Shelter and Assistance for Sustainable Reintegration
The INLIA Foundation, or the International Network of Local Initiatives for Asylum Seekers in Groningen, offers assistance to asylum seekers in distress. INLIA is a network of local churches sharing the following two objectives: to provide emergency aid to asylum seekers and to advise churches on supporting asylum seekers in distress. At the request of Kerk In Actie, a network of the Dutch Protestant Churches, INLIA launched the Transit House project in the city of Groningen in 2009. Transit houses are intended for undocumented migrants who are not allowed to stay in the Netherlands and who run the risk of being placed in administrative detention. Chaplains from the Ministry of Security and Justice working in administrative detention have grown increasingly concerned about the situation of undocumented migrants. The Transit House project is the result of the cooperation between the Dutch Ministry of Security and Justice’s Chaplaincy, the interchurch organization ICCO, Kerk in Actie, the Salvation Army, INLIA and IOM. In recent years, several migrants have returned successfully to their countries of origin through the project.

For more information please visit:
www.pauluskerkrotterdam.nl (Dutch only)

For more information please visit:
www.bridgetobetter.org (Dutch with presentation in English)

For more information please visit:
www.stichtingros.nl (Dutch)

For more information please visit:
www.inlia.nl/transithuis (Dutch)
KITA P.* RETURNED TO GEORGIA IN JULY 2012

“A Stable Income to Support my Father and Myself”

What kind of product or service do you want to launch? “I applied for a job at ‘Georgia Car Parts’ LTD, a company importing car parts to Georgia from different countries. My job is to distribute these car parts to different sales persons in Tbilisi. I will also try to expand the business by finding new customers. I heard about the vacancy at ‘Georgia Car Parts’ from my friends. I decided to apply because I had experience working as a distributor. From 2004 until 2006 I worked for a distribution company producing semi-prepared products.”

Is this product needed in your country? “The demand is high for car parts not broadly available in Georgia.”

How will you find customers? “I will distribute the car parts to regular customers, and I will also go to different auto services to offer car parts and find new customers. As ‘Georgia Car Parts’ tries to import rare car parts, our service is quite unique.”

What is the impact on the life of the migrant, his/her family and the community? IOM Tbilisi: Mr. P. is living in Tbilisi with his elderly father who is not working but receives a monthly pension from the government. Mr. P.’s employment provides him with a stable monthly income to support his father and himself.

SANJEEV B.* RETURNED TO SRI LANKA IN OCTOBER 2012

“Expanding my Jewellery Business”

How did you get the idea for your reintegration plan? Sanjeev B. is a jeweller by profession. He was given reintegration assistance in the form of pure gold to make jewellery. This enabled him to open a jewellery shop in his home town.

What is the impact on the life of the migrant, his/her family and the community? The income from the business is used to support the returnee’s family including food and medical expenses. After a few months, Sanjeev B. even needed to hire an additional employee in the shop.

Did Sanjeev B. encounter any problems during the reintegration process? IOM Colombo: The reintegration grant that the migrant invested in the business was insufficient. He got an additional loan from his relatives, which he used to set up the jewellery shop and pay a few months rent. Sanjeev has put his reintegration grant to good use and he is now living happily with his family. He has invested in expanding his business and even needed to hire an additional store employee.
Reintegration Stories

“Uncertainty after a Promising Start”

MAJHEED F.*, RETURNED TO AFGHANISTAN IN JANUARY 2012

“Is your own idea?“ Being inexperienced in setting up a business and at that moment living far away, I found it difficult to determine how to set up my own business. I shared my idea and concerns with one of my relatives. He has a grocery store in a busy area in Kabul and because he required more investment, we signed a one year partnership agreement to expand the business.

“Is this product needed in your country?” There are many homes in the vicinity of our business and people need groceries every day. I am sure we will make a net profit from this business. Also my partner has experience with setting up a small business.

“How will you find customers?” Providing fresh groceries at reasonable prices is the key to attract customers. There are many other grocery stores, but we will give our customers a discount. We also want to offer transportation services so we can attract more customers than our competitors.

“Do you have experience in setting up a business?” I am illiterate, and I have no experience running a shop, but my partner is an educated person and he has many years of experience. My partner has a valid business license so I do not need to get one.

“What is the status of the reintegration activity?” IOM Kabul: IOM’s Reintegration Officer in Kabul visited the shop of Mr. Majheed F. on two different dates for monitoring purposes. On both days the shop was closed. One of their neighbours said that Mr. F. and his relative had moved their business to an unknown location because the owner of the property increased the rent and they could not afford it. IOM could not find any source that could give the exact address of the new location. The Reintegration Officer tried Mr. F.’s phone number, but unfortunately it was switched off. He could not reach Mr. F. to identify his new business location address for further monitoring.

“Offering Fresh, Healthy and High Quality Bread”

IDRIS M*, RETURNED TO AFGHANISTAN TO SEPTEMBER 2012

“Is this product needed in your country?” Every person in the city needs bread. Therefore I decided to start this business in partnership with a friend of my son’s in Kabul. Our main customers are residents in this area and my business partner has already attracted customers.

“Who might be your competitors?” There are two other bakery shops in this area; however my business partner and I plan to offer our customers fresh, healthy and high quality bread at reasonable prices and deal with our customers in a very polite way. I decided to start the business in partnership with a friend of my son, who is also our neighbour. He has experience in this field, he has been in this business for many years. I am sure that together we will have a successful business which will enable me to support my family.

“What is the impact on the life of the migrant, his/her family and the community?” IOM Kabul: “The income that Mrs. M. earns on a monthly basis from this business is considerable, which is very helpful to cover her family’s living expenses. She stresses however that the work is quite demanding. The positive impact of this business on the community is that they serve local people living in the area and in surrounding neighbourhoods who buy bread daily.”

* Names has been changed, for privacy reasons. However all stories are true.
Viet Nam

Reintegration Workshop for Migrant Workers

The Vietnamese Department of Overseas Labour (DOLAB), with the assistance of IOM, has organized a workshop on Reintegration Policies and Services for Returning Migrant Workers.

Mali

IOM Responds to Floods

Heavy rains in the Malian capital Bamako left a confirmed number of 34 deaths and about 1,539 families affected. The Mali Government requested IOM’s immediate support.

Geneva

International Migration, Health and Human Rights Report


Haiti

Theatre as Therapy

IOM Haiti is conducting a series of theatre workshops amongst internally displaced Haitians living in camps as a medium to express their often traumatic experiences.

Syria

Germany offers Temporary Resettlement

IOM is providing medical screening and language and cultural orientation classes for Syrian refugees travelling to Germany from Lebanon in mid-September for temporary resettlement.