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**MIGRANT DETENTION
IN THE EUROPEAN UNION:
A THRIVING BUSINESS**



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OUTSOURCING AND PRIVATISATION
OF MIGRANT DETENTION

MIGREUROPE, JULY 2016

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Migreurop is a network of associations, activists and researchers in twenty different countries in Europe, Africa and the Middle East. Our goal is to publicize, and to denounce policies which isolate migrants, in particular internment in camps, different forms of deportation, border closures, as well as the externalization of migratory controls put in place by the European Union and its member states. We thereby contribute to defending the fundamental rights of exiles (including the right to “leave any country, including their own”) and to promoting the freedom of movement and settlement.

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ROSA-LUXEMBURG-STIFTUNG

The Rosa-Luxemburg-Stiftung is an internationally operating, left non-profit organisation for civic education affiliated with Germany’s ‘Die Linke’ (Left Party). The Brussels Office focuses on the growing multiple crisis of our current political and economic system. In cooperation with other progressive organizations around the globe, we work on democratic and social participation, empowerment of disadvantaged groups, alternatives for economic and social development. Our international activities aim to provide civic education by means of academic analyses, public programmes, and projects conducted together with partner institutions. We work in favour of a more just world system based on international solidarity.

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PREFACE

What does a migrant cost per day? That question is spotlighted if migration policy is determined by cost-benefit calculations, rather than by the principle of humane treatment. Such a political approach is taken in many fields of public services, from education and transport to electricity and water. To offer every service at the lowest possible cost, the concept of privatization is always adopted on the premise that only the competitiveness of the private sector necessarily delivers the best prices. Yet it is well known that under capitalism companies are only interested in their bottom line. In order to generate sufficient profit while offering seemingly low prices, compromises are made elsewhere – when it comes to migration management policies, human rights and the principle of welfare are neglected in favor of companies' profit targets. The immigration detention has grown into a "thriving business" in recent years. Transnational corporations are cashing in, while the social costs of that "business model" are borne by the wider society, in particular the migrants concerned, who are often subjected to shortages, deprivation of their rights, imprisonment and violence. However, the outsourcing of tasks such as board and lodging and administration of immigration detention is also detrimental to the employees of service companies. The study gives sometimes shocking examples of the "migrant's detention business" in Europe and repercussions of the pressure to generate profits. The current worrying developments are illustrated by examples from the UK, where the immigration detention system is highly privatized and recalls the U.S. prison industry; from Italy, where the public authorities entrust the management and the services related to administrative detention to private actors and where the "Mafia Capitale" scandal revealed the hold of mafia networks on the Italian detention market; from France, where a construction company hired undocumented migrant workers to build a deportation facility, where the very same migrants were later detained before being deported. In addition, the report illustrates the political ramifications of the privatization of immigration detention. Non-governmental organizations are susceptible to being exploited by the state authorities in charge who are shying away from responsibility for their own policies. The study describes in detail the trend towards outsourcing and privatization in facilities for the detention of migrants in the European Union and the impact on the migrant detainees themselves, as well as on politics and the society that we live in. It serves not least as a warning that if large transnational corporations hold sway in the security business for long enough, policy change will become but a remote possibility and we will all suffer the consequences.

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INTRODUCTION

The Schengen agreement signed in 1990 was designed to establish an area of free movement between the signatory European countries. The “Schengen Area”, which now covers almost all Member States of the European Union (EU), as well as a few non-members, was integrated into the EU’s legal and institutional framework in 1997. To compensate for the loss of internal border controls in the Schengen area, an array of “compensatory measures” have been put in place in order to secure the external borders of the EU and to prevent third-country nationals from crossing them. While anti-immigration groups continue to complain of the ease with which European territory can be reached, it is clear that closure and exclusion measures increasingly feature at EU borders and beyond.

Visas have become a cornerstone of migration policy for EU Member States, whereby desirable migrants are selected – tourists, highly qualified workers, businessmen – and those deemed to be a threat are filtered out. Migrants are met with checks and barriers at every turn. Interception and deportation by EU and Member State security officers is a constant risk. In the Aegean sea, the Greek coastguard, with assistance from Frontex, the EU border control agency, regularly carries out “push-back” operations, escorting boats back to Turkish waters, often with the use of violence.¹ At the border of Ceuta and Melilla enclaves, migrants attempting to reach Spain are intercepted by officers of the Spanish *Guardia Civil* and sent back to Morocco.² New technology is being developed to collect, store and exchange personal data on migrants for the purposes of management and control (Visa Information System, Schengen Information System, EUROSUR, EURODAC, etc.). Apart from these legal and operational mechanisms, real physical barriers such as walls, fences, barbed wire and watchtowers are springing up along the borders of the Schengen area, accompanied by a range of security measures of ever increasing sophistication – drones, satellites, heartbeat detectors, infrared cameras, etc. – to keep migrants out. Restrictive and security policies have failed to dissuade prospective migrants, and merely oblige them to change course, making longer, more costly, more risky journeys, sometimes putting their lives in danger.³

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- 1 Migreurop - FIDH – REMDH, *Frontex, between Greece and Turkey, at the border of denial*, 2014 / Pro Asyl, *Pushed back. Systematic human rights violations against refugees in the Aegean Sea and at the Greek-Turkish land border*, 2013 / Amnesty International, *Frontier Europe: Human rights abuses on Greece’s border with Turkey*, 2013.
 - 2 Migreurop – GADEM, *Gérer la frontière euro-africaine: Melilla, laboratoire de l’externalisation des frontières de l’Union européenne en Afrique*, August 2015.
 - 3 Between 2000 and 2014, a consortium of European journalists, “The Migrant Files”, recorded 28,000 deaths and disappearances at EU borders. According to the authors, the numbers will have been underestimated by at least 50%, as many migrants die without anyone reporting that they have disappeared, and cannot be included in the attempts to report them.

In the decade influenced by the September 11 attacks, a veritable “migration security market” sprang up, and the interests of European political leaders looking to militarize borders progressively converged with those of the main defence and security service providers. In 2003, a working group was set up on the initiative of the European Commission to outline a European research programme in this field. Alongside the representatives of European institutions and researchers, eight companies specialising in security and defence participated in the group: EADS (European consortium), Thales (France), Finmeccanica (Italy), Indra (Spain), Siemens (Germany) and Eriksson (Sweden). In its conclusions, the working group recommended that the EU allocate a budget of 1.3 billion euros per year to security, explaining, in order to justify the expenditure, *“that the main concern of citizens and political leaders are: security, terrorism, the proliferation of weapons of mass destruction, regional conflict, organised crime and illegal immigration”*⁴ and that *“technology is our best guarantee of security”*.⁵ Several years later, in 2007, the European Commissioner for Justice and Home Affairs declared that *“security is no longer a monopoly of the public sector, it is part of the common good, and responsibility for its implementation must be shared between the public and private sectors”*⁶.

4 Rodier C., *Xénophobie business. À quoi servent les contrôles migratoires?*, Paris, La Découverte, 2012, p. 34.

5 *Ibid.*

6 *Ibid.*



Over the past 15 years, European countries have spent considerable sums to keep migrants out of the EU, filling the coffers of the major defence companies. Between 2003 and 2013, the EU and the European Space Agency funded 39 research and development projects on securing borders for a total amount of 225 million euros.⁷ Focusing on the development of security technology in the surveillance sector, the objective of these projects is to create, for example, “mechanical sniffer dogs” (Handhold project – 3.5 million euros), drones to monitor land borders (Talos project – 12.9 million euros) and maritime borders (I2C Project – 9.9 million euros) and even a satellite surveillance system (Limes project – 11.9 million euros). For the participating companies, the projects are nothing short of a gold mine. Participants include Thales (18 projects), Finmeccanica (16) and Airbus (2).⁸ A study by the Transnational Institute⁹ estimates that the border security market, valued at 15 billion euros in 2015, could grow to 29 billion euros per annum by 2022. It shows that security companies and the military industry are no mere passive beneficiaries of generous EU funding, but actively encourage increased EU border security. To that end, they are ready to supply ever more advanced technology at ever greater cost.¹⁰

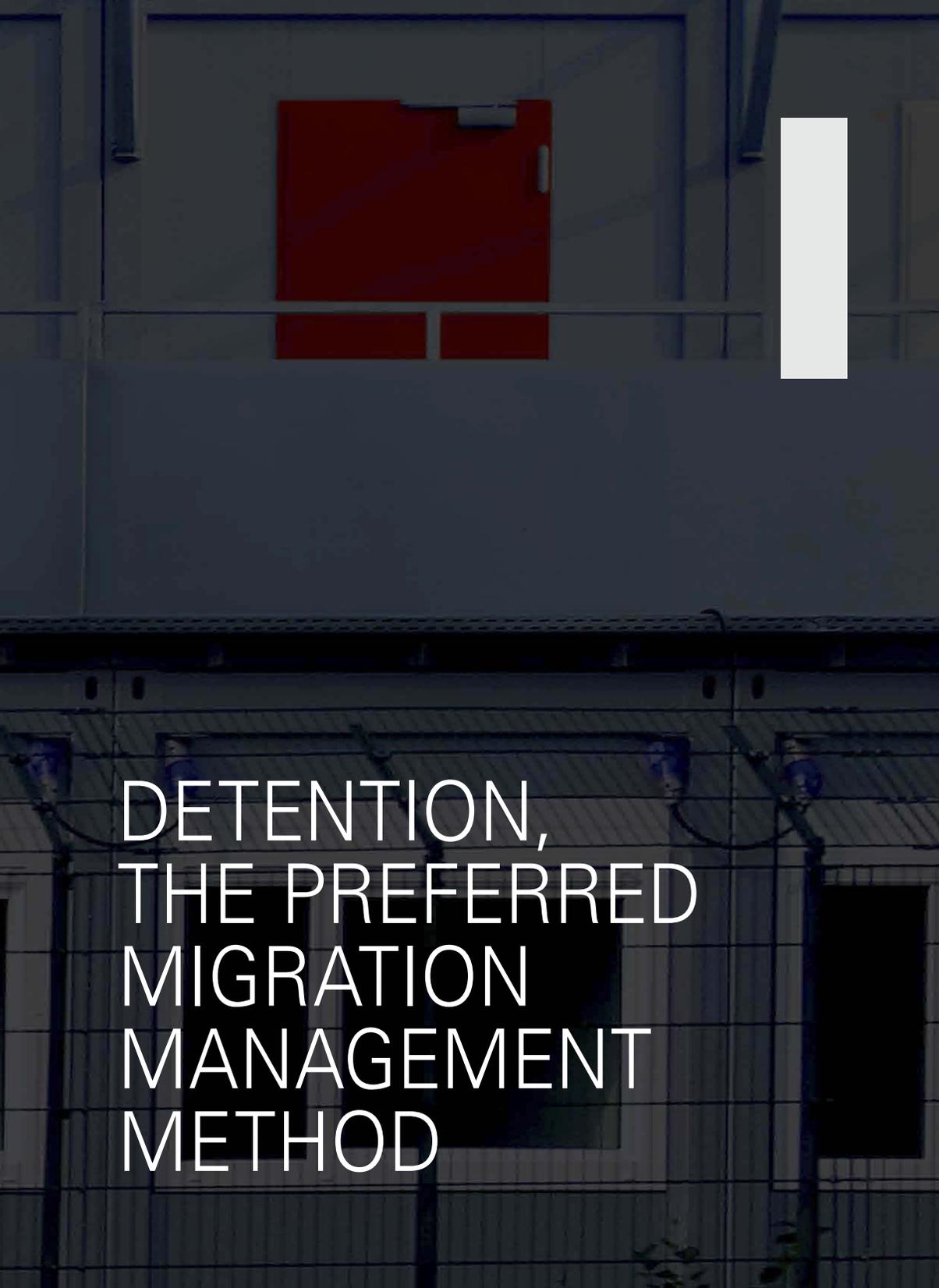
Migrant detention at the borders and within the EU plays an important role in the markets developed in response to political programmes to stem migration flows. Since the 1990s, migrant detention has developed constantly to become the preferred method of migrant population management in Europe and beyond. Emblematic of the exclusion of populations seen to be undesirable, migrant detention facilities offer fertile ground for violations of basic human rights. By presenting the various facets of privatisation of migrant detention in the EU, this report aims to provide a tool to understand the issues around this type of “outsourcing”, both in terms of living conditions and treatment of detained migrants and in terms of the symbolic and political consequences of these choices.

7 European Data Protection Supervisor (EDPS), “*Frontières intelligentes*”: *La proposition clé est coûteuse, insuffisamment justifiée et intrusive*, 19/07/2013.

8 *Ibid.*

9 The Transnational Institute (TNI) is an institute for research and advocacy for justice, democracy and sustainable development based in Amsterdam, the Netherlands: www.tni.org

10 Akkerman M. (Transnational Institute), *Border Wars. The arms dealers profiting from Europe’s refugee tragedy*, 04/07/2016.



DETENTION,
THE PREFERRED
MIGRATION
MANAGEMENT
METHOD

Since the 1990s, detention has become the method of choice to manage migrant populations in Europe and beyond. The only reason for such detention is failure to comply with immigration or residency rules. In reality, the majority of people in an irregular situation entered the territory of the EU legally. Let us remember that individuals seeking protection are entitled to cross borders without valid travel papers.¹¹ It is the fact of remaining in the EU when their visa expires after failing to secure long-term residency or following the rejection of their asylum application which places them in an irregular situation. The proportion of foreign nationals entering European territory without papers or with false papers is very small, contrary to the vast media coverage surrounding migrant arrivals. By making it difficult to obtain a visa, and consequently preventing migrants from travelling to and from their home country and the country where they work, migration policy forces migrants to stay on European territory, putting them on the wrong side of the law and leading to exploitation and stigmatisation. The detention of migrant populations is a source of continuous violations of their rights. The institutionalisation of migrant detention, on the official pretext of rationalisation of migration flow management, contributes to the criminalisation of migrants in detention and those designated as undesirable, feeding racism and xenophobia.

11 Geneva Convention of 28 July 1951, Article 31 paragraph 1.



THE NORMALISATION OF MIGRANT DETENTION

Over the past three decades, EU Member States have developed an arsenal of legislative, administrative and political measures to receive, sort and deport migrants. Key to this system, camps have multiplied, expanded and become more sophisticated.

WHO IS BEING DETAINED?

Under European law, the following categories of persons may be detained for the purpose of removal, i.e. deportation: foreign nationals present on EU territory without leave to remain in accordance with the Return Directive¹²; foreign nationals at an EU border (land, airport or other), who do not meet the conditions for entry under the Schengen Borders Code¹³; in certain cases, asylum seekers, while their application is being processed, in accordance with the Asylum Procedures Directive¹⁴. The effect of this legislation has been to institutionalise and normalise administrative detention in EU Member States. Detention conditions, on the other hand, are determined by national law. National legislation on admission to a country is characterised throughout by limited legal entry channels (restrictive visa policies), and even the criminalisation of unlawful entry.

Migrants held in detention are asylum seekers and individuals whose application for protection has been rejected, whose residence permit has expired, or who have never held a residence permit but have been in the country for a number of years. Some might be workers, students, citizens of an EU country, spouses or parents of Europeans, people suffering from illness, unaccompanied minors, victims of torture or trafficking, stateless persons, etc. And others might be people who were refused access to the European Union at the border. They are often “parked” in waiting areas at airports, ports and international railway stations, before being sent back in the hours and days after their arrival. Finally, many foreign nationals are detained – often for long periods – while it is not possible to return them for various reasons.

12 Directive 2008/115/EC Art. 15(1).

13 Regulation (EC) No. 562/2006 Art. 13(4).

14 Directive 2013/32/EU Art. 2(2)A.

WHERE IS DETENTION HAPPENING? (SEE VISUAL 1)

Detention of migrants in the EU and elsewhere takes place in a complex and multifaceted environment. Located in ad hoc buildings or pre-existing structures such as prefabs, warehouses, army barracks and prisons, closed camps are mostly surrounded by walls, fences or barbed wire. However, the reality of confinement is not limited to these traditional set-ups. Other so-called “open” centres, most often designed for temporary accommodation of asylum seekers in isolated areas, are also based on confinement: under the guise of “accommodation” for migrants, they facilitate administrative and social control.

Other “invisible” forms of detention should also be noted, such as informal centres where, under the pretext of emergency, the authorities detain people out of sight of the public, often outside any legal framework. Centres include repurposed administrative buildings, national and local police stations, army barracks, closed camps operating outside the bounds of any regulatory framework, and even stadiums, old car parks, common prisons, etc. Some centres are located in hard-to-reach and remote areas, such as the Greek islands or the no man’s land on the demarcation line between Northern and Southern Cyprus. Smaller spaces should also be included, such as those used on a temporary basis by transport companies: airports and ports, boat cabins in the merchant navy, trucks, buses and planes, and even train compartments, used by national police and Frontex.

Finally, the EU and its Member States also encourage the incarceration of migrants beyond its borders. For example in 2006, a migrant detention centre was opened in Nouadhibou with the help of the Spanish army, at a time when Mauritania was the preferred departure point for West African migrants to reach the coast of the Canaries (Spain) by sea. Funded by Spain and managed by the Mauritanian and Spanish Red Cross, the centre held migrants intercepted at sea, on land or returned from the Canary Islands¹⁵, while awaiting return to Senegal or Mali.¹⁶ More recently, in the context of the “Khartoum process”, a round of negotiations on migration management with the countries in the Horn of Africa,¹⁷ EU plans include funding to open and manage camps for migrants in countries of origin and transit, with the collaboration of the International Organization for Migration (IOM) and the UN High Commission for Refugees (HCR).¹⁸

15 “170 immigrants subsahariens refoulés depuis dimanche des îles Canaries”, *Jeune Afrique*, 29/03/2006.

16 Mauritanian and international human rights defence organisations have reported on the unacceptable situation in the centre on several occasions, where minimum standards for basic, internationally recognised, human rights were not being met. Under pressure from civil society, the centre was finally closed in 2010.

17 In 2014, the EU launched a round of negotiations on migration with the countries in the Horn of Africa. The Ministerial Conference “EU-Horn of Africa Migration Route Initiative” or the “Khartoum process” brings together 28 EU Member States, Libya, Egypt, Sudan, South Sudan, Ethiopia, Eritrea, Djibouti, Somalia, Kenya and Tunisia.

18 ARCI, Steps in the process of externalisation of border controls to Africa, June 2016, p. 8.



HOW IS DETENTION HAPPENING? (SEE VISUAL 2)

According to the Return Directive, the detention of foreign nationals should remain the exception, reserved for cases where less coercive measures cannot be applied due to a “risk of absconding” or where there is a high probability that “*the third-country national concerned avoids or hampers the preparation of return or the removal process*”.¹⁹ However, in practice, a number of EU Member States systematically opt for detention, despite the low rate of effective returns.

While affirming that “any detention shall be for as short a period as possible”, the maximum detention period is set by the Return Directive at 18 months.²⁰ This period may be extended on various grounds. For example, the Council of State in Greece delivered on 20 March 2014 a judgment according to which it would be possible to extend the period of detention for foreign nationals until it is possible to deport them, should they fail to cooperate with deportation and pose a “risk of absconding”.²¹

19 Directive 2008/115/CE Article 15(1).

20 Directive 2008/115/CE Article 15(6).

21 Opinion 44/2014, 20 March 2014.

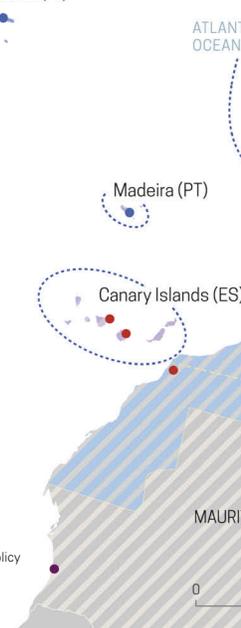
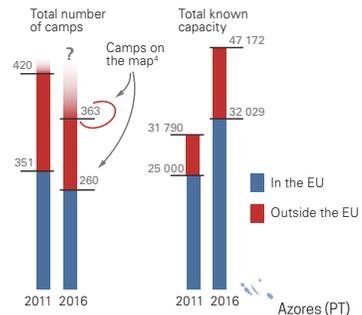
VISUAL 1 MIGRANT CAMPS IN EUROPE – MAIN DETENTION FACILITIES

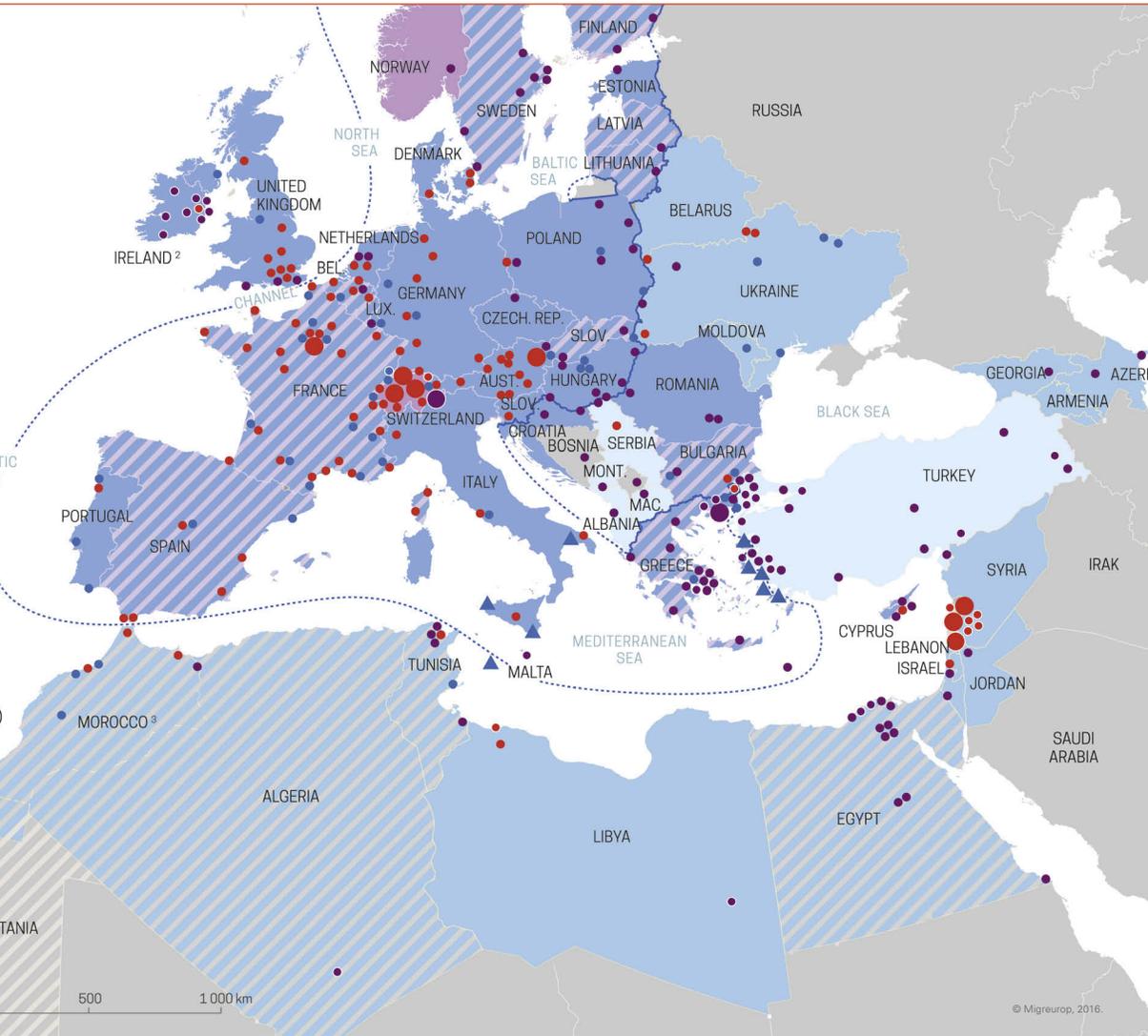
NOTES

1. Identification and sorting centre established in 2015-2016 in Greece and in Italy for exiles arriving on EU territory.
2. The function of most of the facilities used by the Irish authorities is not filled in. We have suggested that they could randomly be used for both deportation and examination of the application to stay.
3. In Laayoune (Western Sahara) the Moroccan authorities use an administrative arrest facility which is totally illegal. Police and gendarmerie stations in the regions of Tangiers and Nador are also used regularly to intern people arrested in these cities, or in the border enclaves of Ceuta and Melilla, before moving them to the South of the country, far from the borders of Europe.
4. Only camps with a capacity of 4 or more places feature on the map.

We do not have any accurate information for Algeria, Armenia, Belarus, Libya or Russia. Sources of data recorded by Migreurop for the Ukraine date from 2013.

- One detention facility
- Five detention facilities in the geographic area
- Camp for foreigners on the territory of a member state and awaiting deportation
- Camp for newly arrived foreigners on the territory of a country (examination of their **application to stay** followed either by acceptance of entry into the country, or refusal of the application and deportation)
- ▲ Hotspot¹
- Camp for foreigners with a dual function (examination of the **application to stay and deportation**)
- 🚫 Prison for ordinary criminals regularly used for the administrative custody of foreigners
- 🚔 Frequent use of police offices for administrative arrest





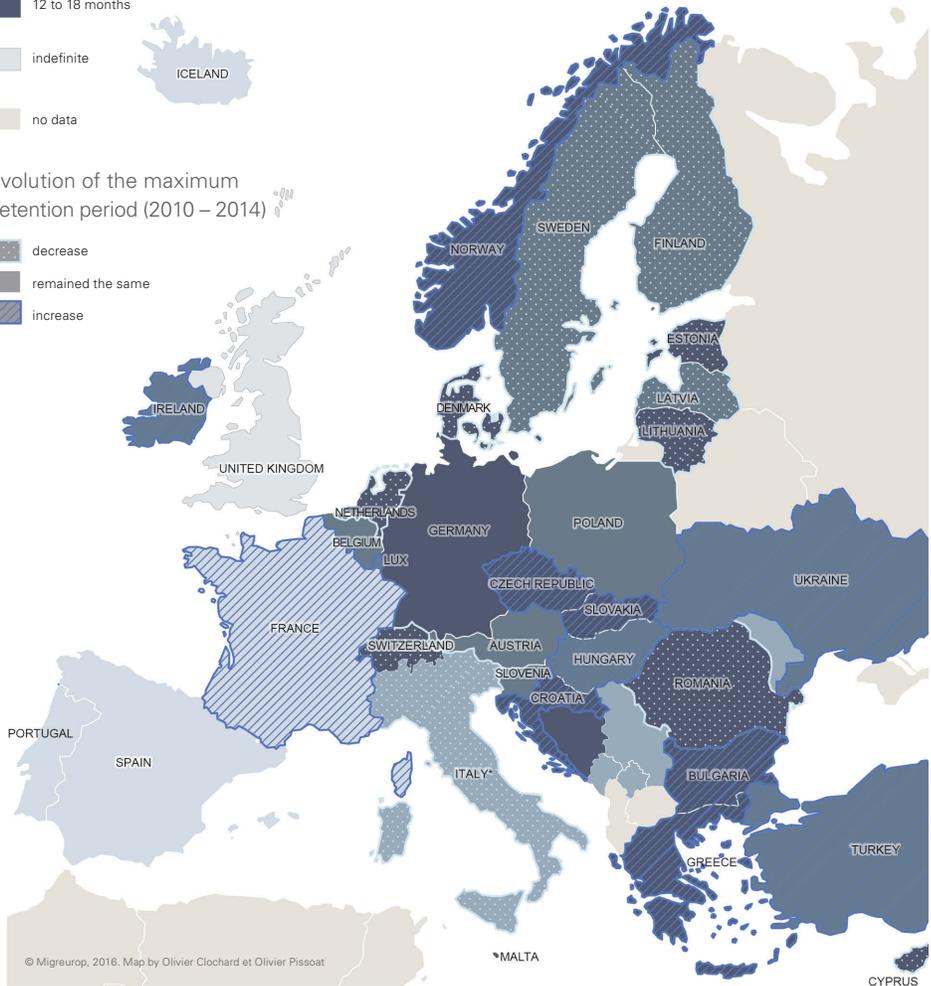
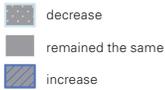
Sources: See the closethcamp.org site

VISUAL 2 ADMINISTRATIVE DETENTION OF MIGRANTS: WIDE VARIATIONS BETWEEN STATES

Maximum detention period for foreign nationals



Evolution of the maximum detention period (2010 – 2014)



Sources: Data compiled by Migreurop (cf. closethecamp.org)

* In Italy, while the maximum detention period was extended from 6 to 18 months in 2012, it was subsequently reduced to 3 months in 2015.



THE HUMAN AND FINANCIAL COST OF AN INEFFECTIVE POLICY

The Migrants' Files²² estimates that EU Member States will have spent no less than 11.3 billion euros deporting irregular migrants from Europe.²³ The legitimacy of spending such amounts on this policy is all the more questionable given that it does not necessarily result in deportation, which is supposed to be the primary objective. It is therefore clear that this is none other than a punitive and public relations policy designed to reassure both "public opinion" that the government is taking action and to dissuade potential migrants from setting off.

At European level, it can be seen that the number of detainees²⁴ actually deported falls far short of official targets. For 2014, the European Commission noted that fewer than 40% of migrants subject to a deportation decision actually left the territory of the EU.²⁵ Since the "Return" Directive came into force, the increase in the maximum detention period in a number of Member States has not improved this rate. A number of States now detain for longer periods, but do not return more migrants.²⁶ Thousands of people are being deprived of their freedom, yet migration control targets are not being met. The harmful impact of detention on human dignity and fundamental rights cannot be ignored. The incarceration system comes at an enormous cost for detainees in terms of rights and dignity or physical and psychological integrity. Reports of suicide and attempted suicide, self-harm, mental health problems, depression as well as degrading treatment, physical and verbal assault, rape, etc. are commonplace in detention centres.²⁷

22 The Migrants' Files is a consortium of European journalists which conducted a major investigation into the human and financial cost of European policy to exclude migrants between 2013 and 2016: www.themigrantsfiles.com

23 The Migrants' Files, *The money trails*, 18/06/2015.

24 Migration camps can have various functions: deportation, assessment of applications to stay or both.

25 European Commission, *EU Action Plan on Return*, 9 September 2015, COM (2015) 453.

26 Declaration of the Union of Italian Police Workers (SIULP) after the maximum detention period was increased from 6 to 18 months in June 2011.

27 Open Access Now, *The Hidden Face of Immigration Detention Camps in Europe, 2014*; Close the camps (www.close.thecams.org); Global detention project (www.globaldetentionproject.org).



THE PRIVATISATION
OF MIGRANT
DETENTION TAKES
MANY FORMS

Over the past three decades, the privatisation of migrant detention has developed in an increasing number of EU countries in various forms and degrees. States are increasingly looking to private security companies for detention centres and to escort deported migrants. From construction to administration and logistics (catering, laundry, cleaning, etc.) migrant detention camps are a source of profit for numerous companies. Outsourcing can mean anything from delegation of the management of migrant camps in its entirety to assigning certain aspects of the detention system (construction, security, cleaning, catering, maintenance, health, legal aid, etc.) to private for-profit companies or others, such as civil society organisations.

In the United Kingdom, the first European country to have outsourced the detention of immigration to private companies, the majority of migrant detention centres are managed by multinational security companies. In Italy, while reception and detention centres fall within the remit of the Minister for the Interior and the prefectures, their management and detainee care services have been traditionally outsourced to social cooperatives, and more recently, to private companies. In France, migrant detention centres and facilities are managed by the public sector. However, certain services such as catering, laundry, cleaning and sometimes even the “reception” of detainees are outsourced to private companies, with legal aid being delegated to NGOs. The study of the role of private players in migrant detention camps in three European countries (United Kingdom, Italy and France) reveals three distinct forms and levels of privatisation.



UNITED KINGDOM

The heavily criticised migrant detention system in the United Kingdom is among the most flagrant in terms of violations of the rights of detainees. For many years, asylum seekers had been put through the *Detained Fast Track* (DFT)²⁸, with no legal limit on the detention period. In January 2015, the United Kingdom had:

- > 9 *Immigration Removal Centres* (IRC) where migrants can be held indefinitely;
- > 3 *Residential Short Term Facilities* (RSTHF) where migrants can be held for a week;
- > 1 *Pre-departure Accommodation* (PDA) centre where families with children can be held for up to a week;
- > 37 *Non-residential Short Term Facilities* (NRSHTF) or holding rooms located close to ports, airports and various points of entry to the UK (including two located in the North of France, Calais and Coquelles)²⁹ where migrants can be held, in theory, for up to 24 hours.³⁰

Successive Labour and Conservative governments have opened up whole sections of the UK public service to private investment. The privatisation of migrant detention began as early as 1970, when Edward Heath's Conservative government entrusted the management of the two first detention centres for migrants³¹ to the private security company Securicor.³² Over fifty years later, in 2015, the majority of the detention centres for migrants in the United Kingdom were managed by private companies.

28 In accordance with the *New Asylum Model*, asylum seekers whose case appears to be "straightforward" and "can be dealt with quickly" can be placed in detention immediately until the authorities take a decision on their case. This system was suspended by the Home Office in July 2015, following a decision of the Court of Appeal, which considered it to be "systematically inequitable and unjust" (Jerome Phelps, "The Fast Track is dead", *Open Democracy*, 20/05/2016).

29 Bosworth M., "British border control on the French North Coast", *Border criminologies blog*, 18/07/2016.

30 The Migration Observatory, *Briefing: Immigration detention in UK*, 06/02/2015.

31 Harmondsworth Immigration removal center and Pennine House Short-term holding facility.

32 Mens G., "Neoliberalism, Privatisation and the Outsourcing of Migration Management", *Competition and Change*, Vol. 15, No. 2, 2011.

A MARKET DOMINATED BY A HANDFUL OF MULTINATIONAL SECURITY COMPANIES

Apart from two IRCs (Verne IRC and Morton Hall IRC) which are managed directly by *Her Majesty's Prison Service*, the Home Secretary outsources the management of migrant detention centres to private companies: G4S, GEO Group, Mitie, Serco, and Tascor. Migrants may also be held in certain British prisons, which are also privatised.³³ The choice of these companies is no coincidence since they are large multinationals with many years' experience in carrying out tasks that traditionally lie within the core functions of the State.

G4S

The British company G4S was born out of a merger between Group 4 Falk and Securicor in 2004 and is now the "global leader" in security services. Active in 125 countries, it employs 657,000 staff³⁴ and recorded a turnover of 6.8 billion pounds in 2014³⁵. G4S has a worldwide presence through the different services it provides. Among other activities, they provide security services in Baghdad (Iraq); they supply security services and equipment for Israeli prisons, check points, the wall separating Palestinian territories and the Israeli military police; they manage police stations in the United Kingdom and prisons in the United States; they provide security services for oil wells in Nigeria and have supplied prison guards and detention centres for migrants in Australia, South Africa, the United Kingdom and Greece.³⁶ Furthermore, G4S has been implicated in various scandals: homicidal suffocation of an asylum seeker from Angola during his deportation (the "Jimmy Mubenga" case), death by suffocation of an aboriginal man in Australia during a prison transfer, accusations of racially discriminatory employment policies, low pay and work in conditions tantamount to slavery in South Africa and Malawi.³⁷ From 2009 to 2014, the Home Office entrusted G4S with the management of Brook House IRC and Tinsley House IRC for a total of 191.5 million pounds.³⁸ In 2011, G4S also won the contract for Cedars PDA (worth 25 million pounds between 2011 and 2015).³⁹

33 However, it should be emphasised that detention centres for migrants were the first places of detention to be privatised in the United Kingdom. Nowadays, British prisons are also being outsourced to the private sector, although to a lesser extent.

34 Corporate Watch, *G4S: A company profile*, September 2012.

35 G4S, *Annual reports and account*, 2014.

36 Corporate Watch, *G4S Company profile*, 10/09/2012.

37 *Ibid.*

38 In July 2016, G4S was still managing those two IRCs, but this could change in 2017, as the Home Office has launched a new call for tenders.

39 The Cedars centre is managed in cooperation with a charity (Barnardos). In July 2016, the Home Office announced that the centre will close soon. A new unit for families should be opened in Tinsley House IRC.



SERCO

Nicknamed “the biggest company you have never heard of”, the British company Serco offers a range of services throughout the world, including transport and control of public and private traffic, aviation, military contracts and nuclear weapons, management of detention centres and prisons.⁴⁰ For ten years (2004–2014), the Home Office entrusted the management of Colnbrook IRC to Serco, which pocketed 213 million pounds under this contract. In 2014, Serco won the 70 million pound contract to manage Yarl’s Wood for seven years (2014 to 2021). The detention centre has a record of abuse against detainees.⁴¹

MITIE

Originally specialising in maintenance and cleaning services, Mitie now offers a wide range of services to business and government. Best known for their activities in migrant detention centres, Mitie also offers building maintenance, catering, fire safety, pest exterminator and general security services.⁴² As regards the detention of migrants, the company has been accused repeatedly of aggressive practices in cutting running costs of centres, cases of abuse of detained migrants as well as poor working conditions for its staff.⁴³ In 2014, Mitie won the contract for joint management of Colnbrook IRC and Harmondsworth IRC. both of which are located close to Heathrow airport for a total of 173 million pounds from 2014 to 2022.

GEO GROUP INC.

Created in 1988, GEO Group is a real estate investment fund specialising in the provision, rental and management of centres for detention, rehabilitation and community reentry as well as the supply of services in community facilities. This company manages a number of prisons and migrant detention centres in the United States, England, Australia and South Africa. Like its competitors, GEO has been implicated in a number of scandals. In February 2013, a Canadian citizen died handcuffed to a GEO Group security guard.⁴⁴ According to the Prison and Probation Ombudsman, this tragic episode is a severe indictment of the privatised management of migrant detention, which gives rise to inhuman and degrading treatment.⁴⁵ Since 2011, Geo Group has managed the Dungavel detention centre, under a 40 million pound contract (2011–2016).

40 Serco website: www.serco.com

41 Peirce & Partners, Medical Justice et la National Coalition of Anti-Deportation Campaigns, *Outsourcing abuses*, July 2008.

42 Mitie website: www.mitie.com

43 Corporate Watch, “Care & Custody”: *Mitie detention centre contracts*, 01/09/2014.

44 Prison and probation ombudsman (Nigel Newcomen CBE), *Investigation into the death of a man on 10 February 2013 while detainee at Harmondsworth Immigration removal centre*, October 2015.

45 Corporate Watch, *Geo group company profile*, November 2015.

TASCOR (FORMERLY RELIANCE SECURE TASK MANAGEMENT)

Reliance Secure Task Management (RSTM) is a subsidiary of the Kingham security group, specialising in delegated task in the UK criminal justice sector. In August 2011, RSTM was bought out by the multinational Capita and was renamed Tascor. The Home Office outsources to Tascor the service escorting migrants during their deportation by airplane. This contract worth 6.8 million pounds from 2011 to 2015⁴⁶ includes the management of 37 *Non Residential Short-term Facilities* (NRSTF or holding rooms)⁴⁷ located close to ports, airports and various entry points to the UK. In October 2012, Capita won a contract valued at 30 million pounds (over four years) with the Home Office to find and contact 174,000 undocumented workers and students whose application for residence has been refused. The company has been widely criticised for the “Go Home” campaign it led in the scope of the contract.⁴⁸ Advertising trucks travelled the streets of London displaying the following message: “*In the UK illegally? Go home or face arrest*”. Illustrated with an image of handcuffs, the poster displays the number of immigrants arrested in one week (106 in one case) and invites undocumented migrants to send a text to get free advice and help with the “travel documents” needed in order to leave the country.

In April 2013, access to healthcare for detained migrants was entrusted to the National Health Service, instead of the Home Office.⁴⁹ In certain detention centres, the NHS has continued, like the Home Office before it, to outsource medical services to private companies. In 2016, medical services in Brook House IRC, Tinsley House IRC and Yarl’s Wood IRC were outsourced to G4S while Care UK provided medical care to sick detainees in Campsfield House IRC on behalf of the NHS⁵⁰.

46 In 2016, Tascor still manages the service to escort deported migrants. However, the Home Office has launched a new call for tenders and the contract could be transferred to another company from 2017 onwards.

47 Corporate Watch, *Rival firms fight over deportation dividend*, 05/09/2014.

48 *Ibid.*

49 Weber F., “NHS takes over immigration detention healthcare”, *Institute of race relations*, 04/04/2013.

50 Data collected by Corporate Watch (July 2016).

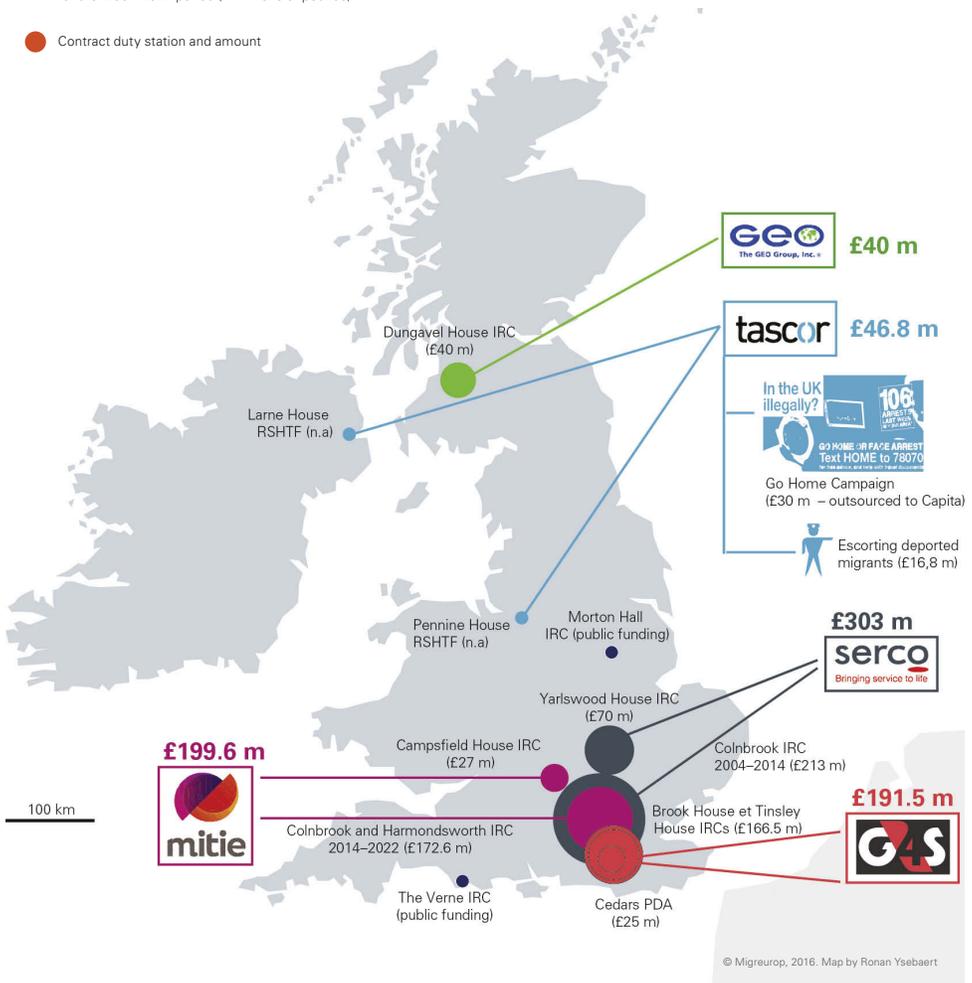


VISUAL 3 UNITED KINGDOM: £780M FOR THE DETENTION AND DEPORTATION OF MIGRANTS (2004–2022)*

 Company name

£m Minimum value of contracts with the Home Office for the 2004–2022 period (in millions of pounds)

 Contract duty station and amount



Sources: Corporate Watch, Financial Times, Geo group, Home Office, Independent chief inspector of borders and immigration (An inspection of Home Office Outsourced contracts for escorted and non escorted removal and Cedars PDA– 2015), Ox-fly (Oxford radical newsletter) and Migreurop.

*This minimum amount only covers the private contracts known to have been concluded by the Home Office with private companies

ITALY

Owing to its geographic location at the heart of the Mediterranean, Italy is one of the main entry points for refugees to the EU. With stricter regulations and sophisticated land border controls, which has made it more difficult to enter European territory, many refugees resign themselves to crossing the Mediterranean to reach the Italian coast⁵¹, often risking their lives. In order to contain the migrants arriving on its coast, Italy has set up various types of detention centres.

The main administrative detention centres in Italy are the “Identification and Deportation Centres” (CIE) focused on identifying and organising the deportation procedure for migrants without leave to remain. Exiles arriving by sea are deprived of their liberty in “first aid and reception centres” (CSPA). Furthermore, since spring 2015, a new type of detention facility has emerged: hotspots. Established under the auspices of the EU, hotspots focus on the systematic identification and registration of all migrants arriving in “frontline” countries, i.e. Greece and Italy. Officially presented as “access points” established to respond to the tragic drownings in the Mediterranean and the “refugee crisis”⁵², they have become new detention and filtering camps to “store” people awaiting relocation to another Member State or deportation from the EU. In autumn 2015, the CSPAs in Lampedusa and Pozzallo as well as the CIE in Trapani were turned into hotspots.⁵³ In March 2016, a fourth hotspot was opened in the port of Taranto, with more to come. There is also a web of “reception centres” (“asylum seeker reception centres” – CARA; “emergency reception centres” - CAS, etc.) where incarceration and violation of rights are reported regularly. The same applies to the international zones located at port or airport borders where, in the absence of a clear legal framework, many exiles who do not meet the criteria for entry to the territory are held in custody in order to organise their return.

51 According to HCR’s estimates, almost 150,000 refugees arrived on the Italian coast in 2015.

52 COM (2015) 240 final, *A European Agenda on Migration*, 13/05/2015, p. 7.

53 CSPA of Lampedusa, 21/09/2015; CIE of Trapani, 23/12/2015; CSPA of Pozzallo, 19/01/2016; CIE of Taranto, 18/03/2016.



PUBLIC-PRIVATE MANAGEMENT OF MIGRANT CAMPS

In contrast to the Anglo-Saxon model, administrative detention of foreign nationals without a residence permit in Italy comes within the remit of the State. However, as noted by Louise Tassin in her publications, while the Italian detention centres report to the Ministry for the Interior and the prefectures, *“their management and the services related to detainee care – catering, accommodation, maintenance, etc. – are traditionally entrusted to social cooperatives⁵⁴, whose scope of activity has expanded in recent years and whose role has increased. In addition to logistics, the cooperatives are now responsible for medico-social care and management of the centres, while security work (surveillance, maintaining order and identification of migrants) remains in the hands of the State. This change is not without significance, and speaks volumes about the transition, as in the majority of European countries, but with specific conditions towards ‘a market’ for migrant detention”*.⁵⁵ Contracts are attributed on the basis of calls for tender whose main selection criteria is the cost per person per day. While migrant assistance is promoted as the primary objective of the centres, it is subcontracted to private companies whose interest in the management of the centre is economic.

A COMPETITIVE MARKET

For many years, the Italian Red Cross has been the main private organisation mandated to work in the Italian CIEs and in certain “reception” centres for asylum seekers.⁵⁶ The charity provides a range of services, including catering, health, accommodation, psycho-social support, cultural and linguistic assistance and logistics. After a number of serious incidents (in particular fires and deaths in the centres) and while the Red Cross criticised the lack of human resources, the Italian government decided to bring more civil society organisations into migrant detention centres.

54 Social cooperatives emerged in Italy at the beginning of the 1980s. According to Italian law, social cooperation is an instrument which *“serves not the interests of its members, but the general interest of the local area through human advancement and social integration of citizens”*. They offer social, health and educational services focusing on the integration of disadvantaged people. The law gives social cooperatives direct access to public procurement contracts, offering them status as true “social enterprises”.

55 Tassin L., “Quand une association gère un centre de rétention, le cas de Lampedusa (Italie)”, 5th Congress of the French Sociology Association (AFS), 04/09/2013.

56 Flynn M. & Cannon C., “The privatization of immigration detention”, *Global detention project*, September 2015, p. 9.

In 2013, the NGO Medici per i diritti umani (MEDU) counted eight NGOs and cooperatives involved in supplying services to the Italian CIEs⁵⁷: the Italian Red Cross (Turin and Milan); the consortium Connecting People (Gorizia); Misericordie d'Italia (Crotone, Bologna and Modena); the Albatros 1973 cooperative (Caltanissetta); the Auxilium cooperative (Rome); the Associazione Operatori Emergenza Radio (Bari-Palese); the Oasi Consortium (Bologna and Trapani Milo) and the Malgrado Tutto cooperative (Pian del Duca).

Traditionally entrusted to non-profit organisations, administrative detention centres are now being targeted by private businesses looking for a new source of profits. Such is the case for the French company GEPSA (Management of Auxiliary Prison Services), a subsidiary of Cofely, which itself belongs to the energy multinational GDF Suez. Historically a partner to the French prison administration, GEPS manages 16 prisons and provides services to 10 administrative detention centres in France⁵⁸. In partnership with Acuarinto, an Italian culture association, the company has progressively taken hold in the Italian detention market. In December 2012, the GEPSA-Acuarinto consortium won the contract to manage the CIE in Rome for a daily amount of €28.80, whereas the cooperative had previously asked for €41 euros. Two years later, the company won the contracts for the CIEs in Turin and Milan with prices 20% to 30% lower than those offered by the Red Cross. GEPSA's new role in Italian migrant detention centres marks the entry en masse of multinationals to the detention market, and the emergence of a "more industrial approach"⁵⁹ to the management of Italian CIEs.

According to an investigation led by Lunaria, an Italian association, between 2005 and 2011, the cost of the migrant detention system to the Italian State came to a total of one billion dollars.⁶⁰ According to the figures officially available, the majority of these costs were incurred by the CIEs. Parallel to the rise in detention budgets, public spending invested in the reception centres for migrants has fallen.⁶¹ The Italian government has chosen to focus on incarceration policies for foreign nationals rather than reception and social integration.

57 MEDU, *The CIE Archipelago*, May 2013, p. 18.

58 DataGueule, *À qui profite la taule?*, October 2015 / ASSFAM – Forum réfugiés – France terre d'asile – La Cimade – Order of Malta, *Rapport 2015 sur les centres et locaux de rétention administrative*, June 2016 / www.closesthecamp.org

59 Non Fides, *GDF Suez va gérer un centre de rétention en Italie*, 21/06/2011.

60 Lunaria, *Costi disumani. La spesa pubblica per il 'contrasto dell'immigrazione irregolare*, 2013.

61 *Ibid.* p. 60.



VISUAL 4 MIGRANT DETENTION IN ITALY: A COMPETITIVE, AND PERHAPS PROFITABLE, MARKET?

Name of the identification and deportation centres (CIE)

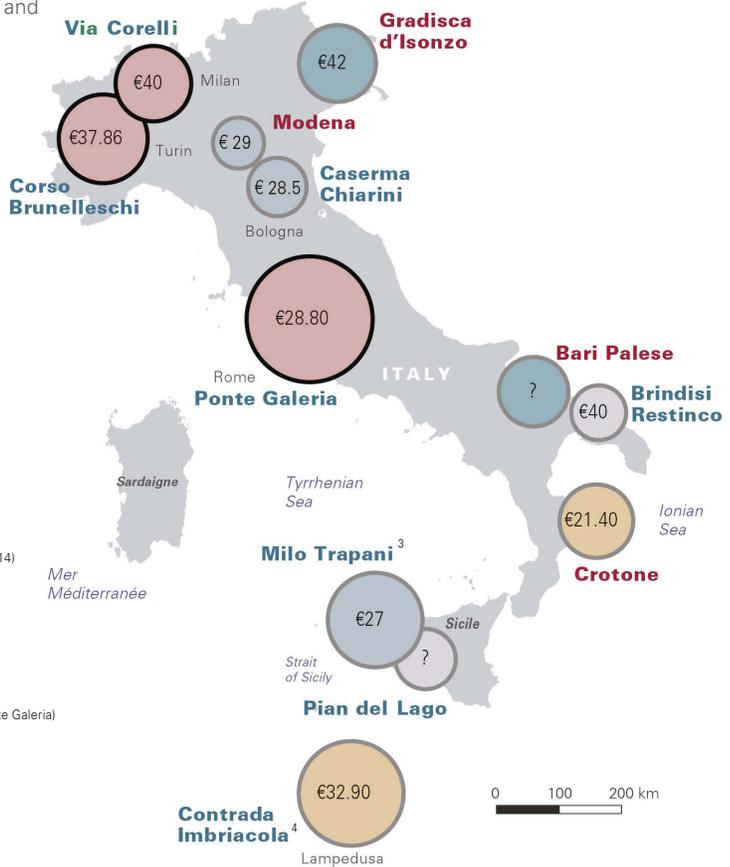
Via Corelli Opened in 2016

Bari Palese Closed in 2016¹

Organisme gestionnaire

- Gepsa / Acuarinto
 - Connecting people
 - Oasi Consortium
 - Misericordia
 - Auxilium
 - Non-profit organisation
 - Private company
- €38 Contract per day per detainee (2014)
- ? Unknown amount

Capacity of the CIEs²



© Migreurop, 2016. Map by Louise Tassin

NOTES

1. Some of the Italian centres were closed temporarily in 2013 after damage or destruction due to fires and protests.
2. Capacity figures relate to 2014 with the exception of Gradisca d'Isonzo and Modena, which date from 2012.
3. In December 2015, this former detention centre was transformed into a "hotspot", designed to take in and filter migrants upon arrival in the EU.
4. Established in 1998, the Lampedusa centre has served as a detention centre and a reception centre but has always been a place where people are deprived of their liberty. In September 2015 it became the first "hotspot" in Europe.

Sources: Campagne LasciateCIEEntrare, Close the camps (www.closeethecamps.org), Macerie (www.autistici.org), MEDU (The CIE Archipelago: Inquiry into the Italian Centres for identification and expulsion), Migreurop, Prefecture of Rome (information notice), Senate (Report on Italian CIEs by the Special Human Rights Committee, XVII legislature – 2014).

FRANCE

In France, the detention of undocumented migrants began in the 1960s, illegally. For many years, immigrant workers for deportation were incarcerated without any legal basis in an old warehouse in the port of Marseille. In 1975, after a number of NGOs and journalists worked together, the scandal surfaced. Six years later, the Act of 29 October 1981 legalised administrative detention for any foreign national arrested and subject to a removal measure. Throughout the years, administrative detention has developed considerably. In 2003, the Ministry for the Interior set deportation quota for each prefect, officially abolished in 2008. In 2005, a three-year construction and expansion plan for the administrative detention centres was adopted. Between 2003 and 2008 detention doubled and has not fallen since. At the same time, the maximum detention period has increased progressively, from 12 days (1998) to 32 days (2003) to 45 days as of June 2011.

Migrant detention centres now fall into various categories: airport/port waiting areas where foreigners are intercepted at the border when not in possession of valid documents (up to 24 days); administrative detention centres (CRA) where some undocumented workers present on French territory are held (up to 45 days); and police stations and administrative detention rooms (LRA) which can hold migrants for a short period (2 to 4 days). In 2016, there were 24 administrative detention centres, 67 waiting areas and 19 administrative detention rooms in France.⁶² According to data from the organisations working in the field of administrative detention, almost 50,000 individuals were detained in administrative detention centres and facilities in 2015.⁶³

62 ANAFE, *Des zones d'atteintes aux droits*, 2015 / *Rapport 2015 sur les centres et locaux de rétention administrative*, *op. cit.*

63 *Rapport 2015 sur les centres et locaux de rétention administrative*, *op. cit.*



THE PRIVATISATION OF LEGAL AID FOR DETAINED MIGRANTS

Unlike the systems developed in the United Kingdom where management is outsourced to companies or in Italy where management is shared between the government and private organisations, French administrative detention is managed by the public sector. However, as early as 1984, the French State entrusted humanitarian and social assistance for detainees to an organisation active in the defense of rights of foreign nationals, La Cimade. Over the years, La Cimade's work in detention has evolved towards defending detainee's rights and communicating information collected in detention facilities to the outside world. The Decree of 19 March 2001⁶⁴, which sets a legal framework for administrative detention, specifies that legal assistance in detention centres should be financed by the State and entrusted to a "*national association, whose objective is the defence of the rights of foreign nationals*". Until 31 December 2009 La Cimade was the only organisation working in the field of administrative detention. Since then, four other NGOs have been mandated by the State to provide legal assistance to detained foreign nationals. This development results from a government policy of putting associations into competition with one another, to weaken the voice of opposition from inside the detention centres. The organisations have managed to limit this impact by coming together in a steering group and publishing a national annual report on detention facilities. In 2015, Solidarité Mayotte became the first association nominated for that purpose. All of these organisations operate on a non-profit basis. However, nothing in the call for tenders prevents private for-profit companies from submitting a bid in the future.

64 Decree No. 2001-236 of 19 March 2001 on administrative detention centres and facilities.

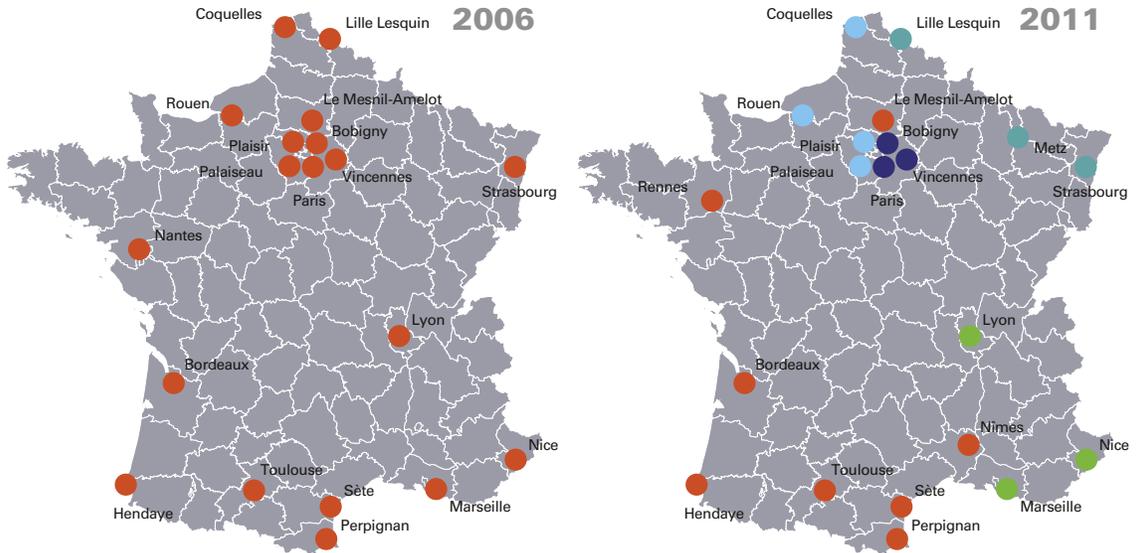
VISUAL 5 INTRODUCING COMPETITION TO LEGAL AID FOR FOREIGN NATIONALS DETAINED IN CRAS*

1984

After the detention centres were made official in 1981, the government entrusted La Cimade with the task of providing social and humanitarian assistance. With the introduction of an appeal process against deportation decisions, the legal aspect of this mandate has developed and was given the green light in 1995.

2001

A decree published on 19 March confirmed that the State will provide funding for legal assistance entrusted to an NGO. The agreement already concluded between the Minister for Social Affairs and the Cimade is renewed.



Legal aid organisations working in administrative detention centres

- Association Service Social Familial Migrants (ASSFAM)
- Cimade
- Forum réfugié COSI
- France Terre d'Asile (FTDA)
- Ordre de Malte
- Solidarité Mayotte¹



2003

A public procurement procedure supervised by the Minister for the Interior is established. Until 31 December 2009, La Cimade was the only NGO working in administrative detention.

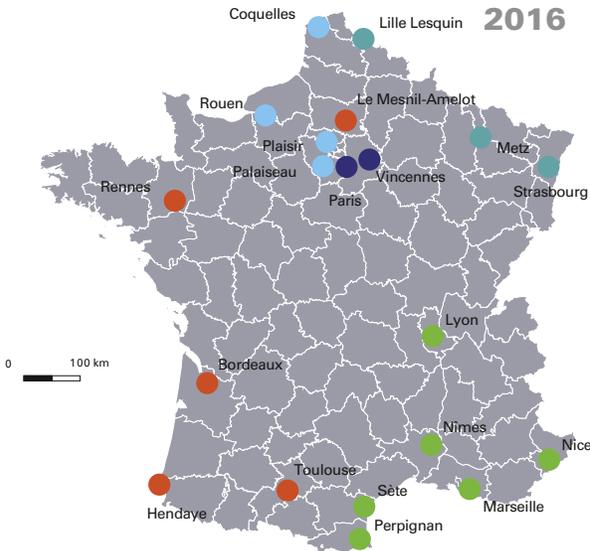
2010

On 1 January, the government decided to have NGOs compete with one another for the renewal of the contract. Afterwards, five associations were mandated by the State to provide legal aid to detainees in CRAs.

2014

Following the renewal of the 2014–2016 contract, La Cimade withdrew from three detention centres, citing “constantly worsening working conditions”.

2016



Overseas territories with an administrative detention centre in 2016

Guyana



Guadeloupe (since 2011)



Mayotte (since 2016)



Réunion (since 2011)



NOTES

1. This was the 6th organisation appointed to “welcome, provide information and legal aid” to migrants held in administrative detention for the exercise of their rights, in the context of a public contract supervised not by the Minister for the Interior but by the Prefecture of the Mayotte department.

* Administrative Detention Centre

© Migreurop, 2016. Map by Lydie Arbogast, Olivier Clochard et David Rohi

Sources: Cimade (2007) Administrative detention centres and facilities, 2006 Report, 202 p.; ASSFAM, Forum Réfugiés, France Terre d’Asile, La Cimade and the Order of Malta (2011) Administrative detention centres and facilities, 2010 Report, 234 p.; ASSFAM, Forum Réfugiés, France Terre d’Asile, La Cimade and the Order of Malta (2016) Administrative detention centres and facilities, 2015 Report, 125 p.

MULTATIONALS OPERATING IN ADMINISTRATIVE DETENTION IN FRANCE

While administrative detention of foreign nationals remains primarily within the public sector in France, outsourcing of related activities still allows a plethora of private businesses to make money from detention centres. Since 2004, public authorities can outsource the financing, construction, maintenance and management of public facilities such as lighting, secondary schools, hospitals, and administrative detention centres to service providers.⁶⁵ Each time a detention centre is constructed or renovated, calls for tender for public contracts are issued. French multinationals in the field of public works and buildings and their subsidiaries respond to such calls for tender. This was how Bouygues became involved through its various subsidiaries in the construction and extension of nearly fifteen detention centres in the context of a public-private partnership (PPP).⁶⁶ In return, the State pays rent up to the end of the various partnership agreements. When construction is completed, the various day-to-day services (catering, laundry, cleaning, etc.) also generate profit. Airports, aviation, maritime and bus companies also take their share: after detention, migrants must also be escorted to the border.

In a cynical turn of events, on 10 August 2010, four undocumented workers employed on the Mesnil-Amelot detention centre extension site in the Seine-et-Marne area were intercepted by police and detained in that very centre.⁶⁷ All four were employed by SCREG, a subsidiary of Bouygues and one of the outsourcers that won a contract with the Ministry for Defence for the extension of the camp. In other words, Bouygues employed undocumented workers to build their own prison...

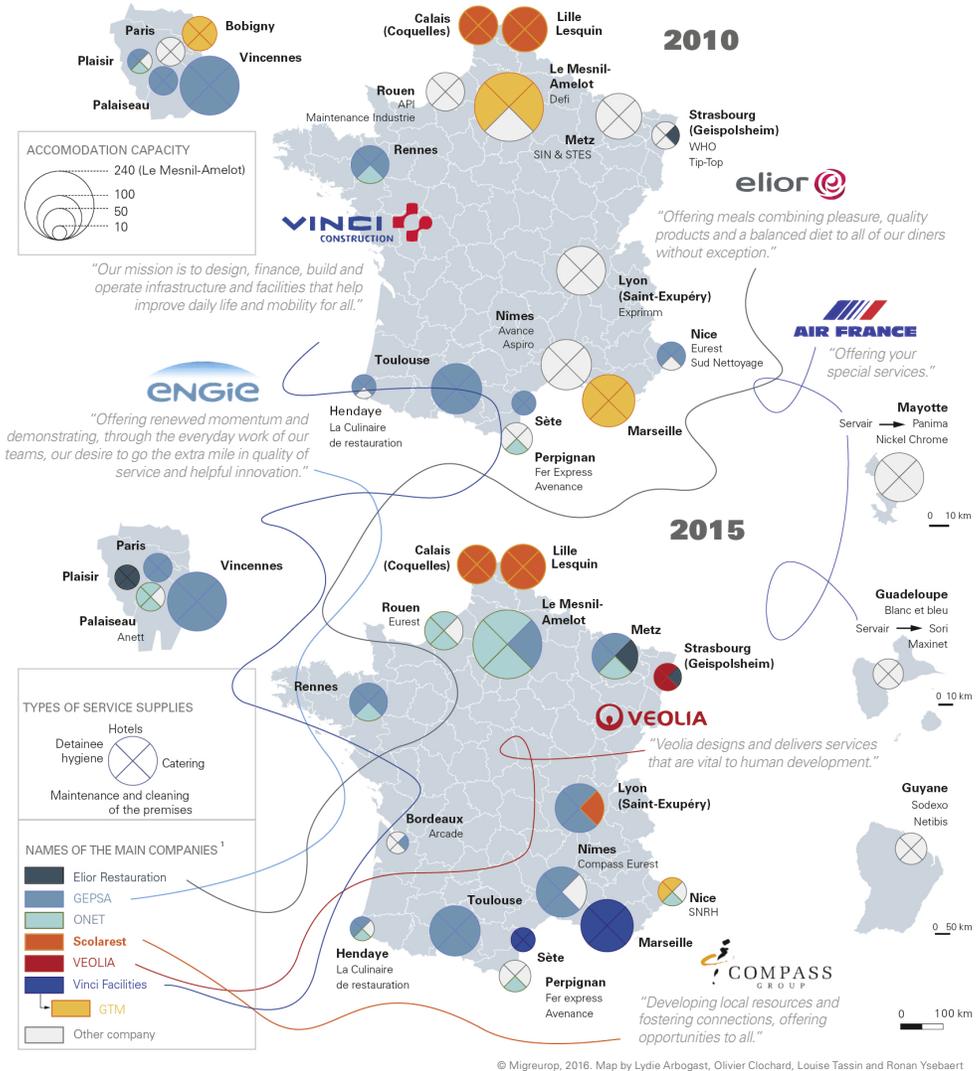
65 Clochard O. & Rodier C., "Circulez, c'est privé!", *Plein Droit*, No. 101, 2014, pp. 26–30.

66 Urbach E., "Le marché de l'enfermement, aubaine pour Bouygues et cie", *L'Humanité*, 21/10/2015.

67 Liétout P., "Des clandestins arrêtés sur le chantier d'un centre de rétention", *Reuters*, 10/08/2010.



VISUAL 6 IN THE HIDDEN CORNERS OF THE ECONOMY... MULTINATIONALS SERVING DETAINED MIGRANTS?



NOTES

1. The information in the NGO reports (cf. above) on the contracts between the Ministry for the Interior and the contracting companies sometimes mention the main beneficiary, and sometimes the subcontracting company.

Source: ASSFAM, Forum Réfugiés, France Terre d'Asile, La Cimade and the Order of Malta (2011) Administrative detention centres and facilities, 2010 Report, 234 p.; ASSFAM, Forum Réfugiés, France Terre d'Asile, La Cimade and the Order of Malta (2016), Administrative detention centres and facilities, 2015 Report, 125 p.

VISUAL 7 SERVICES PROVIDED BY COMPANIES IN DETENTION CENTRES: 2010 AND 2015

CRA 2010	HOTEL: SHEETS/ BLANKETS	CATERING	MAINTENANCE AND CLEANING OF THE PREMISES	HYGIENE OF THE DÉTENUES
BOBIGNY	GTM	GTM	GTM	GTM
BORDEAUX				
COQUELLE	Scolarest	Scolarest	Scolarest	PAF
HENDAYE	GEPSA	GEPSA => ONET	TFN	GEPSA
LESQUIN	Scolarest	Scolarest	Scolarest	Scolarest
LYON	Exprimm => ONET	Exprimm => Avenance	Exprimm => ONET	Exprimm => ONET
MARSEILLE	GTM	GTM	GTM	GTM
LE MESNIL-AMELOT	GTM	GTM => DEFI	DEFI	GTM => DEFI
METZ	Sociétés SIN et STES	Sociétés SIN et STES	Sociétés SIN et STES	Sociétés SIN et STES
NICE	GEPSA	GEPS A => Eurest	Sud nettoyage	GEPSA
NIMES	Exprimm	Avenance	Aspiro	Exprimm
PALAISEAU	GEPSA	GEPSA	GEPSA	GEPSA
PARIS (PALAIS DE JUSTICE)	Les Soeurs de la Miséricorde	Les Soeurs de la Miséricorde	Les Soeurs de la Miséricorde	Les Soeurs de la Miséricorde
VINCENNES	GEPSA	GEPSA	GEPSA => ONET	GEPSA
PERPIGNAN	Avenance => Fer Express	Avenance	ONET	Hygy-Pro => Avenance
PLAISIR	GEPSA	Ekilibre	ONET	GEPSA
RENNES	GEPSA	GEPSA	ONET	GEPSA
ROUEN-OISSEL	Greffé du centre	API	Maintenance industries	Agents de nettoyyages
SÈTE	GEPSA	GEPSA	GEPSA	GEPSA
STRASBOURG	OMS Thionville => TIP-T O P	L'Alsacienne de restauration	OMS Thionville => TIP-T O P	OMS Thionville => TIP-T O P
TOULOUSE	GEPSA	GEPSA	GEPSA => ONET	GEPSA

CRA 2015	HOTEL: SHEETS/ BLANKETS	CATERING	MAINTENANCE AND CLEANING OF THE PREMISES	HYGIENE OF THE DÉTENUES
BOBIGNY				
BORDEAUX	ARCADE	GEPSA	ARCADE	ARCADE
COQUELLE	Scolarest	Scolarest	Scolarest	Scolarest
GUADELOUPE	Blanc et Bleu	Servair => Sori	Maxinet	Blanc et Bleu
GUYANE	Netibis	Sodexo	Netibis	Netibis
HENDAYE	GEPSA	La Culinaire de restauration	ONET	GEPSA
LESQUIN	Scolarest	Scolarest	Scolarest	Scolarest
LYON	GEPSA	Scolarest	GEPSA	GEPSA
MARSEILLE	Vinci Facilities	Vinci Facilities	Vinci Facilities	Vinci Facilities
LE MESNIL-AMELOT	ONET	GEPSA	ONET	ONET
MAYOTTE	Nikel Chrome	Servair => Panima	Nikel Chrome	Nikel Chrome
METZ	GEPSA	L'Alsacienne de restauration	ONET	GEPSA
NICE	GTM	SNRH	ONET	GTM
NIMES	GEPSA	Compass Eurest	GEPSA	GEPSA
PALAISEAU	ONET	Anett	ONET	ONET
PARIS (PALAIS DE JUSTICE)	GEPSA	GEPSA	GEPSA	GEPSA
VINCENNES	GEPSA	GEPSA	GEPSA => ONET	GEPSA
PERPIGNAN	Fer Express	Avenance	ONET	Avenance
PLAISIR	Elior	Elior	Elior	Elior
RENNES	GEPSA	GEPSA	ONET	GEPSA
ROUEN-OISSEL	ONET	Eurest	ONET	ONET
SÈTE	Vinci Facilities	Vinci Facilities	Vinci Facilities	Vinci Facilities
STRASBOURG	VEOLIA	L'Alsacienne de restauration	VEOLIA	VEOLIA
TOULOUSE	GEPSA	GEPSA	GEPSA	GEPSA

Elior Restauration
 Scolarest
 Vinci Facilities
 Autre entreprise

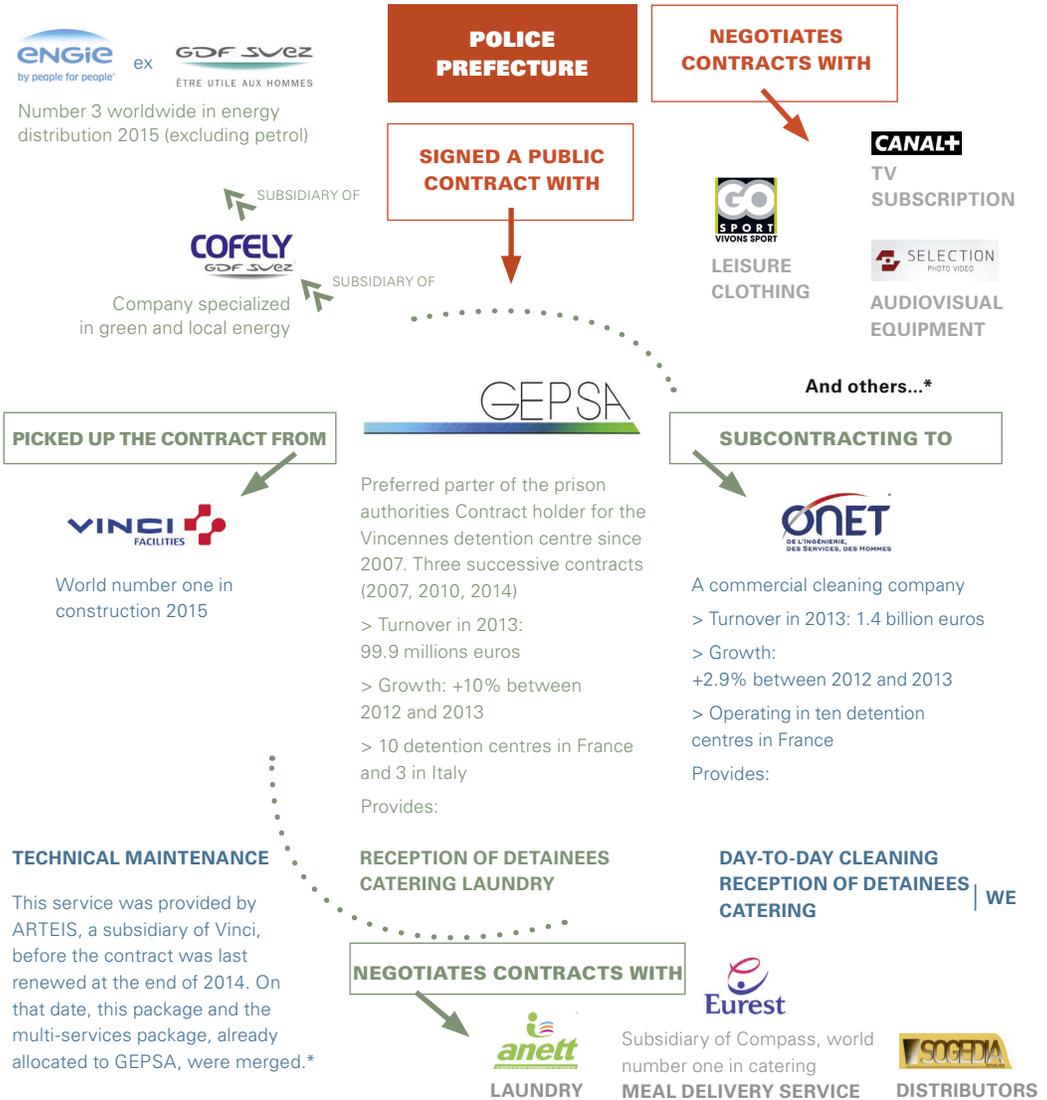
GEPSA
 ONET
 VEOLIA
 GTM

A => B: company A subcontract company B

Source: ASSFAM, Forum Réfugiés, France Terre d'Asile, La Cimade et Ordre de Malte (2011) Centres et locaux de rétention administrative, 2010 Report, 234 p.; ASSFAM, Forum Réfugiés, France Terre d'Asile, La Cimade et Ordre de Malte (2016) Centres et locaux de rétention administrative, 2015 Report, 125 p.



VISUAL 8 THE WEB OF PRIVATE COMPANIES IN THE PARIS-VINCENNES DETENTION CENTRE IN 2015



© Migreurop, 2016. Graphic by Louise Tassin.

* The list of businesses cited here, based on research on the centre, is not exhaustive.
Sources: investigation on the ground in the Vincennes Centre in Autumn 2014 + company websites

THE PRIVATISATION OF MIGRANT DETENTION, A GROWING PHENOMENON IN THE EU

Information and analysis of privatised detention of migrants is mainly concentrated in English-speaking countries, in particular the United States, Australia and the United Kingdom, the first countries to have “*delegated the operation of imprisonment facilities to private companies*”.⁶⁸ Although little research has been done within the EU on the privatisation of migrant detention, a clear trend has emerged, guided by neoliberal policies, whereby migrant detention has gradually transformed into a lucrative business for a wide range of players, although it must be said that this does not relate to all Member States.⁶⁹ Apart from the examples in the United Kingdom, Italy and France outlined in the report, below is an overview of some of the statistics on the privatisation of migrant detention in other EU Member States. While the primary focus of the report is on the role of private players (NGOs and companies) in “closed” centres⁷⁰, it also documents certain “open” centres, where outsourcing to the private sector is also on the rise.

GERMANY

A number of private companies are involved in the operation of detention centres for migrants in Germany, in particular: European Homecare, B.O.S.S. Security and Service GmbH, and Kötter.⁷¹ The detention centre in Brandenburg is a good example, where B.O.S.S. supplies security, catering and social assistance, whereas the public authorities are responsible for the overall management of the centre. In addition, certain prison facilities used for the administrative detention of migrants employ private security personnel. For example, Kötter provides security in the Büren prison along with the European Homecare company, which provides “social services”. European Homecare is also present in approximately fifty accommodation centres for asylum seekers.⁷² The company came into the public eye in autumn 2014, when it was withdrawn from the Siegerland Buchbach accommodation centre after guards committed acts of torture and ill treatment against asylum seekers.⁷³

68 McDonald D., “Public Imprisonment by Private Means: The Re-Emergence of Private Prisons and Jails in the United States, the United Kingdom, and Australia”, *British Journal of Criminology*, 34 Special Issue (1994), pp 29–48.

69 Flynn M. & Cannon C, *op. cit.*

70 By “closed” centres, we are referring to all detention facilities where foreign nationals are deprived of their liberty completely, i.e. they are not allowed to leave the facility, unless travelling to the courts or to hospital under police escort.

71 Global detention project, *Germany immigration detention profile*, October 2014.

72 Heymann S., “German companies profits from the new ‘refugee industry’”, *World Socialist website*, 14/08/2015.

73 Huggler J, “SS’ German guards with links to neo-Nazi groups abused asylum seekers”, *The Telegraph*, 01/10/2014.



AUSTRIA

A number of private companies are working in migrant accommodation and detention centres in Austria including G4S, European Homecare and ORS Gmbh.⁷⁴ ORS Gmbh, a subsidiary of the Zurich-based ORC, is the dominant player on the asylum seeker accommodation market. The contract concluded in 2012 between the company and the Minister for the Interior outsources the management of all the new Austrian federal asylum seeker centres to ORS.⁷⁵ In 2014, the company received 21 million euros from the State for this project. Some autonomous provinces also used the services of ORS for the management of their centres.⁷⁶ In 2015, ORS Service was censured by Amnesty International for its “inhuman” management of the asylum-seekers’ centre in Traiskirchen, close to Vienna, because of overcrowding – 4,500 people in a centre designed for 1,800 – and services that were seriously inadequate with respect to access to care and protection of unaccompanied minors.⁷⁷

BELGIUM

The situation in Belgium is similar to that in France. While closed centres are managed by the public sector, private companies are also engaged for certain services related to the operation of centres and the care of detainees. Catering, cleaning and technical services can be outsourced to private companies. Access to doctors and medicine is also delegated to the private sector via calls for tender open to independent doctors and pharmacies. Although social workers, psychologists, nurses and security officers are members of the *Office des étrangers* under the control of the internal federal public service⁷⁸, the management of open centres for asylum seekers is also increasingly being outsourced to the private sector. According to a memo published by CIRÉ (Coordination and Action for Refugees and Foreign Nationals)⁷⁹, private companies in the commercial sector now supply practical assistance including accommodation, clothes, food and healthcare to asylum seekers, on the same footing as the state and NGOs.

SPAIN

In Spain, closed centres (“*Centro de internamiento de extranjeros*” – CIE) are controlled by the Ministry for the Interior. As with France and Italy, the Ministry outsources certain services to the private sector. According to Pieo Aierbe (SOS Racismo), all medical services supplied to CIEs are delegated to the private sector. Outsourcing also features

74 Global detention project, *Immigration detention in Austria*, December 2014, p. 9.

75 “Austria held thousands of refugee in a squalid camp”, *Usatoday.com*, 12/10/2015.

76 ORS Service Gmbh website (www.orservice.at), Das Wichtigste in Kürze, accessed on 22/06/2016.

77 Amnesty International, 2015-16 Report, p. 96.

78 Data collected by Andrew Crosby in the context of his research on closed centres in Belgium, July 2016.

79 CIRÉ, *La privatisation de l'accueil des demandeurs d'asile*, December 2015.

in temporary accommodation centres ("*Centro de estancia temporal de inmigrantes*" – CETI). In 2013, the Spanish companies EULEN Seguridad and Serramar Vigilancia y Seguridad signed a contract for 6.5 million euros with the Spanish state for the surveillance of CETIs in the Spanish enclaves of Ceuta and Melilla in Morocco.⁸⁰ Violations of the rights of detainees and acts of violence, along with poor living conditions in both camps are reported on a regular basis by civil society.⁸¹

GREECE

In 2012, the Greek government amended legislation on accepting migrants and asylum seekers, most strikingly by creating the possibility to transfer the responsibility for the surveillance of migrant camps from the Greek police to private companies.⁸² One year later, the Minister for Public Order and Citizen Protection announced government plans to launch a call for tenders open to security companies for surveillance in the six migrant detention centres.⁸³ From then on, the well-known private company, G4S, would operate in a number of migrant detention centres. In 2016, the European Asylum Support Office (EASO), responsible for the asylum procedure in Greek hotspots, gave the contract for security of its staff in the Lesbos hotspot to G4S. On 9 June, the legal aid organisation Mytilène took a case against EASO on the grounds that, along with the security companies, it was preventing migrants from accessing certain areas, including the EASO office, thus hampering access to the asylum application process.⁸⁴ Furthermore, since 2015, the Greek government has been in receipt of EU aid to process asylum applications and identify migrants in refugee camps and hotspots. The NGOs working in the refugee camps receive part of the European funding. As a result, certain camps are almost entirely managed by NGOs or international organisations such as the HCR or IOM. Certain Greek coordinators nominated as camp managers by the Ministry are sometimes paid by these organisations.⁸⁵

80 Boletín oficial del estado No. 121, Anuncios de licitaciones públicas y adjudicaciones, 21/03/2013.

81 APDHA – GADEM – La Cimade - Migreurop, *Ceuta et Melilla: centres de tri à ciel ouvert aux portes de l'Afrique*, December 2015.

82 Nielsen N., "Private security firms cash on guarding EU borders", EUobserver.com, 25/09/2013.

83 *Ibid.*

84 Fotiadis A., "New security on Greek Islands reduces access", News Deeply, 15/06/2016.

85 Data collected by Laurence Pillant (geographer) in the context of his work on immigration in Greece (Athens – May 2016).



SWITZERLAND⁸⁶

As of 2007, following a decision of the Council of State, the Swiss government transferred the management of centres for asylum seekers to a private company based in Zurich. ORS presented two key advantages: experience as a large organisation specialised in the field and lower prices than its competitors.⁸⁷ Since then, ORS has continued to win contracts on the Swiss asylum market, often to the detriment of public sector bodies. The company reported a turnover of 65 million Swiss francs in 2014, essentially from public funding. According to various media reports, turnover reached 85 million in 2015. However, the company's profits have never been disclosed. ORS now manages nine federal registration and processing centres, as well as forty centres in the cantons.⁸⁸ It provides services as diverse as: supervision and accommodation, the payment of assistance allocated by the cantons to applicants, training and integration programmes, and even preparation for return.

SWEDEN

Sweden has taken the opposite course, with the country moving from private management to national public management of immigration camps. Until 1997, migrant detention centres fell within the remit of the federal police, which outsourced their day-to-day operation to private security companies.⁸⁹ In the 1990s, after a number of events brought to light the difficult detention conditions – hunger strikes, suicide attempts, etc. – criticism of the companies operating in the centres gained momentum. Their lack of knowledge and experience in supporting migrant populations and the lack of transparency in their management methods came in for strong criticism.⁹⁰ In 1997, after ordering an investigation into detention and deportation practices for irregular migrants, the Swedish government adopted a series of immigration and asylum reforms, and took the decision, among others, to withdraw private companies from migrant detention centres and to transfer responsibility for the centres to a new dedicated governmental organisation, the Migration Agency⁹¹, rather than the police.

86 "Vers la privatisation des procédures de demandes d'asile?", *Vivre Ensemble*, No. 144 September 2013.

87 Goumaz M., "L'asile: un marché convoité", *Le Temps*, 13/06/2016.

88 Favre C., "Le juteux business de l'asile", *Le Matin*, 28/08/2015.

89 Mitchell G., *Asylum Seekers in Sweden*, 2001.

90 *Ibid.*

91 Sveriges Riksdag, Ändring av utlänningslagens förvarsbestämmelser Socialförsäkringsutskottets betänkande 1996/97, 28/05/1997.



THE IMPACT OF THE PRIVATISATION OF MIGRANT DETENTION

The privatisation of migrant detention – depending on the context in which it is implemented and the form it takes – can produce different effects. Based on a few specific examples, we present here the potential consequences of privatisation on the living conditions and treatment of detainees, along with the symbolic and political effects that can arise from the involvement of private players in the management of migration camps and related services.

THE IMPACT OF PRIVATISATION ON THE LIVES OF DETAINEES

“There should always be a concern when a state invites a for-profit contractor into the management structure of something like immigration-related detention... Introducing private contractors shifts the policy focus away from the well-being of migrants to the bottom line of a company, which capitalises on the violation of detainees’ rights, as well as of the workers they employ. This is inevitable, this is just the nature of business.” Michael Flynn (Global Detention project), April 2014⁹².

CUTTING COSTS AND INCREASING PROFITS TO THE DETRIMENT OF DETAINED MIGRANTS

In general, economic reasons are invoked to explain the delegation of services related to the operation of migrant detention centres to private players, as a way to cut costs for the state, which are said to be higher when public servants are assigned to the same tasks.⁹³ Furthermore, calls for tender, regularly renewed by governments, are the object of increasing competition between bidders (NGOs and companies), resulting in an overall trend towards lower funding allocated to detention centres. This process leaves the door open for players seeking to increase their profits with no regard for the rights or protection of the persons concerned. A fall in living conditions and services in detention centres is the natural consequence of the rush to reduce State costs and to maximise profits for private contractors. Competition can lead to a deterioration in detention conditions, even in facilities run by non-profit organisations whose main objective may still be to defend the rights of detainees.

In Italy, management costs of detention centres are falling from one tender to the next, regardless of the contracting organisations (NGOs or private companies). GEPSA, a private company working in partnership with the Italian organisation Acuarinto, has managed to establish itself on the Italian detention market thanks to its highly competitive prices. But these budget cuts are not without an impact on detention conditions for migrants. In Rome, where the GEPSA/Acuarinto consortium won the contract for the

92 Cité par Nielsen N., “Private security firm bid on Greek asylum centres”, *EU Observer*, 02/04/2014.

93 Rodier C., *Xénophobie business. À quoi servent les contrôles migratoires?*, Paris, La Découverte, 2012, p. 24.



Pente Galeria CIE and the Castelnuovo di Porto CARA, cost reductions translated into reduced psychological assistance and pocket money for detainees (€2.50 per day down from €3.50), along with shortcomings in terms of catering (insufficient number of meals for detainees) and health (investments required in the calls for tender – purchase of an ambulance – which were never made).⁹⁴

The situation is hardly better where the management of detention facilities is delegated to non-profit organisations. In 2006, Lampedusa Accoglienza, a social cooperative with responsibility for the CSPA in Lampedusa, made the most attractive bid with an amount of 33 euros per person per day – 30% less than the price previously offered by Misericordie. Many researchers and human rights defence organisations have highlighted the impact of such budgetary restrictions on minimum standards. *“During summer 2013, while 1000 persons were held in the CSPA with a capacity of 250 places, hundreds of individuals slept under trees on the edge of the site. No activities had been organised and inadequate meals were distributed on plastic trays to be consumed on the ground. Promiscuity, hygiene problems, difficulties in accessing medical services and failure to meet international standards were widespread.”*⁹⁵ In 2011, the effort to maintain profits in the management of the CSPA resulted in a longer detention period for migrants, in violation of Italian law. *“In order to optimise transport costs to Sicily, ferries only left once they reached maximum capacity, which also allowed the cooperative to collect a per diem sum for each migrant.”*⁹⁶ As noted by Louise Tassin, *“although the official aim of social cooperatives is the general interest of the community, rather than shareholders’ profits, the procurement contract system forces the organisation into a profit-based approach with little regard for rights”*.⁹⁷

94 “Tempi di permanenza e cambi di gestione”, *Macerie*, 05/12/2014.

95 Tassin L., “Quand une association gère un centre de rétention, le cas de Lampedusa (Italie)”, 5th Congress of the French Sociology Association (AFS), 04/09/2013.

96 *Ibid.*

97 *Ibid.*

POOR WORKING CONDITIONS AND POORER DETENTION CONDITIONS

Constant cost cutting also impacts working conditions for employees of private companies working in detention centres. As working conditions worsen, so too do living conditions for detained migrants.

The social movements that shook the Mesnil-Amelot administrative detention centre in Paris in July 2013 are a good example. After winning the catering, laundry and cleaning contract for the centre, Onet, a subsidiary of GDF Suez, threatened to dismiss employees from the previous supplier Défi catering, a subsidiary of the Vinci group, unless they accepted the conditions offered, i.e., after resigning from their previous employment, agreeing to sign new contracts with a 60 hour week and none of their previous advantages (payment of a 13th month of salary, long service bonus, etc.).⁹⁸ Staff went on strike in protest against worsening working conditions and the threats of dismissal made against them. The campaign had serious consequences for detainees who had begun a protest movement against worsening living conditions in the detention centre.⁹⁹

The associations to which the French State subcontracts “information and legal aid” for foreign detainees are also faced with budgetary restrictions. In 2014, La Cimade announced its withdrawal from the three detention centres in the Languedoc-Roussillon region where it previously provided legal aid services to detainees. In a press release¹⁰⁰, the organisation laid the blame with the “*lowest cost approach to the provision of services*” prevailing in the legal aid contract, resulting in “*consistently worsening conditions, in its freedom to act and in the organisation of the work*”. The organisation explained that it preferred to withdraw from the centres “*rather than further erode working conditions for its employees and thus participate in the worsening treatment of persons held in the centres*”. According to David Rohi (La Cimade) the fact that the State delegates legal aid to non-profits is not problematic in itself. There is nothing to prove that legal assistance to detainees would be of better quality if it was directly managed by public servants. The main problem is the use of competitive public procurement, and the conditions stipulated in public contracts. What resources is the state giving to private operators to carry out the mission entrusted to it?¹⁰¹ In Mayotte, a French territory in the Indian Ocean, the new public contract implemented by the local prefecture for the provision of legal assistance to migrants only provides for two employees, in the CRA with the highest number of detainees in France (17,461 in 2015 compared with 25,106 in all CRAs in mainland

98 Urbach E., “Le marché de l’enfermement, aubaine pour Bouygues et cie”, *L’Humanité*, 21/10/2015.

99 General Inspector of detention facilities, Report on the 2nd visit: CRA 2 and 3 Le Mesnil-Amelot, February 2014, p. 5.

100 La Cimade, *Évolution dans les centres de rétention administrative* (Press release), 16/04/2014.

101 Interview with David Rohi (La Cimade), 30/06/2016.



France).¹⁰² The statement by Solidarité Mayotte on the conditions under which it operates, says it all. “*With non-stop departures, usually every day, we have a window of two to four hours to receive everybody and examine their situation... with the high number of arrivals, combined with police shortages, work is often done in haste and confusion, which encourages the violation of certain rights...*”¹⁰³ Cutbacks to resources allocated by the state place the subcontracting organisations in a difficult position, where they are expected to ensure the “effective exercise” of the rights of detained persons, without being given the necessary resources by the state.

DOES PRIVATISED MANAGEMENT OF MIGRANT DETENTION CENTRES ENCOURAGE GROWING VIOLENCE AGAINST DETAINEES?

Although violence in migrant detention facilities is not exclusive to privatised detention centres, the priorities of commercial companies can conflict with respect for human rights, in particular in a system which is already failing to protect such rights.

The investigation by Elsa Tyszler on sexual violence towards women held in the Yarl’s Wood centre (United Kingdom) illustrates all too well how privatised management of detention centres can exacerbate violence against detainees.¹⁰⁴ In an article published by *the Guardian*, the testimonial given by Tanja, a former detainee, shed light on the acts of sexual violence committed by the employees of Serco against female detainees. Her testimonial paved the way for a litany of revelations on sexual abuse committed in Yarl’s Wood from September 2013 to the present day. In 2014, a former employee of Serco¹⁰⁵ revealed to *The Guardian* that there was a “*blind spot*” – with no CCTV camera – which was well known as a place of abuse of detained women. The security guard also reported “*an endemic anti-immigration culture*” among the staff of the management company, giving rise to acts of hostility and intimidation towards detainees. Finally, he corroborated previous allegations by former female detainees, reporting that some women felt obliged to flirt with staff to obtain essential day-to-day items such as toiletries. When some of the stories of blackmail and abuse surfaced, a number of victims and witnesses were deported.¹⁰⁶ This situation is indicative of the dilution of responsibilities in the event of violations of detainees’ rights in the context of public/private partnerships. While the violence against detainees in Yarl’s Wood was initiated by Serco staff, the role of the State in perpetuating it is no less significant, by keeping the errors made by the company under wraps, even going as far as deporting witnesses of sexual abuse, leading

102 2015 Report on administrative detention centres and facilities, *op. cit.* p. 8.

103 *Ibid.* p. 61.

104 Tyszler E., “*Beyond the pale?*” *Le genre de l’enfermement dans la forteresse Europe. Enquête sur le camp d’étranger-e-s privatisé de Yarl’s Wood (Royaume-Uni)*, Université Paris 8 – Women’s and Gender Studies Department, June 2014.

105 “Serco whistleblower’s Yarl’s Wood sex claim”, *The Guardian*, 24/05/2014.

106 “UK government deports sexual assault witnesses”, *Open Democracy*, 01/10/2013.

to a permissive climate in the private company and violations of the rights of female detainees. More recently, in March 2015, *Channel 4 News* broadcast footage filmed in the Yarl's Wood centre which brought to light the contempt of certain Serco employees for female detainees.¹⁰⁷ In particular, Serco staff are seen calling detainees "animals", "beasties" and "bitches". Following the report, the Chief Inspector of Prisons in the United Kingdom made a surprise visit to the centre. His report mentions that a number of female detainees reported cases of inappropriate sexual contact and comments from the Serco agents.¹⁰⁸ In response to the accusations, Serco took disciplinary action against a number of its employees. The company also ordered its own independent investigation into the managerial culture in Yarl's Wood and its impact on the well-being and health of the women detained.¹⁰⁹

107 "Yarl's Wood: undercover in the secretive immigration centre", *Channel Four News* (reportage) 02/03/2015.

108 Home Office Inspectorate of Prisons, *Report on unannounced inspection of Yarl's Wood IRC*, 12/08/2015.

109 Lampard K. & Marsden E., *Independent investigation into concerns about Yarl's Wood IRC*, January 2016.



Moreover, certain management practices by the private management companies directly encourage violations of migrants' rights. In her work, Claire Rodier also stresses that the testimonials by former employees of G4S to the *Guardian* according to which "*the company encouraged guards to use violence during deportation operations, under the threat of financial penalties. They explain that the migrants... know that pilots hate travelling with reluctant passengers and that some protest loudly in the hope that the pilot will refuse to take off. But a cancelled flight costs a lot of money, with heavy repercussions for the security company deemed responsible for the delay. Guards are therefore tempted to use force to avoid deductions to their salary if they fail to keep troublemakers 'calm'*".¹¹⁰ Such indirect financial incentives can encourage the use of brutal methods, threatening the lives of migrants faced with a deportation procedure.

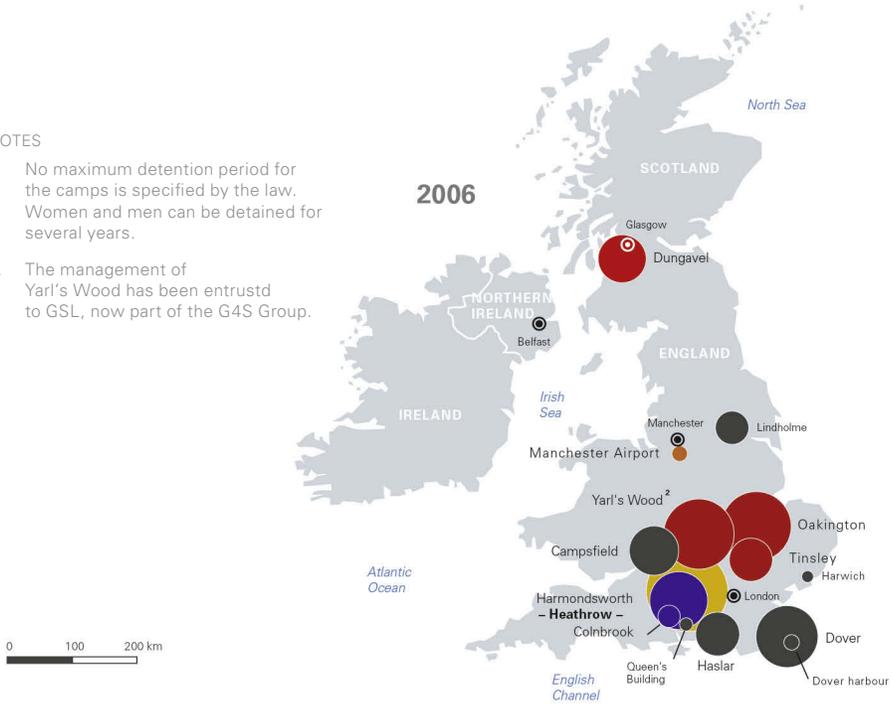
Where employees are vulnerable, with staff shortages and scant training on working with migrants and asylum seekers, in a work environment steeped in anti-immigration attitudes and determined by the pursuit of profit, privatised management of certain migrant detention centres in the United Kingdom appears to create the conditions for perpetuating of violence in detention facilities.

110 Rodier C., *op. cit.* p. 30.

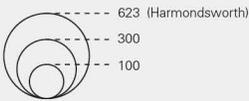
VISUAL 9 PRIVATISATION, SCANDALS AND ECONOMIC COMPETITION IN IMMIGRATION DETENTION CENTRES IN THE UNITED KINGDOM

NOTES

1. No maximum detention period for the camps is specified by the law. Women and men can be detained for several years.
2. The management of Yarl's Wood has been entrusted to GSL, now part of the G4S Group.



CAPACITY OF THE DETENTION CENTRE ¹
(number of places)



(16 May 2011) Opening or closing date of the centre since 2006

– Heathrow – Proximity to a major international airport

✘ Camp that is no longer used by the authorities

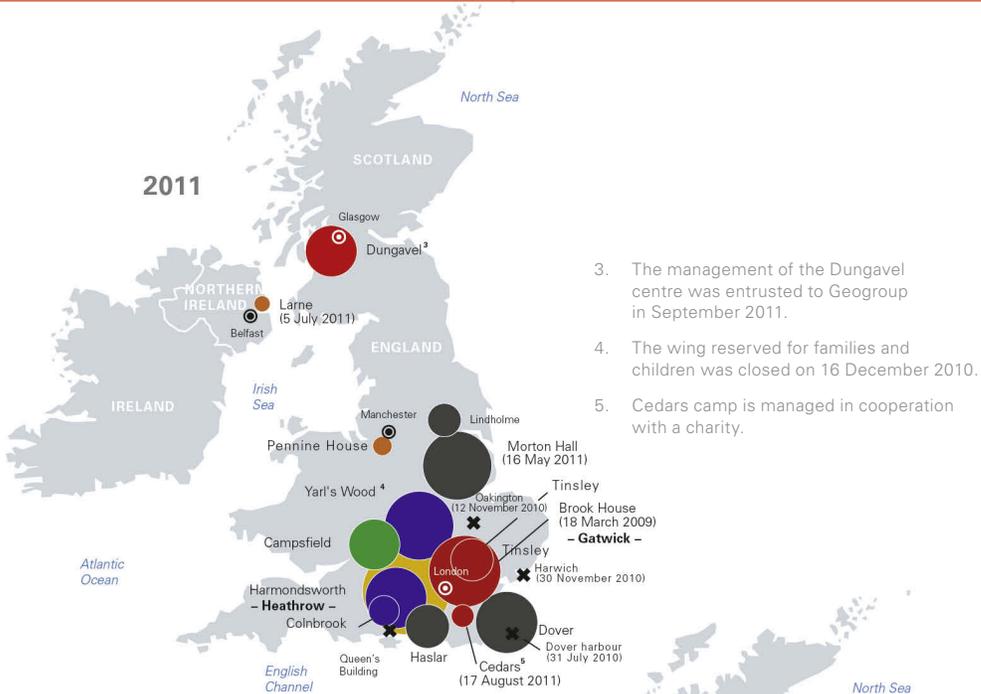
DETENTION CENTRE MANAGED BY...

- G4S
- Mitie
- Serco
- Geogroup
- Tascor ⁸
- Her Majesty's Prison service

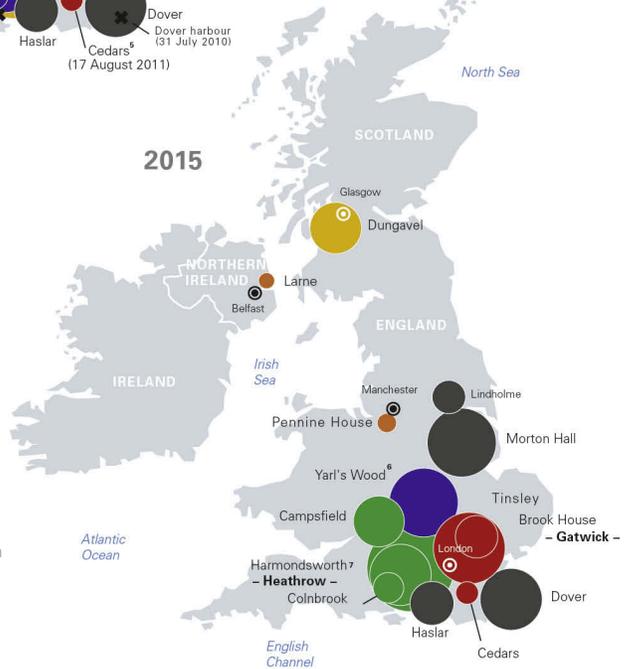
8. Tascor also provides security escort services ("Safe and secure escorting") – previously carried out by G4S until the death of Jimmy Mubenga (cf. Chronology below) – and medical escort services ("safe medical escorting") during deportation. Tascor also manages medical services in Larne, Pennine House and Harmondsworth.

© Migreurop, 2014. Map by Elsa Tyszler and Olivier Clochard (updated on 29 July 2016)



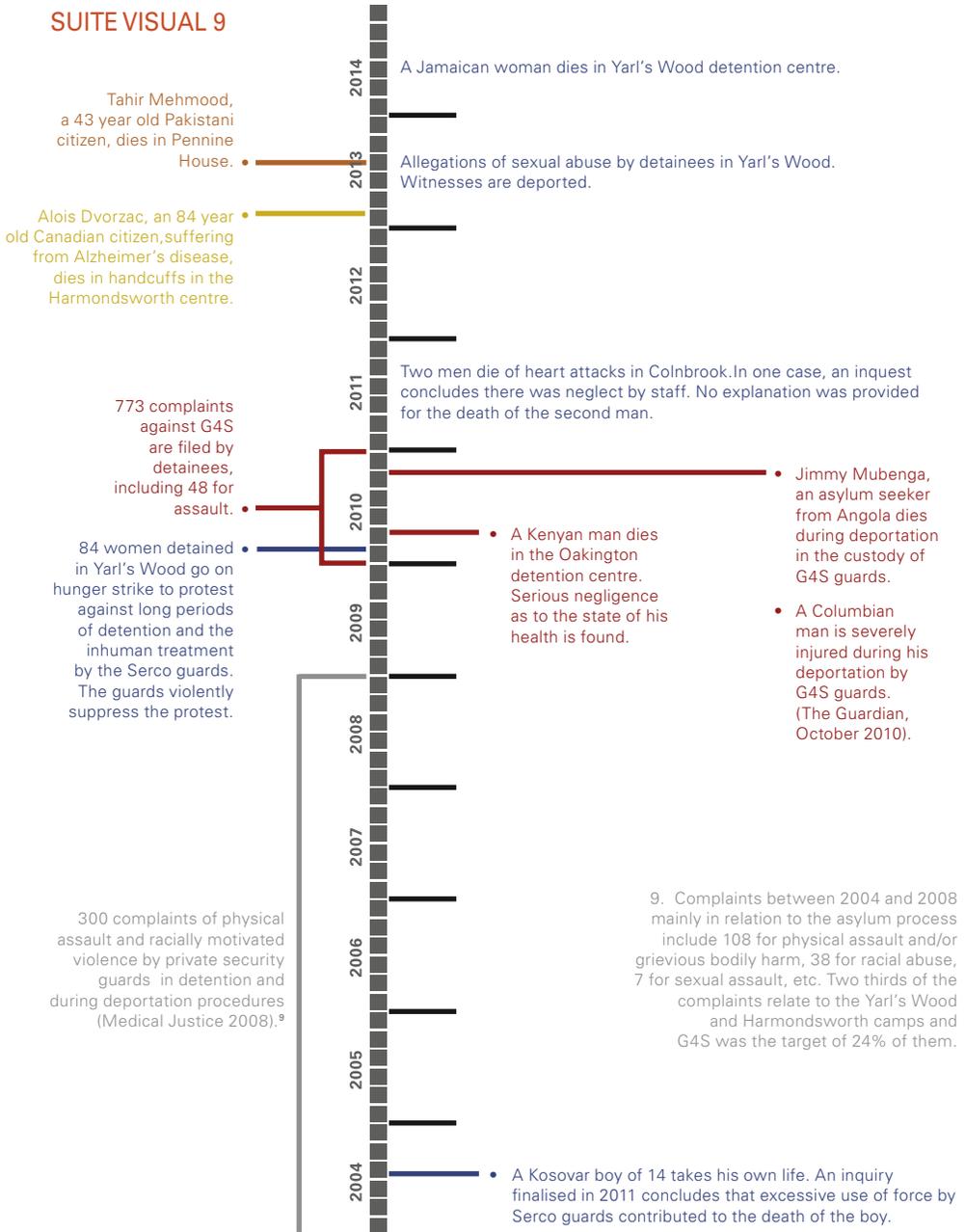


3. The management of the Dungavel centre was entrusted to Geogroup in September 2011.
4. The wing reserved for families and children was closed on 16 December 2010.
5. Cedars camp is managed in cooperation with a charity.



6. Despite the litany of scandals in the centre, Serco obtained in November 2014 a new 7-year contract for the management of Yarl's Wood IRC.
7. In September 2014, Mitie Group won an 8-year contract for management of Colnbrook and Harmondsworth, which were merged into a massive centre dubbed the "Heathrow Immigration Removal Centre".

SUITE VISUAL 9



Sources: Global Detention Project, Home Office, Her Majesty's Chief Inspector of prisons, G4S, Mitie, Serco, Geogroup and Tascor websites



PUTTING MIGRANT DETAINEES TO WORK AND TURNING THEM INTO CAPTIVE LABOUR

In the United Kingdom, while detained migrants are not authorised to work, a legal derogation allows them to be hired as employees for day-to-day tasks, such as cleaning and catering.¹¹¹ However, detainees are not paid the minimum wage for their work. According to the instructions given by the UK Borders Agency, detainees can be paid between 1 and 1.25 pounds per hour (six times less than the hourly rate paid outside detention centres for this type of work).¹¹² In 2014, according to a survey by Corporate Watch, Mitie, Serco, G4S and GEO along with the HM Prison Service offered “paid work opportunities” to all their detainees for various tasks related to operations in the detention centre. The investigation shows that the exploitation of detainees in the centres saved the companies 3 million pounds per year.¹¹³ Detention practices also allow private companies to obtain work from detainees at costs well below the level in the national job market in order to reduce their running costs and maximise margins.

Apart from worker exploitation, private companies have no shortage of ideas to increase their profits on the backs of migrants they are detaining on behalf of the State. Some have shown no hesitation in having them pay for certain goods and services. In the Brook House centre (near Gatwick airport), G4S put in place a highly profitable “prison telephone” system.¹¹⁴ Upon arrival, mobile phones are confiscated from migrants and they are given a *Call4Five* telephone allowing them to call for five minutes free of charge. After five minutes, the call is charged at a premium. While the primary purpose of the system is to control communications by detainees, it also boosts G4S’s bottom line. The system has come in for serious criticism from detained migrants, claiming that it is more expensive than ordinary mobile phones and that it hinders communication with the outside world.

111 United Kingdom Border Agency (UKBA), *Detention services order 01/2013. Paid work for detainees*, 26/03/2013.

112 *Ibid.*

113 Corporate Watch, *True scale of captive migrant labour revealed*, 22/08/2015.

114 Rodier C., *op. cit.*, p. 27.

THE SYMBOLIC IMPACT OF THE PRIVATISATION OF MIGRANT DETENTION

Apart from the impact on the living conditions and treatment of detainees, privatisation can also have symbolic effects in terms of collective representation of migration and the measures put in place to “control” migration.

HUMANISING AS AN ATTEMPT TO DEPOLITICISE ADMINISTRATIVE DETENTION

The European authorities make regular attempts to “normalise” unjust policies put in place to contain migration flows. The various euphemisms employed to describe migrant detention centres are worth noting. For example, Romania uses the term “centre under public responsibility”, while Turkey, an EU candidate country, has gone so far as to use the term “guest house” until it was rapped on the knuckles by the Committee for the Prevention of Torture in 2011. Outsourcing migrant detention to NGOs and humanitarian organisations also contributes to the normalisation of detention measures where infringements of fundamental rights are inherent. In some cases, the delegation of services related to migrant detention to humanitarian organisations and private companies also helps to move migrant detention away from the political arena, even leading to a form of consensus in civil society by having NGOs and humanitarian organisations do the work. Some organisations are still trying to resist the trend by continuing to campaign against the detention of the people they are working with.

FRANCE:

THE ISSUES OF THE PRIVATISATION OF ACCESS TO LAW FOR DETAINED MIGRANTS

In France, outsourcing information and legal aid to NGOs is often used by the authorities to legitimise the migrant detention system, presented as respecting access to rights. In 2008, the Ministry for the Interior praised the French system as “*very much ahead and protective in this area*”.¹¹⁵ A year later, in a report to the national parliament, Deputy Thierry Marana stressed that “*French legislation is exemplary, providing for funding for NGOs working inside the detention centres to defend the rights of detained migrants*”.¹¹⁶

While the work of the NGOs allows them to help detainees to exercise their rights and to bear witness to the experience of detainees and to publicly criticise the system, reports published by them also show that their presence is not sufficient to ensure respect for migrant rights and transparency in the facilities. On several occasions, employees of the NGOs have noted the risk that mission is being bent to serve a policy of detaining

115 Interview with Brice Hortefeux, *France Inter*, 08/09/2009.

116 National Assembly, *Rapport d'information n° 1776 sur les CRA et les ZA*, 24/06/2009.



and excluding a population that is seen to be undesirable. In 2011, a detention worker declared: "*I think it makes sense to work in detention as long as we can manage to help certain people and bear witness on the outside to what we see... but it is frustrating to hear the government justifying the system, particularly to other European countries, by saying that France is the only country where an NGO is present on a daily basis to help detainees to exercise their rights. We feel we are being used*"¹¹⁷, while another criticised "*ever increasing financial and political pressure*" and the feeling of being "*the spoonful of sugar that helps the medicine – deportation – go down*".¹¹⁸

Moreover, the State has attempted to restrict the work done by NGOs in the field of detention, threatening not only to reduce access to legal rights of detainees, but also to pare away at the reporting capacity of NGOs that are seen to be too critical. In 2008, the Minister for the Interior published a decree and a new call for tender, drastically reducing the scope of legal aid work.¹¹⁹ The decree provides for information work only, with legal aid work off the agenda. Indicative of the State's desire to weaken legal advocacy for detainees, the modification was eventually struck down by the Council of State (Supreme Court), at the end of a long legal battle by a number of NGOs, including the NGO working in detention facilities: the judgment held that legal aid must be provided for detainees. In 2012, when the contract was renewed, the French authorities made another attempt to restrict the work and the voice of the NGOs. For example, the call for tenders required them to inform the governor of the centre should a detainee wish to file a case against the authorities. The association was also subject to a "duty of confidentiality" and "an obligation of discretion".¹²⁰ This attempt to restrict the freedom of speech of the NGOs could have resulted in hiding the practices of the police or prefectures of which foreign nationals may become the victims. Similarly, the Ministry for the Interior was required to relinquish the most controversial points of the call for tender, under pressure from the NGOs working in detention centres.

117 Chansel J. & Mitz M., *La machine à expulser* (Internet documentary – Bellota Films), 2011.

118 *Ibid.*

119 La Cimade, *Rétention administrative* (press pack), 15 April 2009.

120 La Cimade, *Centre de rétention: le gouvernement taille dans les droits* (Press release), 11 December 2012.

Repeated attempts to muzzle the work and the voice of the NGOs present in detention illustrate well the issues surrounding the contract for access to the rights of foreign nationals held in France. Renewed every three years, with ever stricter financial and regulatory restrictions, these contracts are a way of applying state pressure and control on the margin for manoeuvre of NGOs working in migrant detention centres, despite the resistance and independence which each of them attempts to show in different ways. As the sociologist Nicholas Fischer demonstrates, detention has become institutionalised by making its critics part of the system, and keeping them under its thumb.¹²¹

ITALY:

THE SYMBOLIC EFFECT OF PRIVATISATION OF THE DETENTION CENTRE ON THE ISLAND OF LAMPEDUSA

The example of Lampedusa and the privatisation of services for migrants detained there is also telling of the symbolic issues surrounding subcontracting to humanitarian players. In her work on migrants detained in Italy, Louise Tassin shows how the delegation of services for detained migrants to charity organisations has contributed to transforming the negative image of the Lampedusa centre to the rank of a “European model” for first reception facilities.

The first detention centre in Italy opened in Lampedusa in 1998. Detention was already being used to identify migrants and organise their deportation or transfer to other centres in Italy. Under the successive management of the Italian Red Cross and the religious organisation Misericordia, access to the centre was forbidden to migrant advocacy NGOs. At the time, delegation to NGOs was limited to day-to-day logistics in the centre, under the direct control of the police.

In autumn 2005, an investigative journalist infiltrated the centre and reported on the poor detention conditions. The political consequences were immediate: in February 2006, the recently elected centre-left coalition constructed a new building and modified its status. It became a First Assistance and Reception Centre (CPSA), a structure focused on assistance for individuals, not their deportation. Simultaneously, its management was entrusted to a new body with plans to “humanise” the centres. Lampedusa Accoglienza was born out of a merger between two social cooperatives historically to the left of the political spectrum. The NGO was given a wider mandate than the previous service provider: it was also mandated with the “reception” of migrants, or according to the Ministry, with providing health and psycho-social care as well as linguistic and cultural mediation.

121 Nicolas F., “Jeux de regards. Surveillance disciplinaire et contrôle associatif dans les CRA”, *Genèses* 2009 No. 75, pp. 45–65.



As of May 2006, a system for legal and medical aid called Praesidium also provides for the occasional intervention of representatives of the Red Cross, the International Organisation for Migration (IOM), the High Commissioner for Refugees (HCR), joined soon after by Save the Children. Despite the protests of anti-racism groups, which are calling for the closure of the centres instead of their improvement, the changes had a profound and rapid effect: *"whereas before the centre had a negative reputation, opening it up to private players perceived as charitable shifted the paradigm: whether the centre should exist was no longer the burning question, all attention now focused on the shared question of the conditions in which migrants are held"*.¹²²

After 2006, members of parliament, journalists and investigation committees praised the progress made and went so far as to speak of the "Lampedusa model", lauded for its transparency and effectiveness. The problems returned at the beginning of 2009 and in the spring of 2011, when the centre became overcrowded following the decision of the Berlusconi government to stop transferring migrants arriving in Lampedusa to mainland Italy. Yet the local and national authorities continue to praise the management of the centre by NGOs, to the point that official terminology has entered into common parlance: in the institution and in everyday language, the centre is referred to as a "welcome" centre and its occupants are described as "guests".

Since then, the Lampedusa CSPA has been in the spotlight a number of times due to the ill treatment suffered by its occupants, for which Italy was censored by the European Court of Human Rights in 2015.¹²³ On 21 September 2015, it was transformed into a hotspot. Demonstrations are organised regularly to denounce the economic exploitation and incarceration of foreign nationals on the island and the deplorable living conditions for migrants held in the hotspot, in stark contrast with the image pedalled by political leaders and certain media outlets of an island that is welcoming to refugees.

¹²² Tassin L., *op. cit.*

¹²³ European Court of Human Rights (ECHR), *Klaifhia and others v. Italy*, 01/09/2015.

CRIMINALISATION OF MIGRATION

In certain cases, outsourcing the management of detained migrants to security companies contributes to further criminalising undocumented migrants. By outsourcing to multinationals, whose slogans claim to be “*Securing the world*” (G4S) or “*Bringing service to life*” (Serco), governments are helping to give migrants a disturbing image, associated with a danger that could harm our societies, against whom we must protect ourselves with specialised security. By defining foreigners as a threat, repressive legislation and practices become justified in the eyes of the public.

The process of criminalisation, which comes through discourse and practice, entrenches the irregular status of migrants, by presenting them as “illegal” and even as invaders threatening the well-being of European societies. Even though the EU Court of Justice (CJEU) is of the view that the fact that a foreign national does not have a valid residence permit is not sufficient grounds for a prison sentence, the incarceration of foreign nationals is happening: in cells, deprived of their liberty, they await a decision, often without knowing why or for how long.



PROFITABLE COLLUSION BETWEEN THE PUBLIC SECTOR AND THE PRIVATE SECTOR

When developed on a grand scale, as is the case in the United Kingdom, privatisation of the detention of migrants serves the financial interests of private companies. Certain major international security companies are powerful lobbies for the security industry, which influence policies vis-à-vis migrants and their detention. But privatisation or outsourcing of the management and of services linked to the operation of migrant detention facilities also serves the political interests of governments, since it allows responsibility of public authorities to be diluted with regard to the detention systems they have implemented and the resulting violations of rights they generate.

“MIGRATION SECURITY” LOBBIES IN THE UK

Stephen Wilks, who has studied the role of large companies in British political life, explains that the British government has gradually become dependent on private companies to which they have delegated certain tasks which were previously carried out by public servants. Absorbing “a third of public expenditure” and employing 1.2 million people, or three times the number of people employed by Whitehall, these companies are part of what is known as the “public service industry”.¹²⁴ This huge number of employees, in a country facing high unemployment, offers them unsurpassed political influence.

Many Members of Parliament and ministers are also board members of these companies. These dual roles allow the companies to reach into the heart of public policy making and to bend it to their requirements. It is interesting to note that companies such as Serco, G4S and their competitors recruit former civil servants in order to take advantage of their skills and contacts. According to Phil Miller (Corporate Watch) *“this revolving door system between the private and public sectors in the UK has given senior management at the top security companies access to lobby their government counterparts for yet more increases in the use of their services to monitor, detain and deport immigration offenders, including failed asylum seekers”*.¹²⁵ In 2011, G4S welcomed the former head of the national detainee management service to its advisory committee. A few months earlier, the same person had supervised the tender in which G4S wished to participate.

124 Wilks S., “The public service industry”, *British politics and policy blog*, 06/08/2013.

125 Siegfried K., “Private security firms prosper as more migrants detained”, *IRIN*, 12/03/2014.

Around the same time, a roundtable discussion was held in London, under the title “*a new strategic partnership between the police and industry*”, where government representatives and private companies as well as police came together to examine how “*smart and well thought out relationships*” between the police and industry could help police work in an environment of budget cuts in the public sector.¹²⁶ And how to increase the revenue of private companies?

As Thomas Gammeltoft-Hansen rightly points out, once governments have committed themselves to privatised migration management, it is very difficult to reverse course due to the loss of expertise and manpower in the public sector. In his view “*Over time, these private companies will have more know-how about how to do these tasks and increasingly are going to be setting the parameters and setting the policy directions*”.¹²⁷

BUSINESS AND CORRUPTION IN THE ITALIAN DETENTION MARKET

EU leaders and Member States regularly point the finger at the people smuggling networks who help migrants and potential refugees reach Europe. In 2015, according to a joint report by Europol and Interpol, “migrant trafficking” generated a turnover between five and six billion euros.¹²⁸ The networks take advantage of the fact that for many people it is impossible to use the regular channels to set foot in Europe. Stricter and more sophisticated border controls, which make it more and more difficult to reach the EU are of course behind the development of the clandestine smuggling business. Apart from migrant smugglers, within Europe other criminal networks take advantage of barriers to free movement of migrants. In Italy the “Mafia Capitale” scandal revealed the hold of mafia networks on the Italian detention market, with the assistance of corrupt government authorities.

The “Mafia Capitale” network, implicating business leaders, officials and politicians and dismantled in Rome in 2014, is accused of misappropriating public funds and rigging the procurement process.¹²⁹ Among the key personalities in the case, two men were accused of misappropriating millions of euros allocated for the management of emergency accommodation centres: Salvatore Buzzi, a former far-left campaigner who became Chairman of a consortium of cooperatives whose activities included the management of a number of migrant centres and Luca Odevaine, former private secretary to Walter Veltroni, mayor of Rome from 2001 to 2008 and member of the national refugees coordination committee. Buzzi and Veltroni set up a highly lucrative scheme to inflate the numbers of migrants in emergency accommodation managed by Salvatore Buzzi’s consortium, in order to obtain

126 Rodier C, *op. cit.*, pp. 24–25.

127 Siegfried K. *op cit.*

128 Joint Europol-Interpol Report, *Migrant Smuggling Networks*, May 2016, p. 2.

129 Liberti S., “Le grand business des centres d’accueil en Italie”, *Vivre ensemble* No. 152, April 2015.



the highest grants and a bigger operating budget. This strategy, known as the “Odevaine scheme”, was implemented in the Castelnuovo di Porto (Rome) and Mineo centres.

THE DILUTION OF RESPONSIBILITIES

Apart from economic and symbolic implications such as the criminalisation of migration and normalisation of detention, the privatisation of migrant detention presents another advantage for the state: it encourages a lack of transparency and the dilution of responsibilities with respect to the detention of migrants and the resulting consequences. By outsourcing security, deportation escorts or management of the accommodation of the persons it wishes to deport, governments put a distance between themselves and the violations of rights which they have caused. According to Thomas Gammeltoft-Hansen “*the privatisation of migration control has made it more difficult to investigate and prosecute cases of abuse, even when they occur in front of dozens of witnesses*”.¹³⁰ Such was the case for Jimmy Mubenga, an Angolan asylum seeker. He was so heavily restrained by the private security guards escorting him during a deportation flight out of Heathrow in October 2010 that he lost consciousness and died. In 2006, G4S was taken to task by the Home Office for the dangerous means of restraint used by its staff during deportation. Yet despite a barrage of evidence implicating G4S in Jimmy Mubenga’s death, there have been no legal repercussions for the company. Arrested, questioned and then released on bail, the three guards accused of manslaughter finally walked free with no criminal record.¹³¹ According to Jerome Phelps (Detention Action), the ruling is indicative of the impunity enjoyed by government authorities and the private companies to which they outsource the management of migrant camps: “*Once again, a migrant has lost his life in detention and, once again, nobody will be held responsible*”.¹³² The only consequence was the appointment of a new service provider for the deportation of migrants and the signature of a new contract by the State with the Reliance Group (now called Tascor) which has since been the subject of repeated accusations of ill treatment. Despite the bad press, G4S and its competitors such as Serco and Mitie continue to grow their business in the border management sector.

Outsourcing the management of migrant detention centres to private players through cost-driven public contracts allows governments to wash their hands of the ill treatment inflicted on migrants during their detention and deportation – thus creating the conditions for violence with impunity. In the worst case scenario, particularly in cases of detainee deaths, the private company in question is expected to give up the contract, in favour of another company. But as Phil Miller stresses, in the UK, “*there are only a handful of companies to choose from, none of them with a record free of allegations of abuse or safety lapses*”.¹³³

130 Siegfried K., *op. cit.*

131 Rodier C., *op. cit.*, p. 19.

132 “G4S guards found not guilty of manslaughter of Jimmy Mubenga”, *The Guardian*, 16/12/2014.

133 Siegfried K., *op. cit.*

CONCLUSION

Under the guise of “mass” migration¹³⁴, the EU and its Member States are continuously strengthening their systems to deprive migrant populations of their liberty. Emblematic of European policy for the exclusion of foreign nationals, migrant detention facilities offer fertile ground for human rights violations. The acts of resistance and rebellion by detainees are a sign of the injustice and despair caused to those who find themselves trapped inside.¹³⁵

For over thirty years, the EU and Member States have pursued a policy of detaining migrants, despite its limited effectiveness in reaching targets. In terms of deportation – which is supposed to be the main purpose of migrant detention – the figures show that many people held in administrative detention are never removed from the country.¹³⁶ As to the objective of “controlling” migration movements, the experience of the past 20 years has shown that mechanisms put in place to control migration merely help to create more obstacles for migrants, often putting their lives at risk. Detention has failed to discourage migrants from attempting to cross borders.

A number of studies have demonstrated the ideological impact sought by the governments who put in place migration control, regardless of their effectiveness: “*Through spectacular measures and thundering speeches, governments aim to convince an electorate ill at ease with the turmoil in today’s world that everything possible is being done to keep them safe*”.¹³⁷ In a world where the political and economic sovereignty of nation states is being eroded, the roll-out of migrant detention centres closely resembling prisons, even though they are not actually prisons, not only criminalises a section of the population seen to be undesirable, but also showcases the action of the State to give the impression that it has the situation under control¹³⁸.

134 Contrary to the alarmist vision pedalled by many European leaders, the EU is not facing a “migration invasion” from the so-called South. Viewed from a global perspective, South to North migration remains in the minority in comparison with migration between countries at the same level of development. While the number of refugees fleeing wars and violence has increased significantly since 2010, reaching 19.5 million in 2014, the EU remains largely unaffected. The vast majority of refugees fled to other countries in the South, closest to their countries of origin. Moreover, as a result of the mechanisms put in place to close borders, few exiles reach EU territory.

135 Clochard O., “Révoltes, protestations et ‘résistances du quotidien’ des étrangers à l’épreuve de la détention”, *Migrations & Sociétés* Vol. 28 No. 64, April-June 2016, pp. 57–72.

136 In 2014, less than 40 % of those subject to a return decision were actually deported from the EU.

137 Rodier C., *op. cit.* p. 61.

138 Brown W., *Murs. Les murs de séparation et le déclin de la souveraineté étatique*, Les Prairies Ordinaires, 2009.

Apart from this policy of smoke and mirrors, this study also shows that the explanation also lies in the development of a migrant detention “industry” in the EU. The examples given here, from construction to administration, through to activities associated with logistics and care for the people detained there, migrant detention camps are a source of profit for numerous private players. Growing privatisation of migrant detention, in its many forms across European countries, on the treatment of detained migrants is not without impact on the treatment of detained migrants.

Calls for tender issued by governments focused on the lowest price often result in less funds being allocated for the management of migrant detention centres, resulting in lower standards of “reception” and care for detainees. In the United Kingdom, 42 million pounds in savings must be found under the new contract between the Home Office and Serco for the management of the Yarl’s Wood centre. According to the report published by the National Audit Office in July 2016, these savings will mainly come from a 20% reduction in Serco staff, to be replaced with self-service kiosks which migrants can use to order meals, for example.¹³⁹ Relentless cost-cutting will only further dehumanise migrant camps and worsen living conditions for detainees.

Furthermore, privatised management of migrant detention pushes these already obscure institutions further into the shadows. With access for journalists and civil society to migrant detention centres already strictly regulated, limited and even prevented in the majority of Member States¹⁴⁰, outsourcing the management of the camps and related services to private players only further hinders access to information on the latter. The account given by Louis Joiet, former UN Rapporteur on arbitrary detention, of his attempt to obtain a copy of the contract between Australia and a private company clearly illustrates the risk that information will be withheld in the context of privatised management of migrant camps: “*The immediate response I received was that it was a business secret – rather than a State secret. For my contact, the State was just the same an ordinary commercial customer, and the UN an institution that he feared would disclose the trade secrets used to manufacture his ‘merchandise’ to the competition.*”¹⁴¹ In another case in the UK, Corporate Watch faced a year-long battle to gain access to monthly self-evaluation reports by the companies managing migrant detention facilities¹⁴².

139 Travis A., “Yarl’s Wood detention center staff replaced by ‘self-service kiosks’”, *The Guardian*, 07/07/2016.

140 International multi-NGO campaign, *Open Access Now*: <http://closethecamp.org/open-access-now/>

141 Joinet L., *Mes raisons d’État*, La Découverte, 2013.

142 Corporate Watch, *Home Office “self audit” system for detention centres revealed*, 24/07/2015.

Finally, outsourcing management and services linked to the operation of detention facilities also serves the political interests of States, insofar as it allows the State to dilute the responsibility of public authorities vis-à-vis detention facilities and the violations of rights they generate. In an article published in March 2014, the IRIN (online news bulletin with “humanitarian analysis and news” managed by the UN until January 2015)¹⁴³ sheds light on the potential consequences of such outsourcing based on examples from Australia, the United Kingdom and the United States, the first countries to have outsourced migrant camps: *“the possibility for States to escape their responsibilities, the lack of transparency on the work practices of the supplier companies, the loss of State control over their activities, the lack of information on the real cost of subcontracting, the quasi-monopoly of certain multinationals, which carve up the global detention market between them, collusion between their managers and certain political leaders, and finally the criminalisation of migrants that results from this privatisation”*¹⁴⁴.

143 Siegfried K., “Les sociétés de sécurité privée prospèrent à mesure que le nombre des migrants augmente”, *IRIN*, March 2014.

144 Rodier C., Le business de la migration, *Plein Droit* No. 101, June 2014.

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Funded by the **German Federal Foreign Office**