



CHALLENGING MIGRANT DETENTION: HUMAN RIGHTS, ADVOCACY AND MENTAL HEALTH

JUNE 19-21 • 2018

MONTREAL, CANADA

As forcible displacement increases, notions of the unwanted “Other”, the “illegal” migrant, and the “bogus” refugee are increasingly prominent in public discourse of destination countries, lending support to stringent border control policies whereby States incarcerate asylum seekers, undocumented migrants and other foreign nationals in immigration detention centres, prisons and camps. This structural violence primarily targets racialized populations from the Global South, including children.

This international conference brings together researchers, advocates, lawyers, clinicians, decision-makers and migrants to explore global trends and avenues for change in immigration detention. Drawing on experiences of detention and resistance in multiple countries, we will discuss strategies to challenge migrant detention, including research, litigation and community mobilization.



McGill

Division of Social and Transcultural Psychiatry



Recherche. Immigration. Société.

Parce que notre monde bouge

- UNHCR
- McGill University Oppenheimer Chair in Public International Law
- University of Toronto International Human Rights Program
- University of Oxford Border Criminologies
- Association québécoise des avocats et avocates en droit de l'immigration

ASI Preconference

JUNE 19

Jewish General Hospital - Institute of
Community and Family Psychiatry
4333 Côte Ste-Catherine Road, Montreal
AMPHITHEATRE

Advanced Study Institute (ASI) Pre-conference **Advance registration required***

9:00 am - 4:30 pm
Amphitheatre

Laurence Kirmayer : Opening remarks

MIGRANT DETENTION ON THE EU'S MEDITERRANEAN BORDERS

Andriani Fili: Detention in Greece

Daniela DeBono: Hotspots at the EU's Mediterranean border

MENTAL HEALTH ISSUES IN IMMIGRATION DETENTION RESEARCH

Kyli Hedrick: Self-harm among asylum seekers detained in Australia

Blerina Kellezi: Barriers to use of mental health services in UK Immigration Removal Centres

Mary Bosworth: Emotional and ethical challenges of immigration detention research

ADVOCY REGARDING IMMIGRATION DETENTION

Hanna Gros and Samer Muscati : Advocacy strategies in Canada

Francesca Esposito : Organizing to defend the rights of migrant women in Italian detention centres

LINKING RESEARCH TO ADVOCACY

Robyn Sampson: Overview of global advocacy campaigns

Mike Flynn: The Global Immigration Detention Observatory

DISCUSSION ON ADVOCACY (CLOSED TO GOVERNMENT AND MEDIA)

*The Advanced Study Institute Workshop is intended for researchers, practitioners and advocates working on immigration detention issues. Spaces are limited. If you are interested in taking part in the workshop, please contact Marie-Eve Paré, coordinator, with a brief description of your interests regarding immigration detention at marie-eve.pare.ccomt@ssss.gouv.qc.ca

Conference program

JUNE 19

Jewish General Hospital - Institute of
Community and Family Psychiatry
4333 Côte Ste-Catherine Road,
Montreal
AMPHITHEATRE

Opening plenary - Child detention

7:00 pm - 9:00 pm

Open to the public on registration

Amphitheatre

Cécile Rousseau : Opening remarks

Sarah Mares: Detention of children in Australia and harm to mental health

Michael Bochenek: Immigration detention of children and families in the U.S.

Rachel Kronick: Recent developments regarding child detention in Canada

JUNE 20

New Residence Hall
3625 Park Avenue
Montreal

**Plenary : Detention in the context of
broader migration policies**

8:30 am - 10:00 am

Chair : Sarah Mares

Room A

François Crépeau: Reduce migration detention to a strict minimum : a roadmap from the Global Compact on Migration

Eleanor Acer: The use of detention to punish asylum seekers and migrants in the United States

Former detainee: (TBD)

Block A: Concurrent Workshops

10:15 am - 12:15 pm

DETENTION OF CHILDREN

Room B

Chair : Blerina Kellezi

Maciej Fagasinski: Addressing the detention of asylum-seeking children in Southeast Asia

Stephen Phillips: Mental health impact of immigration detention on child asylum seekers and the enabling role of international human rights law

Sarah Mares: Fifteen years of detaining children and families who seek asylum in Australia

Delphine Nakache, Hanna Gros & Stephanie Silverman: Is the government doing its best to protect migrant children? Canada's scorecard

RACIALIZATION AND OTHERING AS JUSTIFICATIONS FOR DETENTION

Room D

Chair : Kazue Takamura

Maayan Ravid: Israel as a case study of ethnic-exclusionary logic

Lizzy Wilmington: Resistance to the UK's hostile environment to people with insecure immigration status

Bahar Banaei: Corporeal punishment and Canadian liberalism: an examination of EbrahimToure's and Alvin Brown's detentions

EXPERIENCES OF DETENTION AND RESISTANCE IN EUROPE

Room C

Chair : Jaime Lenet

Oria Gargano: Upholding women's rights in immigration detention centers: a feminist approach

Francesca Esposito: Immigration detention in Italy: data from the field

Andriani Fili; The maze of the Greek immigration detention system

Daniela DeBono: The dark resurgence: Immigration detention at the EU's Mediterranean border

Lunch: Provided on-site

12:15 pm - 1:15 pm

Block B: Concurrent Workshops

1:15 pm - 3:15 pm

IMMIGRATION DETENTION IN THE CONTEXT OF SECURITISATION OF MIGRATION

Room D

Chair : Guillaume Cliché-Rivard

Philippe Bourbeau: Immigration detention and securitisation of migration

Colin Grey: The legal and moral justification of immigration detention

Molly Joeck: Use of detention as a tool of deterrence and coercion

Sherrie Kossoudji: Different country, different context, same detention

ACTIVISM AND RESISTANCE TO MIGRANT DETENTION AND DEPORTATION IN ISRAEL

Room A

Chair : Daniela DeBono

Demoz Dawit: First-hand account of organizing in asylum-seeking communities, resettlement and continued activism in Canada

Laurie Tikue: Experience of international activists in promoting women's rights in detention

Maayan Ravid: Fighting alongside asylum seeking communities to resist one's own government policies on detention and migration penalization

ETHNOGRAPHIES OF DETENTION IN AFRICA AND ASIA

Room C

Chair : Andrew Crosby

Kazue Takamura: Visualizing human rights of detained foreigners: the emerging role of detainee support groups in Japan

Cristiano d'Orsi: Detention and deportation of undocumented migrants in South Africa: breaching human rights?

Joyce Acquah: Violence in Buduburam Refugee Camp in Ghana: Forms, sources and consequences

MENTAL HEALTH OF DETAINED MIGRANTS

Room B

Chair : Mélanie Gagnon

Alice Gerlach: Women in UK immigration detention: justice, privacy, individuality and autonomy

Kyli Hedrick: Kept at harm's length? A mixed methods study of the incidence and characteristics of self-harm in the Australian-funded asylum seeker population

Eric G. Jarvis: Negotiating space for institutional empathy toward detained asylum seekers with mental health problems

Guglielmo Schinina: The International Organization for Migration's psychosocial work in detention centres: an overview

Block C: Concurrent Workshops

3:30 pm - 5:00 pm

EXPERIENCES AND RESISTANCE TO IMMIGRATION DETENTION IN CANADA

Room B

Chair : Janet Cleveland and Laurence Lefebvre-Beaulieu

Closed to government and media

People who have been held in immigration detention in Canada talk about their experience of detention and resistance (details to follow)

CHALLENGING THE LEGALITY OF IMMIGRATION DETENTION IN CANADA

Room D

Chair : Stephanie Valois

Efrat Arbel, Delphine Nakache & Ian Davis: Indefinite immigration detention in Canada: legality and reforms

Jenny Jeanes: Rights-free zones in a country of Charter rights and freedoms

Merin Valiyaparampil: Questioning integrity: challenging Canada's assessment of immigration detainees' credibility

PRECARITY, DEPORTABILITY AND DETENTION

Room C

Chair : Julia Girardi

Annika Lindberg: The lesser of two evils? 'Humanitarian' detention, destitution, and the plight of detainability in Sweden

Sarah Marshall: Contesting conceptions of "illegality": activist movements in Toronto's Sanctuary City policy

Stephanie Silverman: Marginalization from the community of value: Immigrant and indigenous incarceration, and the meanings of detainability in Canada and Australia

Beyond detention campaign

5:00 pm - 5:30 pm

Jean-Nicolas Beuze, UNHCR representative in Canada

Room A

Reception for World Refugee Day Co-organized with UNHCR and AQAADI

5:30 pm - 7:00 pm

Roundtable: Discussion on reforming detention in Canada

8:30 am - 10:00 am

Chair : Mitchell Goldberg

Room A

Leah Campbell, Acting Director, Detention transformation and program management division, CBSA

Jared Will, Jared Will & Ass.

Hanna Gros, International Human Rights Program, University of Toronto

Block D: Concurrent Workshops

10:15 am - 12:00 pm

HOW CAN RESEARCH SUPPORT INTERNATIONAL ADVOCACY?: A DISCUSSION WORKSHOP TO DEVELOP COLLABORATIONS AND STRATEGY

Room B

Chair : Janet Cleveland

LITIGATION AS A TOOL FOR POLICY AND SOCIAL CHANGE

Room D

Chair : Eric Taillefer

Jared Will: Litigation as a tool for exposing the realities of migrant detention and giving voice to detainees

Joshua Blum: Innovative judicial remedies for immigration detention, from habeas corpus to Charter damages

Dorothy Estrada-Tanck: Legal basis for civil disobedience against immigration detention

FROM LATIN AMERICA TO THE U.S. BORDER: MIGRANTS' EXPERIENCES

Room C

Chair : Javier Fuentes Bernal and Laurence Lefebvre-Beaulieu

Maria Temores: An approach to the political subjectivity of people who resisted detention centers in the United States and cartography of «the Gray Zone»: fieldwork findings in Tijuana, Mexico

Derick Abrigu & Maria Silva: Los desechables: Exploring the lived realities of vulnerable migrant populations caught along the northern Mexican border

Cristina Yopez: Detention and deportation in Ecuador, "the country of universal citizenship"

Lunch: not provided

12:00 pm - 1:30 pm

Plenary: Psychosocial intervention by the International Organization for Migration programs in immigration detention centres in Libya

1:30 pm - 2:00 pm

Chair : Micheal Flynn

Room A

Guglielmo Schinina, IOM psychosocial work in detention centres: an overview

Andrea Paiato, IOM psychosocial work in detention centres: Libya case study

Block E: Concurrent Workshops

2:00 pm - 3:45 pm

EXTERNALISATION OF BORDER CONTROL AND NON-REFOULEMENT

Room C

Chair : Chantal Ianniciello

Jenny Poon: Migrant Detention and State Responsibility: Non-Refoulement Obligations in Offshore Detention Centres

Sahizer Samuk: Problematic responses to problematic situations: borders, refugees and detention centres in the light of EU-Turkey Readmission Agreement

Brook Kebede: European policy concerning deportation of Africans and the risk of human rights violation in Africa

ISSUES IN THE INSTITUTIONAL MANAGEMENT OF IMMIGRANT DETENTION

Room D

Chair : Francesca Esposito

Dominic Aitken: Preventing and responding to deaths in custody

Paul St-Clair: Death of a migrant during detention and CBSA response: a case study

Laura Rezzonico: Experiences of prison officers in a context of crimmigration: a case study from Switzerland

Andrew Crosby: Risk management in Belgian detention centres: construction of institutional knowledge

Block E: Concurrent Workshops

2:00 pm - 3:45 pm

ADVOCACY AGAINST DETENTION IN CANADA

Room B

Chair :

Closed to government and media

Salina Abji: Alternatives to detention: Abolitionist perspectives

Vanessa Wachuku: Role of advocacy in immigration detention policy changes in Canada

Michaela Beder & Katrina Hui: Collaboration between health and legal professionals in advocacy against immigration detention in Canada

Plenary: Next steps in advocacy on immigration detention, in Canada and internationally

4:00 pm - 5:30 pm

Chair : Micheal Flynn

Room A

Closed to government and media

Michaela Beder

Syed Hussan

Robyn Sampson

Closing remarks: Janet Cleveland

Keynote speakers

Acer, Eleanor, Human Rights First

Eleanor Acer is Senior Director for Refugee Protection at Human Rights First, a U.S. based human rights organization that advocates for U.S. compliance with human rights law and treaties. She leads the organization's work on refugee and migrant rights, and works closely with the organization's legal representation team which provides pro bono counsel to asylum seekers including those held in U.S. immigration detention. She has authored numerous articles and human rights reports, testified before the U.S. Congress, and written amicus briefs on issues relating to migration detention. She has served on the advisory committee to the International Detention Coalition, the American Bar Association's Commission on Immigration and was Vice Chair of Refugee Council USA.

Michaela Beder, University of Toronto Department Psychiatry

Michaela Beder is a psychiatrist in Toronto, working at St. Michael's Hospital on an ACT team with people who experience severe mental illness, homelessness, substance use and criminalization. She also works with refugees through the Canadian Centre for Victims of Torture. She is interested in medical education, including co-teaching and co-developing curriculum alongside people with lived experience, and advocacy on issues of poverty and health, the opiate overdose crisis, immigration detention, and access to healthcare for people without immigration status.

Jean-Nicolas Beuze, United Nations High Commissioner for Refugees (UNHCR) Representative in Canada

Jean-Nicolas Beuze brings more than 19 years of international humanitarian and human rights experience, having worked with various United Nations Agencies including the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Department of Peacekeeping Operations (DPKO) and the United Nations Children's Fund (UNICEF). Most recently, Mr. Beuze was the UNHCR Deputy Representative for Protection in Lebanon where he led the Inter-Agency Coordination for the refugees and resilience response plan between the Government of Lebanon, UN agencies and NGO partners, and donor countries.

Keynote speakers

Jacqueline Bhabha, Harvard University

Jacqueline Bhabha is FXB Director of Research, Professor of the Practice of Health and Human Rights at the Harvard School of Public Health, the Jeremiah Smith Jr. Lecturer in Law at Harvard Law School, and an Adjunct Lecturer in Public Policy at the Harvard Kennedy School. She received a first class honors degree and an M.Sc. from Oxford University, and a J.D. from the College of Law in London. From 1997 to 2001 Bhabha directed the Human Rights Program at the University of Chicago. Prior to 1997, she was a practicing human rights lawyer in London and at the European Court of Human Rights in Strasbourg. She has published extensively on issues of transnational child migration, refugee protection, children's rights and citizenship. She is the editor of *Children Without A State* (2011), author of *Child Migration and Human Rights in a Global Age* (2014), and editor of *Human Rights and Adolescence* (2014).

Micheal Bochenek, Children's Rights Division of Human Rights Watch

Michael Garcia Bochenek is senior counsel to the Children's Rights Division of Human Rights Watch, focusing on juvenile justice and refugee and migrant children. He has researched and reported on criminal and juvenile justice systems and prison conditions, the protection of refugees and internally displaced persons, the exploitation of migrant workers and other labor rights issues, the rights of lesbian, gay, bisexual and transgender persons, and rights violations in armed conflict, including the use of children as soldiers. From 2006 to 2015, he was director of policy and then director of law and policy for Amnesty International's secretariat in London, where he oversaw strategic litigation, among other responsibilities.

Mary Bosworth, Centre for Criminology and Border Criminologies, Oxford Law Faculty

Mary Bosworth is the Director of the Centre for Criminology and Director of Border Criminologies, an interdisciplinary research group focusing on the intersections between criminal justice and border control. In addition to being Professor of Criminology, she is a Fellow of St Cross College at the University of Oxford and, concurrently, Professor of Criminology at Monash University. Prof. Bosworth conducts research into the ways in which prisons and immigration detention centres uphold notions of race, gender and citizenship and how those who are confined negotiate their daily lives. Her research is international and comparative and has included work conducted in Britain, France, Greece, the US and Australia. Prof. Bosworth's research on immigration detention has been funded by the European Research Council, the Leverhulme Trust, the British Academy, the ESRC, the Nuffield Foundation and the John Fell Fund.

Keynote speakers

François Crépeau, McGill University, Director, Centre for Human Rights and Legal Pluralism, Hans & Tamar Oppenheimer Chair in Public International Law

François Crépeau, O.C., F.R.S.C., Ad. E., is a Full Professor and the Hans & Tamar Oppenheimer Chair in Public International Law, at the Faculty of Law of McGill University, as well as the Director of the McGill Centre for Human Rights and Legal Pluralism. Professor Crépeau was the United Nations Special Rapporteur on the Human Rights of Migrants between 2011 and 2017. In this capacity, he has conducted official visits to Albania, Tunisia, Turkey, Italy (two times), Greece (two times), Qatar, Sri Lanka, Malta, the European institutions in Brussels and Vienna (several times), Angola, Australia and Nauru. He has also produced several thematic reports: the detention of migrants, the protection of migrants' rights at the external borders of the European Union (two times), climate change and migration, global migration governance (twice), labour exploitation of migrants, labour recruitment practices, trade agreements and migration.

Sarah Mares, University of NSW, Sydney

Sarah Mares is an infant, child & family psychiatrist, Conjoint Senior Lecturer, University of NSW, Sydney, Australia and PhD candidate. She has an established clinical & academic interest in reducing the developmental impacts of early adversity, is an experienced multidisciplinary educator and consultant, Hearings Members for the Medical Council's Health and Conduct Programs. Since 2002 she has visited children and families in Immigration Detention and in 2014 was RANZCP consultant to Australian Human Rights Commission Inquiry into detention of children. She has published regularly on the mental health impacts of Australia's immigration policies and the challenges of work within these systems.

Andrea Paiato, International Organization for Migration

Andrea Paiato, Clinical Psychologist, works at the International Organization for Migration as Program Manager for MHPSS activities in conflict-affected zones. Her presentation is about IOM psychosocial work in detention centre in Libya. The situation of non-Libyans in the country (migrants, refugees, people on the move) is nonetheless still of great concern as they continue facing kidnapping, slavery, torture and sexual violence before crossing the Mediterranean Sea. The session will describe the lives of migrants in detention in today Libya and will focus on the dilemma of responding to outstanding Mental Health and Psychosocial needs, while avoiding connivance with the system.

Keynote speakers

Cécile Rousseau, McGill University, Division of Social and Transcultural Psychiatry, SHERPA research Centre

Dr. Cécile Rousseau, MD is professor of psychiatry at McGill University and scientific Director of the Research Institute on health and cultural diversity SHERPA. She has worked extensively with immigrant and refugee communities, developing specific school based interventions and leading policy oriented research. Presently her research focuses on the evaluation of collaborative mental health care models for youth in multiethnic neighborhoods and on intervention and prevention programs to address youth radicalization.

Robyn Sampson, International Detention Coalition (IDC), Australia

Dr. Robyn Sampson is the Acting Director of the International Detention Coalition and an Adjunct Research Fellow with the Swinburne Institute for Social Research at Swinburne University of Technology. She is an internationally recognised expert on the governance of migration, with over 10 years' experience in the field. Dr. Sampson's research on alternatives to immigration detention, undertaken with the International Detention Coalition, is a key resource in international debates on this issue. Her work has been presented to over 50 governments and used by several countries – including Japan, Mexico, Belgium and Thailand.

Guglielmo Schinina, International Organization for Migration

Guglielmo Schinina' heads Mental Health, Psychosocial Response and Intercultural Communication at the International Organization for Migration and directs the Summer School of Psychosocial Interventions in Migration, Emergency and Displacement at the Scuola Sant'Anna in Pisa. His presentation will briefly introduce the scope of IOM work to support migrants in detention or detention-like situations. While the organization posits that migrants should not be detained for administrative matters, and that migration shall never be considered a crime, in a handful of countries the organization is providing lifesaving psychosocial support activities, or those granting fundamental rights of children, in detention. The presentation will illustrate needs, activities and lessons learned from Indonesia, Thailand, Libya.

Abji, Salina - Carleton University

Block E

Alternatives to Immigration Detention: Abolitionist Perspectives

A key strategy for challenging immigration controls has involved the promotion of alternatives to detention (ATDs). In advancing this strategy, scholars and activists have made important distinctions between punitive and humanitarian ATDs, arguing that the former criminalize migrant populations whereas the latter centre the human rights of migrants and acknowledge the particular needs of vulnerable populations. However, in this paper I argue that the framing of ATDs as either punitive or humanitarian often occludes abolitionist alternatives, which seek transformation of state power itself in the advancing of migrant justice. Drawing from interviews with anti-border activists as well as analysis of political discourse on ATDs in Canada, I examine both the possibilities and limitations of abolitionist alternatives as a critical intervention in current scholarship on immigration detention.

Acquah, Joyce - Kennesaw State University, USA and University of Cape Coast, Ghana

Block B

Violence in Buduburam Refugee Camp in Ghana: Forms, Sources and Consequences

This paper investigates the forms, sources and consequences of violence in the Buduburam Refugee Camp in Ghana and strategies for reducing violence based on a survey data of 100 refugee households in the camp with the help of descriptive statistics. Logistic regression was used to determine the socioeconomic factors influencing violence in the camp. Findings show that most refugees have experienced violence in the camp. Physical abuse of women and children by adult men, fear and intimidation from armed robbers and by violent groups, beating, kicking, slapping and striking with an object were identified as the major forms of violence. The major source of violence was disagreement over camp leadership. The study revealed that establishing more UNHCR branches offices around the camp, increasing police presence, police regularly embarking on night-time patrol, training refugees in negotiation and conflict management, and encouraging understanding, tolerance and commitment to peaceful-coexistence to be measures at reducing violence in the camp. Results from the logistic regression estimation imply age, gender and household income as negative predictors while household head, size and occupation are positive predictors of the probability of experiencing violence.

Aitken, Dominic - University of Oxford, Centre for Criminology

Block E

Preventing and Responding to Deaths in Custody

My talk is about efforts to prevent suicide and self-harm in immigration detention. The bulk of my presentation will draw on a month of fieldwork conducted in Brook House immigration removal centre (IRC), a 508-bed secure IRC located next to Gatwick Airport runway in south-east England. I will focus on themes that emerged in 18 semi-structured qualitative interviews with members of staff, and compare these testimonies to official policy and discourse on 'Safer Custody'. I will argue that there is a consistent tension between the aims of care and custody, and that other conflicts are brought into focus when dealing with detainees who harm themselves. Towards the end of my talk, I will discuss how these tensions and conflicts are largely absent from official investigations into deaths in custody, whether they occur in IRCs, prisons or other coercive sites.

Arbel Efrat, University of British Columbia Allard School of Law

Block C

Davis, Ian University of British Columbia Allard School of Law

Nakache, Delphine: University of Ottawa

Indefinite immigration detention in Canada: legality and reforms

Canada is currently reforming its immigration detention regime, in an effort to create more "just and humane" detention conditions. In this paper, we examine this effort focusing on one of the core problems with Canada's detention regime, which we refer to as the problem of time. We argue that absent legislative reform to impose clear time limits on detention – and the external oversight to ensure these limits are respected – this overhaul will likely entrench the very problems it intends to resolve. The law on detention will remain inconsistent, and detention will continue to devastate and dehumanize those in its care. We develop this argument by analyzing Canada's detention regime against the law and practice of solitary confinement. There are lessons to be learned from the mistakes made by government throughout the long and ineffective history of solitary confinement reform. This paper is our attempt to draw out those lessons

Corporeal Punishment and Canadian Liberalism: An Examination of Ebrahim Toure's and Alvin Brown's Detentions

This paper examines the applications for habeas corpus made by Alvin Brown and Ebrahim Toure, two men who sought to challenge their detention in maximum security facilities in anticipation of their upcoming deportations (removal) from Canada. These cases exemplify the state's punishment tactics through the physical and psychological isolation of migrants put in detention as well as by placing them into a temporal state of suspension. This paper uses both cases in order to limn the ways in which the Canadian government exercises authority through biopolitical tactics over racialized people, which further enhances liberal priorities of the state. The Canadian liberal state that enforces this method of violence through a regime of detention operates on a narrative of multiculturalism and diversity. The paper then considers how the social construction of the law favours a white dominant class and continues to criminalize and inflict violence through detention on racialized individuals who cross borders seeking refuge. These methods of violence portray the paradoxical nature of liberalism as a force that promotes equality, yet depends on the ongoing corporeal violence inflicted on migrants.

Interprofessional collaboration between legal and medical partners to advocate on immigration detention

Building on years of community led advocacy, in 2015, a group of legal and medical professionals began working together to advocate on immigration detention. This loose coalition wrote two open letters, one targeting decision makers at the provincial level to call for an end to the transfers of detainees to jails, the other aimed at the federal government, calling for an end to the detention of children. Along with systemic advocacy, members have also been working to enhance the capacity of psychiatrists to do immigration mental health assessments, and put on a ½ day workshop in the fall of 2017. This presentation will discuss how to foster closer collaboration between mental health and legal professionals with regard to immigration detention, both 1) to support individual detainees, and 2) to advocate for systemic change.

Innovative judicial remedies for immigration detention, from habeas corpus to Charter damages

Since the Ontario Court of Appeal's decision in Chaudhary in May of 2015, the Ontario Superior Court has exercised its jurisdiction to review the legality of immigration detention by way of habeas corpus. As this is still a young area of law, the scope of habeas corpus as a mechanism to combat illegal immigration detention has yet to be fully defined. In particular, there has been only brief discussion in the case law on the remedies that can be ordered by the Superior Court under s.24(1) of the Charter in this fairly unique context. Proceeding from the principle that a right is only as good as its remedy, my paper asks the question of what remedies will be "appropriate and just" in the circumstances of an immigration detainee's application for habeas corpus. I will focus this analysis on three remedial issues that have thus far emerged: i) the Superior Court's jurisdiction to set and supervise conditions of release, ii) social and economic remedies (for example health care coverage, payment for addiction and mental health residential treatment programs, and work permits) in order to meaningfully allow for compliance with conditions of release; and iii) Charter damages as reparation for and deterrence against illegal immigration detention. As a framework through which to examine these issues, I aim to introduce and explore the idea of a "Charter crisis". I would define this as a situation where the government has through either indifference or recalcitrance so thoroughly failed to comply with the Charter over a significant period that the judicial branch is justified in ordering remedies that push against the boundaries of its traditional role. Applying the decision of the Supreme Court in Doucet-Boudreau, and the academic commentary on that decision, I will argue that Canada's immigration detention regime represents a Charter crisis, and seek to draw out the principles that must inform the scope of remedies available to vindicate the rights of those who have been subject to detentions that are arbitrary, discriminatory, or cruel.

Immigration detention and securitisation of migration

A great deal has been written in the past years about the process of institutionally integrating international migration into security frameworks that employ and induce control, policing, and defence—i.e., the securitisation of migration. The objective of this article is to complement these studies by focusing on the processes that contribute to the continuity of a securitized understanding of international migration. I suggest that the practice of detaining migrants in detention centres plays an important role in how the securitisation of migration gets perpetuated as the dominant lens through which the international movement of people is understood. In studying the securitisation of migration in Canada since the 1990s, I examine three processes: (1) that a mimetic process from criminal law to immigration law was instrumental in linking migration and security; (2) that practices and norms, especially the adjudication norms, were simultaneously at play in casting security as the dominant lens through which international migration is understood; and (3) that the practices of detaining migrants in centres resembling carceral facilities has helped to “lock in” an understanding of migration as a security issue.

Risk management in Belgian detention centres: constrution of institutional knowledge

I will look at the daily management of risk in three Belgian detention centres. In particular, I will look at how social staff gathers information on detainees, processes this information to create an institutional knowledge on the basis of which daily decisions are taken in the centre

First-hand account of organizing in asylum-seeking communities, resettlement and continued activism in Canada

This paper draws on a personal experience of migration from Eritrea, depicting the writer's journey to freedom. It begins by tracing ill-treatment and torture at the hands of human traffickers on the way to seeking safety, and follows the experience of prolonged detention and exclusion in the first host country where asylum is sought - Israel. Through a firsthand account, the writer reflects on six years in Israel, effects on personal and community life. Additionally, the paper will focus on migrant community activism in the struggle for refugee rights, and collaborations with local and international organizations. It will map the collaborative resistance movement that was formed, highlighting its impacts on both the refugee communities and Israeli society. In its final section the paper will cover the experience of resettlement in Canada. The writer will reflect on opportunities provided in Canada, such as Psychology studies at York University, and how they facilitate continued advocacy in the Canadian setting. The papers' conclusion will include future plans, personal hopes and dreams, as well as those for refugees across the globe.

The dark resurgence: Immigration detention at the EU's Mediterranean border

Mandatory immigration detention of newly arrived migrants at the border has seen a comeback. Detention was reintroduced by the 'hotspot approach' to migration, first presented by the European Commission in the 2015 European Agenda on Migration. Through the hotspot approach EU agencies assist frontline Member States who face high migratory pressure and are unable to cope with migrant arrivals. The aim is to swiftly process asylum applications, enforce return decisions and prosecute migrant smuggling. The hotspot approach is not a temporary measure – it clearly indicates the lines along which Member States are expected to develop first reception systems. The insertion of administrative detention is a regression in terms of human rights, and signals a resurgence of a problematic practice - a sign of Arendtian (1968) 'dark times' in immigration governmentality' (Fassin 2011: 214). On the Central Mediterranean Route this is even more poignant because there is ample knowledge of the violence that many irregular migrants endure Libya and during their journeys. Using ethnographic material collected during long-term multi-sited research between 2015 and 2017, this study explores the development of immigration detention policy at the EU's Mediterranean border and the human rights implications focusing particularly on centres in Lampedusa, Trapani and Malta.

Detention and deportation of undocumented migrants in South Africa: breaching human rights?

In South Africa, the Lindela Repatriation Centre, in the Gauteng Province, was established by the Department of Home Affairs (DHA) in 1996 as a holding facility for foreigners, most of them being bogus asylum-seekers awaiting deportation. It is not a refugee camp because South Africa has formally no refugee camps. The 2017 South African White Paper on International Migration confirms this view although it established 'Asylum-Seekers Processing Centres', whose creation has been criticized by many NGOs because, apart from not having been well-defined yet, the fear of humanitarian workers is that they could represent some sort of 'prison.' These centres, the first of which may be at Komatipoort near the Mozambican border, will accommodate asylum-seekers until the DHA decides whether they qualify for refugee status. In South Africa, asylum-seekers already undergo a lengthy process to prove that they cannot return to their home countries for fear of persecution. Although the White Paper says that some asylum-seekers may be able to leave the centres before their applications have been adjudicated, it is unclear who might qualify for early release. In addition, recent amendments to the Refugee Act have, for instance, already curtailed refugees' rights, included the right to work. In the past few years, Lindela has been featured in the news with allegations of bad treatment of foreigners, and human rights violations. And so it is feared for the 'Asylum-Seekers Processing Centre.' During monitoring visits at the Lindela detention centre between January 2016 and March 2017, the South African Human Rights Commission observed that some detainees had been sentenced in terms of Section 23(b) of the 1991 Aliens Control Act, despite the repeal of that Act. Moreover, little is known about the detention of foreign nationals at police stations due to weak monitoring of police custody. However, recent site visits by Lawyers for Human Rights (LHR) discovered the denial of any civil rights at police station detention centres. It is therefore interesting to analyze the contradictory situation by which local authorities, although nominally guaranteeing the respect of all the basic rights to undocumented migrants, on the other side are often accused by civil society organizations of violating those rights, including the access to healthcare for migrants in detention and also for what concerns the way in which aliens are deported back home.

Immigration detention in Italy: data from the field

In last years, immigration detention has become an ordinary measure used by states to govern human mobility and confine unwanted noncitizens. However, we still know relatively little about life and lived experiences of people inside these sites of confinement (cf. Bosworth 2014). Drawing on almost three years of fieldwork, comprising qualitative/quantitative interviews and ethnographic observations, this presentation provides an examination of life inside immigration detention in Italy. In particular, it will focus on everyday life inside Rome's center of Ponte Galeria, the largest Italian detention facility. An ecological community psychology framework guided the data collection, analysis and interpretation. Who are the people in these sites of confinement? What are their lived experiences and how do they give meaning to them? What types of relationships are formed between staff and detainees? What strategies are used to cope and resist? were some of our research questions. Based on the evidence provided, the nature and impacts of detention as a solution for managing mass migration are discussed.

Legal basis for civil disobedience against immigration detention

The contemporary reality of structural inequalities, risks and violence faced by growing numbers of undocumented migrants and asylum seekers in Europe and globally, and the legal move towards detention and criminalisation undergone thereof, leads us to reflect on the powerful relevance of civil disobedience today. This paper will ground the imperative of the 'resistance to civil government' concerning (unjust) migratory law and policy, in the universality of all human rights for all persons. Indeed, international human rights law provides citizens with a conceptual and at the same time operational basis to argue in favour of defending the rights of migrant persons –civil, political, economic, social and cultural- in the face of a State-constructed vulnerability stemming from irregular migratory status. The paper will build on the legal framework and jurisprudence of UN, European and Inter-American human rights mechanisms on the issue, and at the same time, on the practical experience of the author in working as a lawyer with undocumented migrants and asylum seekers in Spain. Through this joint academic-empirical outlook, it will propose a set of modern 'civil disobedience tools' to challenge immigration detention and to demand the prioritization of fundamental human rights principles over other norms and rules.

Addressing the detention of asylum-seeking children in Southeast Asia

UNHCR, along with many other actors, strongly argues that children should not be detained for immigration purposes and detention is never in their best interests having severe consequences on child's cognitive and psychological development. However, the practice in many countries differs. Children, both with and without caregivers, are put in detention sometimes for an indefinite period of time. During the past couple of years, there has been an ongoing discussion on reception care arrangements (by the majority of actors called alternatives to detention) to address the detention of asylum-seeking children. This discussion is not only limited to Europe but includes different states in the world, also Southeast Asian countries such as Indonesia, Malaysia and Thailand. My intervention will focus on the developments in the Southeast Asia region related to the non-detention of children and proposed alternatives. I will set the scene with presenting law (including some recent jurisprudence) and policy in the selected countries, then elaborate on various initiatives in the region addressing the detention of children, and conclude with the potential changes that these actions may bring.

Fili, Andriani- University of Oxford*The maze of the Greek Immigration Detention System*

While all eyes are fixed on the looming emergency at Greece's numerous border locations and refugee camps, the thousands who are administratively detained have been, for many years, largely unaccounted for. Despite the scale and inhumanity of detention practices, which have been described as Greece's true humanitarian crisis, immigration detention in Greece has rarely been subjected to close scrutiny. However, in remote places, behind wire and under constant surveillance, forms of resistance flourish, igniting a growing activist movement across the country. Humanitarian NGOs, politicians and media outlets express their concern about what is going on behind iron doors, however, they have largely failed to access detention centres and/or to report on conditions within them. In this paper, Andriani Fili will present fieldwork findings from the first ever comprehensive academic study of immigration detention in Greece and the first systematic record of resistance and activism against it. It seeks to understand why and how resistance and activism have been so effectively silenced and neutralized, rendering inhumane detention practices resilient to change. In doing so, it will extend our understanding of state power, social exclusion and belonging under conditions of humanitarian deficit.

Flynn, Michael - Global Detention Project*The Global Immigration Detention Observatory*

Immigration detention is now an established policy apparatus in most countries in the world. Simultaneously, detention has received increasing scrutiny as advocates have launched global campaigns aimed at encouraging states to adopt "alternatives" and roll back the detention of children and other vulnerable groups. However, these campaigns are hampered by a lack of transparency and poor clarity about who can be detained or why. How can we measure the impact of reforms without reliable data? Complicating matters, from one country to the next, the definition of what constitutes detention can vary greatly, and in cases like the detention of unaccompanied children establishing what precisely amounts to detention is fraught with complications. This presentation details the Global Detention Project's efforts to create a "Global Immigration Detention Observatory," an online data tool intended to encourage the creation of a global network of activists, scholars, and human rights practitioners tracking developments in detention laws and practices. What are the methods the GDP uses to develop its data? What kinds of data can one find in the Observatory? And what are key global trends the GDP has identified as a result of this initiative?

Gargano, Oria - BeFree Cooperativa Sociale contro tratta, violenze, discriminazioni*Upholding women's rights in immigration detention centers: a feminist approach*

This presentation focuses on the actual experiences of Nigerian women victims of sexual exploitation who, alongside the violence they are subject to during their migration trajectories, end up in detention centers for undocumented migrants in Italy. Their life stories were collected by the Rome-based feminist NGO BeFree in the course of its work in Rome's detention center of Ponte Galeria where BeFree has been active since 2009. These stories reveal that violence is pervasive and is perpetrated throughout women's migration path by different actors and with varying methods and brutality. Moreover, they highlight the failure of traditional security-oriented approaches to migration, and the imperative of re-tooling measures to ensure survivors' protection and rights. Presently, the system of migration controls undermines survivors' rights as they are often conflated under the incorrect category of "illegal migrants" and treated accordingly. The work that BeFree, articulated over the years offering individual social-psychological support, legal assistance, cultural mediation services and shelter, as well as advocacy, provides an important experience to reflect on the role of civil society in challenging migrant detention policies and practice.

The legal and moral justification of immigration detention

This paper asks: What is the justification of immigration detention in cases where the non-citizen is not considered dangerous? The Supreme Court of Canada, in the 2007 Charkaoui decision, developed an analytical framework to address the constitutionality of long-term immigration detention in the case of non-citizens suspected of terrorist ties. To do so, the Court adapted constitutional principles developed for the analysis of the detention of dangerous criminal offenders. Although originally developed in the security context, and although it drew on case law developed in the criminal law context, the Charkaoui framework has since been applied to all immigration detention. In the paper, I seek to problematize this extension, in three parts. I first examine the legal and philosophical justification of preventive criminal detention. I then explain how Charkaoui took the constitutional framework for justifying preventive detention of dangerous criminal offenders and adapted it for the case of allegedly dangerous non-citizens in the immigration context. Finally, I claim that take the justification of criminal preventive detention and adapt it to the detention of non-dangerous migrants, one has to place implausible moral weight on the importance of immigration control.

Gros, Hanna, Muscati Samer & Macklin, Audrey - University of Toronto's Faculty of Law, International Human Rights Program*Reaching for the Rule of Justice: Advocacy Strategies in a World of Borders*

The Canadian immigration detention system allows human rights violations to take place under the rubric of “the law”. Vulnerable individuals may be deprived of their liberty and held in prison-like conditions without criminal charge, without access to an effective judicial process, and without even a countdown to their date of release. This system has devastating and lasting effects on immigration detainees’ wellbeing and mental health. In a context where the rule of law fails to provide adequate protection against human rights abuses, the system must be amended to align with the ‘rule of justice.’ Meaningful advocacy in this field requires engaging with diverse perspectives, including lawyers, advocates, social workers, mental health experts, activists, and immigration detainees themselves. But various obstacles make advocacy in this field particularly challenging. This presentation will review effective advocacy strategies, with reference to three reports published by the IHRP, as well as a submission to the UN. This work is the result of a deeply collaborative effort, analyzing the immigration detention regime through international human rights law, social science evidence, and lived experiences of immigration detainees. This work provided personalized narratives of immigration detainees and specific recommendations for maximum impact at both public discussions and policy debates. The presentation will also review the progress that has been made in the Canadian immigration detention system over the past two years, as well as the gaps that remain. Immigration detention systems touch a wide range of individuals – across disciplines, across professions, and across borders. Reaching for the rule of justice requires powerful and collaborative advocacy initiatives

Hedrick, Kyli - University of Melbourne, Australia*Kept at harm’s length?: A mixed methods study of the incidence and characteristics of self-harm in the Australian-funded asylum seeker population*

In Australia, mandatory, indefinite immigration detention has been applied to asylum seekers for over 25 years. There are currently five Australian-funded asylum seeker populations: (a) those in onshore detention; (b) those in offshore detention on Nauru; (c) those in offshore detention on Manus Island; (d) those in community detention and; (e) community-based asylum seekers. No research has systematically examined the incidence and characteristics of self-harm across the entire Australian-funded asylum seeker population, by processing arrangements and gender. The aim of this mixed methods study, consequently, was to fill these gaps in the literature, and to consider the implications of the findings for prevention. Quantitative data from 949 self-harm incident reports recorded in the year to July 2015, highlighted that self-harm episode rates were highest among asylum seekers in offshore and onshore detention facilities, and lowest among asylum seekers in community detention and community-based arrangements. Female self-harm episode rates were twice as high as male self-harm rates. Preliminary findings from qualitative interviews with health professionals who have worked with asylum seekers in all five populations will be discussed, including the ethics of conducting such interviews following recent changes to the secrecy and disclosure provisions of the Australian Border Force Act (2015).

Interprofessional collaboration between legal and medical partners to advocate on immigration detention

Building on years of community led advocacy, in 2015, a group of legal and medical professionals began working together to advocate on immigration detention. This loose coalition wrote two open letters, one targeting decision makers at the provincial level to call for an end to the transfers of detainees to jails, the other aimed at the federal government, calling for an end to the detention of children. Along with systemic advocacy, members have also been working to enhance the capacity of psychiatrists to do immigration mental health assessments, and put on a ½ day workshop in the fall of 2017. This presentation will discuss how to foster closer collaboration between mental health and legal professionals with regard to immigration detention, both 1) to support individual detainees, and 2) to advocate for systemic change.

Jarvis, Eric G. - Cultural Consultation Service, Jewish General Hospital

Voices from detention: Impact of coercion on the mental health of asylum seekers

Background: Some asylum seekers arrive in Canada and are placed in detention. The impact of detention on the mental health of asylum seekers is poorly documented. **Objectives:** To review referrals to the Cultural Consultation Service (CCS) for the years 2000-2018 to 1) Clarify why some asylum seekers are placed in detention, 2) Assess whether CCS interventions improved the plight of detained patients, 3) Detail how the CCS positioned itself vis-à-vis medicine and the law to advocate for these patients, and 4) Outline reported mental health consequences of detention emerging in the life narratives of patients referred to the CCS. **Method:** The “Reason for Consultation” box of CCS intake forms were searched using the key word “detention”. The texts of relevant files were reviewed and analyzed thematically. **Results:** Of 8 refugee detention cases, all were incarcerated for at least one month, some for more than one year. Most were deemed to have false or suspicious documentation. Some were suspected of being a security threat. CCS advocated for patients to reduce the duration of detention and to mitigate its negative mental health effects. **Conclusion:** Detention is a traumatic experience and linked to negative mental health outcomes in all cases.

Jeanes, Jenny - Action Réfugiés Montréal

Rights-free zones in a country of Charter rights and freedoms

Detention for immigration reasons in Canada is meant to be safeguarded through the review of grounds for detention by an independent administrative tribunal. The tribunal applies criteria to evaluate the reasons for detention and can assess additional criteria intended to limit detention and protect Canadian Charter rights. However, detention is often based upon underlying enforcement decisions, which are not subject to review. Canada Border Services Agency enforcement officers are delegated tremendous discretionary powers to set removal dates, or determine when identity has been established, among other powers. There is no independent oversight of these enforcement decisions. When removal is imminent, the tribunal considers that the detention will be of limited duration and is therefore less likely to order release, yet has no jurisdiction to review the imminence or reason for removal itself. When detention is for identity grounds, the tribunal lacks the jurisdiction to determine that identity has been satisfactorily established and that detention is therefore unwarranted. These powers lie with individual CBSA enforcement officers. Using case examples of individuals from Burundi, Palestine, Egypt and Syria, the absence of effective review or oversight of enforcement decisions will be linked to the use of detention as a coercive practice in Canada.

Joeck, Molly - University of British Columbia

Use of detention as a tool of deterrence and coercion

Canada’s immigration detention regime, including the indefinite nature of detention, the CBSA’s practice of detaining certain individuals in provincial penitentiaries, and the largely ineffective detention review procedures at the IRB, has been widely critiqued, and is currently the subject of ongoing litigation that may bring about significant changes to the nature and practice of immigration detention. To ensure that this system is appropriately critiqued and reformed, these debates must be considered against the immigration detention regime’s stated and, more pertinently, unstated purposes. While immigration authorities purport to detain individuals in order to ensure compliance with immigration procedures and on security grounds, this paper contends that detention also serves the unstated purposes of deterrence and coercion. Loss of liberty deters detainees from exhausting all the procedural avenues available to regularize their status in Canada, and coerces detainees to accept the easiest route to liberty, which often entails consenting to hasty removal and the loss of any realistic path to future status in Canada. These unstated purposes are consistent with the broader Canadian trend of using our immigration system to exclude individuals perceived to be undesirable to Canadian society, regardless of whether their Charter rights are violated in the process, and of externalizing Canadian borders in order to prevent certain groups of individuals from entering the country.

European policy concerning Africans deportation and the risk of human rights violation in Africa

Owing to fear of persecution and several pushing and pulling factors in Africa, large numbers of people are leaving their home and becoming refugees and migrants in Europe. However, the European Commission and Italy adopted deportation policy to individuals to their country of origin. As a result, such policies causes to the threat of refoulement, by which people are returned to a country where they are at risk of serious human rights violations. In addition, the European Commission concluded that “[t]he decision to return illegal immigrants to their country of origin seems to be taken for groups of nationalities rather than having examined individual cases in detail.” Accordingly, this collective approach caused several instance of refoulement. In addition, the fate of returns has not been monitored on arrival in their countries of origin. Therefore, it is apparent that many more cases of refoulement have taken place but have left ignored. So many individuals were returned from Europe and Libya to their country of origin, where they were at risk of torture. In addition, there are credible reports which show the arrest, incommunicado detention and disappearances of returns in Africa. As a result, the process of deportation reveals a weak procedure in which no consideration appears to have been given to the risk the individuals would face if returned to their country of origin. Therefore, this paper will address questions relating to the protection of refugees arise from the regular deportations from Libya and Europe. What are the legal implications of mass deportation on the basis of nationality? Is it possible to attribute the human rights obligations against the deporting European or African states and the recipient African states, if so, what remedies are available to the victims?

Barriers to use of mental health services in UK Immigration Removal Centres

Research inside UK Immigration Removal Centres (Bosworth & Kellezi, 2012: 2015), has identified high levels of distress and low levels of engagement with Mental Health services within such institutions. Little is known about factors that contribute as barriers or facilitators of service access within detention, and how detainees perceive quality of existing care. The present study investigates these issues using semi-structured interviews with detainees (n=40) and staff inside UK IRCs (n=25). Issues of trust, preoccupation with safety, and concern with immigration case influence the detainees' willingness to discuss mental health issues and access health services. The detainees question the legitimacy of the health professional roles, perceived help seeking as a form of failure and feared stigmatization (from in group and outgroup). Staff perceives detainees help seeking as having alternative motivations unrelated to the severity of mental health distress. The findings highlight the role of these processes in turning social relations into a 'social curse' and have implication for models of care provision, service access and staff training.

Different Country, Different Context, Same Detention

The undocumented, refugees, and asylum seekers in the United States and Europe are detained as official policy and when official policy procedures break down. Detention is a pro forma response by enforcement agencies and border security personnel, allowing them to efficiently process large numbers of people who are forced to migrate. A critical analysis of immigration detention begins with a discussion of the difference between official policy and policy as it is practiced “on the ground” by thousands of agents. This discussion requires a theoretical and empirical analysis of the control of policy outcomes by individual agents, incentives to use detention to avoid real solutions, and the development of coercive extraterritorial strategies that force other countries to participate in migrant detention. I compare detention in the United States and Greece (as a case study within Europe) by examining the number of people detained, the legal framework and justification of detention, the manner of detention for people of different statuses, and the impact of detention on judicial and immigration court outcomes. We can comparatively examine outcomes associated with the Dublin Regulation and the U.S. strategy of forcing Mexico to enforce its borders with Central America as extraterritorial strategies of detention.

The lesser of two evils? 'Humanitarian' detention, destitution, and the plights of detainability in Sweden

'We get all sorts of people in here. For some rejected asylum-seekers, detention is a better option than living on the street, cause that's the alternative. In here, at least they get food, shelter, a bed to sleep in...' A staff member of a Swedish immigration detention unit here compares the deprivation of freedom and rights in detention to the destitution awaiting 'undepotable' rejected asylum-seekers under Sweden's new restrictive migration policies. While this 'minimum rights'-approach was intended to enhance deportation rates, preliminary reports suggest that it has mainly resulted in growing destitution among rejected individuals stuck in a 'departure position'. Building on participant observation and interviews with state officials in migrant detention and departure units in Sweden, the paper discusses the different kinds of coercion prevalent in migration-related detention and detainability respectively, highlighting how precariousness is used to punish migrants their 'non-compliance', while it also enables detention staff to understand detention as a 'humane' option to forced destitution, thereby downplaying its repressive and punitive character. Moreover, the paper problematizes 'passively coercive' exclusion in the context of the welfare state, as well as the dilemmas of navigating 'care and control' arguments in advocacy challenging immigration detention.

Contesting Conceptions of "Illegality": Activist Movements in Toronto's Sanctuary City Policy

In 2013, the activism by No One Is Illegal (NOII) successfully produced what would become known as Toronto's Sanctuary City policy. These activist measures continue to implement policies benefiting Toronto's undocumented persons. This paper uses a state/illegal nexus framework to conceptualize the importance of activism in re-shaping hierarchies of power and belonging. In other words, activism and community organizing work to challenge state structures and practices which reproduce and perpetuate "illegality" and "deportability" as normative state discourses. Activism promotes spaces of solidarity both locally and transnationally and can play an immense role in bringing in a greater degree of macro-level governmental collaboration for the case of Sanctuary Cities. In continuously rejecting and renouncing state processes that reinforce ideas of being "illegal", activism brings to the forefront the voices of those who have been silenced and made invisible by these same discourses of "illegality". Thus, activist groups and community organizations play an immense role in shaping belonging, not only at the individual level, but also at a macro-level, where activism has the power to reconfigure national discourses around "illegality" at the institutional level as well.

Is your government doing its best to protect migrant children? Canada's scorecard

Canada is part of the Global NextGen Index, where States are ranked on their progress towards ending child immigration detention. It provides a standard scoring framework to assess country laws, policies, procedures, international obligations, political commitments and - crucially - implementation. The NextGen Index will be launched in late 2018 by the Global Campaign to End Immigration Detention of Children. The Canada Committee is comprised of researchers from the University of Toronto, University of Ottawa and McGill University"

The mental health impact of immigration detention on child asylum seekers and the enabling role of international human rights law

Detention of asylum seekers is a common border control measure used by states that seek to deter unwanted migrants and control access to their territories. Asylum seeker children are a particularly vulnerable group, and detention of children, even for a short period, has been shown to have a detrimental impact on their mental health. Children in detention suffer more pronounced mental health crises than adults, and ongoing detention of children leads to further deterioration in their mental health. Despite this well documented impact, the detention of child asylum seekers is in many cases undertaken within the limits of international human rights law. This paper examines this tension by looking at the points at which international human rights law prevents and permits detention of child asylum seekers. The paper questions how the 'last resort' threshold for the use of detention is measured, and examines at what point harm to children in immigration detention constitutes a violation of their human rights and requires that detention must either cease or not occur. Finally, the paper considers the implications for the international human rights system if it does in fact permit a certain level of harm.

Migrant detention and State responsibility: Non-refoulement obligations in offshore detention

Forcible removal of asylum claimants and refugees through deportation may violate the principle of non-refoulement where such deportation would put their lives or freedom at risk, including being exposed to future risk of persecution, death or torture. Indirect refoulement occurs when the sending State knew or ought to have known that the asylum claimant or refugee will be sent to a territory where their lives or freedom would be threatened, especially where they are unlikely to receive access to proper asylum procedures in the third State, regardless of any diplomatic assurances. Detention in offshore facilities would only exacerbate the situation of the individual being sent to be detained and heighten the criminality of the act and the culpability of the sending State. Administrative detention in offshore facilities, much like other migratory policies such as pushback operations, militarization of borders, and cooperation with third States, are mechanisms which seek to deter the asylum claimant and refugee from ever reaching a State's territory. It is argued that cooperation with third States to permit detention of asylum claimants and refugees in offshore facilities would make the sending State at the very least complicit, if not responsible, for indirect refoulement.

Israel as a case study of ethnic-exclusionary logic

I will present insights from the case study of immigration detention in Israel. I begin with a descriptive introduction to the case study, based on my academic research, as well as ten years of field experience, as an activist alongside asylum seeking communities. I categorize Israel as an Ethnic-Democracy, and argue that ethnic-exclusionary logic is translated through democratic mechanisms and legal reasoning into palatable regulative arrangements. I base my presentation on empirical analysis of socio-legal discourse regarding detention laws between 2010-2015. I complement earlier analysis of the legal and political process surrounding detention in Holot facility in Israel's Negev desert, with accounts of lived experience in detention from 2018. Juxtaposing articulations by legal professionals and institutions, with those of detainees and formerly detained persons – I shed light on the gap between law in the books and law in practice. I argue that although Israel is a 'Jewish state' it is not exceptional in fostering ethnic based social exclusion. As a resurgence of xenophobia and ethnonationalism is visible across the globe, border control tightens, and categories of belonging fortified. Whereas the Israeli example is oftentimes considered unique, it should serve as a helpful case study and warning for other locales.

Fighting alongside asylum seeking communities to resist one's own government policies on detention and migration penalization

This paper will add a complementary perspective, of host community response to migration, to the proposed workshop. The paper will relay insights from a decade of Israeli activism alongside asylum seeking communities in Israel. I draw on long term activism experience, as well as new data collected during my doctoral research, to discuss the ways in which host communities are effected by an influx of irregular migrants. I focus particularly on collaborative efforts with migrant communities and international activists toward resisting detention. I also devote important consideration to the experience of Israeli residents of South Tel Aviv neighborhoods – the area in which most migrants and asylum seekers reside. Being Israeli, I offer first hand reflections on resisting exclusionary policies in one's home state, and struggle toward constructive change. Sincere collaborative efforts must involve constant consideration of cross-cultural sensitivities, varied target audiences and community specific limitations. Insights from the case study of the 2013-14 collaborative struggle against detention in Israel may prove useful for other locales.

Experiences of prison officers in a context of crimmigration: a case study from Switzerland

Immigration detention is a clear example of the merging of crime and migration control, which has been conceptualised as "crimmigration control". Such convergence is even more explicit when states use ordinary prisons and jails to detain foreigners in view of their deportation. This is mostly the case in Switzerland, where penal institutions are reinvested of new roles and meanings, performing tasks of migration control. Drawing on an ethnography of two Swiss prisons confining both migrants pending deportation and accused or convicted criminals, in this paper I analyze how prison officers understand their role and navigate the ambiguities of such an institutional context of crimmigration. Although the staff is mostly aware of the different nature of immigration detention, in their daily work they do not much distinguish between criminal and immigration detainees, whom they morally judge on the basis of their individual behaviours in the carceral institution. Furthermore, categories of crime and migration and discursively blurred and staff members often resort to notions of illegality, abuse and criminality in order to legitimate immigration detention. While most literature on crimmigration has focused on the legal level, this paper asks how crimmigration enforcement is experienced and made sense of by those working inside it.

Death of a migrant during detention and CBSA response: a case study

I represented a Roma family at inquest regarding a Czech Roma man (34) who died in detention before being deported. It was most challenging as I was facing at least 6 other actual lawyers, who represented various government agencies, doctors and hospitals. I will provide the background and some of the details of his incarceration and how he died. I will also talk briefly about what could have done better to avoid this unfortunate death. The man died of inflammation of the pericardium (heart membrane) and because this illness came up as he was to be deported, he was not believed that he is seriously ill. Eventually, he was taken to a hospital emergency but they did not find anything wrong with him. He was placed in segregation in Maplehurst (Milton) where he died.

Issues: Lack of medical oversight, rare checks by the guards. The family was suspicious as to the cause of death, because the CBSA urged the wife to withdraw her claim, paid for the coffin transportation to Czech Republic, provided suitcases for the wife and child, including some clothing for the mother and child and some toys for the child. CBSA also organized expedited departure of the mother and child – they did not need to wait the, then, customary 60 days delay in deporting them.

Problematic responses to problematic situations: borders, refugees and detention centres in the light of readmission agreement

Readmission Agreement has been criticized by many parties not only because of the fact that EU did not want to receive as many refugees as it could within its potential but also because most of the actors thought that Turkey was not capable of handling the major numbers as Turkey did not meet the bare minimum of institutional capacity to be able to provide the refugees and prepare the just conditions for return to readmitted migrants. In this paper, I summarize the history of the Readmission Agreement with previous interviews in 2010-2011 with the policy makers and policy influencers. Later, I elaborate why the treaty was signed at this point in time contextually between EU and Turkey. Then I examine both: EU side and the Turkish side together with the rules of the agreement foreseen in terms of implementation. These interest-based policies on both sides are examined with a humane thinking and I argue finally that the relationship between Turkey and EU has come to be more interest based while the norms and ideas on solidarity and creativity have lost their significance, partially because they were Euro-centric and based on national interests. There is a great loss in terms of the normative power of the EU and there are great losses in terms of how democracy was used functionally by the Turkish government. It is a loss-loss game rather than a win-win situation, moreover, it is not the story of an empire that tells Turkey what to do or it is not Turkey who is following the democratic path as a republic, but it has become the clash of collapsing empires, an anachronistic way of dealing with a crisis.

Los desechables: Exploring the lived realities of vulnerable migrant populations caught along the northern Mexican border

Expressed through the seldom-heard voices of vulnerable migrant populations, this research exposes the sociopolitical realities faced by US-bound migrants currently sheltered along Mexico's northern border region. By constructing a comparative analysis of case studies – consisting of fieldwork conducted in shelters with migrants and with the agencies that support them – this investigation gives rich insight into the struggles confronted by the people caught within this transitory corridor, revealing deeply rooted flaws inherent to the current U. S.-Mexico binational immigration policy and detention system. Precisely as it is told through the lens of the migrant and the people who service them, these hardship stories challenge the existing sociopolitical and judicial structure as one that fails to address the fundamental well-being of the migrant, stressing the imminent need to reconsider the role that state and non-state actors traditionally play in identifying, protecting, and serving this population.

Silverman, Stephanie & Amy Nethery - University of Toronto**Block A*****Incarcerating the Other in Canada and Australia***

Scholarly attention has recently focused on how democratic societies have begun a 'carceral turn' to use forms of incarceration to control groups of perceived outsiders. This paper examines the legacy of John Howard in Australia and Stephen Harper in Canada on the incarceration of indigenous and migrant populations. Both Australia and Canada have a long history of imprisoning indigenous and migrant groups to destabilize those groups' attempts at political representation. Under the leadership of these conservative prime ministers, incarceration of both these groups accelerated, became increasingly targeted and punitive, and developed outside a transparent legal framework. Subsequent leaders have been unable or unwilling to reverse this trend. We argue that under Howard and Harper, Canada and Australia accelerated the use old methods of social control to manage populations perceived to be problematic. Once harsh carceral policies are adopted, target groups are stigmatised, and the policies become difficult to reverse. Building on the 'carceral turn' scholarship, we argue that these two 'settler societies' demonstrate how marginalization, racialization, and Othering can allow some people to become more imprisonable and less deserving of freedom. We conclude with an invocation for more research comparing the political, legal, and ethical significance of detaining indigenous and migrant populations on a disproportionate scale.

Takamura, Kazue - ISID, McGill University**Block B*****Visualizing human rights of detained foreigners: the emerging role of detainee-support groups in Japan***

In recent years, the number of asylum seekers in Japan has increased sharply from 1,202 in 2010 to 10,901 in 2016. Despite the recent surge of refugees, the Japanese state maintains an unsympathetic policy toward asylum seekers and other irregular forms of migrants. Immigration authorities detain asylum seekers upon arrival and significantly delay their provisional release from detention for 8 to 12 months. This has engendered a set of human rights concerns, including lack of legal representation, unjustified prolonged periods of detention, overcrowded facilities, restricted access to family members and public support, inadequate health care, suicide, and unexplained deaths in detention centers. My paper will engage with the significantly underdiscussed human rights violations tied to immigration detention practices in Japan. The paper will contextualize the structural mechanisms through which vulnerabilities of foreign detainees are produced in Japan. I will pay particular attention to the moral authority of the state for both normalizing deportability of vulnerable migrants as well as for legitimizing inhumane and punitive treatments toward foreign detainees. Finally, I will discuss the potential impact of civil society groups in challenging the state for its illiberal treatment of vulnerable migrants.

Temores, Maria - El Colegio de la Frontera Norte

BLOCK D

An approach to the political subjectivity of people who resisted detention centers in the United States and cartography of «the Gray Zone»: fieldwork findings in Tijuana, Mexico

The research aims to provide elements for understanding the political subjectivity of migrants who have experienced the process of detention and deportation through exploring the subjective dimension of migration. Desires, expectations, behaviors, daily strategies, rejections and resistances of migrants that have experienced detention and deportation are other forms to represent their presence that shapes new forms of struggles. We propose doing it from the political cartography of migrant struggles and the analysis of the mechanisms of production of subjectivity. The objective is to think about the micropolitics of the production of subjectivity through the analysis of the subjective and critical dimensions of the process of detention and deportation. For that, following a qualitative research, based on the epistemic-political turn and the ethnographic method, we work along with women and men who have experienced detention and after deportation they are in institutions that provide support to migrants in Tijuana, Mexico. The result is a micropolitical analysis of the production of subjectivity in detention and deportation experiences through cartographies of the modes of subjectivation and diagrams of the hegemonic relations and resistances that shape the migrants political struggles.

Tikue, Laurie - University of London, UK

BLOCK B

Experience of international activists in promoting rights, esp. women's' issues in the face of detention

Although women and children do not (yet) fall under the current detention and deportation policy in Israel, their lives are greatly impacted by orders against men in their communities, as well as exclusionary policies towards asylum seekers. I discuss acts of every day activism and resistance by women against criminalizing national policies, racism from the host-society, and patriarchal structures within their own communities. Insights shared in this paper are based on doctoral field research, and extensive activism with refugee communities from the Horn of Africa in Israel

Valiyaparampil, Merin - York University

Block C

Questioning Integrity: Challenging Canada's Assessment of Immigration Detainees

The notion of "credibility" has often been employed as a standard of assessment in criminal justice proceedings to evaluate various types of evidence, witnesses, and claims. Currently, it is also being used to assess the narratives presented by immigrants and refugees during admissibility hearings and detention reviews in Canada. Whereas immigration adjudicators' determination of an immigrant's lack of credibility can result in the person's detention and deportation, findings of credibility can ensure their release. My anthropological research on immigrant illegalization focuses on this idea of credibility within the context of immigration hearings. Through an analysis of archived cases, observations of detention and admissibility hearings, and interviews with immigration consultants, I argue that a person's credibility has become one of the deciding factors in their release (however restricted), continued detention, or removal from Canada. Although the IRB touts this form of assessment as an effective method for evaluating immigrants, its subjective nature combined with individual biases and prejudices of immigration adjudicators compromises its effectiveness. Consequently, immigrants who are unable to present testimonies clearly and coherently face lengthy detention as adjudicators and minister's counsels invoke their questionable credibility during monthly detention reviews. Ultimately, by reiterating immigrants' lacking credibility, minister's counsels and adjudicators blame them for creating circumstances for their detention in Canada.

Role of advocacy in immigration detention policy changes in Canada

The public policy design surrounding migrants with irregular status legitimizes the adoption of restrictive immigration detention practices in Canada. Research shows this practice imposes undue physical and mental hardship on asylum seekers and irregular migrants. The practice is also considered harsh and detrimental by domestic and international actors such as the United Nations. Meanwhile, policy changes that legitimize and reinforce the immigration detention of foreign nationals are implemented without an examination of the role and influence of advocacy groups on these policy changes. This public policy and human rights oriented paper seeks to fill the knowledge gap by investigating the role of advocacy coalition groups in policy-making. Accordingly, this conference paper investigates the role and influence of advocates and advocacy coalition groups in public policy changes surrounding the immigration detention of asylum seekers and irregular migrants in Canada using « Advocacy Coalition Framework » (Sabatier & Jenkins-Smith, 1988) as the lens of analysis. This paper aims to contribute to the body of knowledge and inform future policy discourse & design relating to challenging immigration detention policies and practices in Canada.

Will, Jared - Jared Will & Associates**BLOCK D***Litigation as a tool for exposing the realities of migrant detention and giving voice to detainees*

The workshop, which could also be re-tooled as a presentation in a roundtable format, would involve a brief presentation of work that I and some of my colleagues have done in litigating immigration detention since 2015. I would focus on the aspects of the litigation that have succeeded in giving voice to detainees, have addressed mental health care and related issues for detainees and informed some of the public discourse on the issue. The objective of the presentation would be to foster a discussion on the role of litigation alongside and in conjunction with other approaches in order to encourage a broader discussion and future trans-disciplinary collaboration.

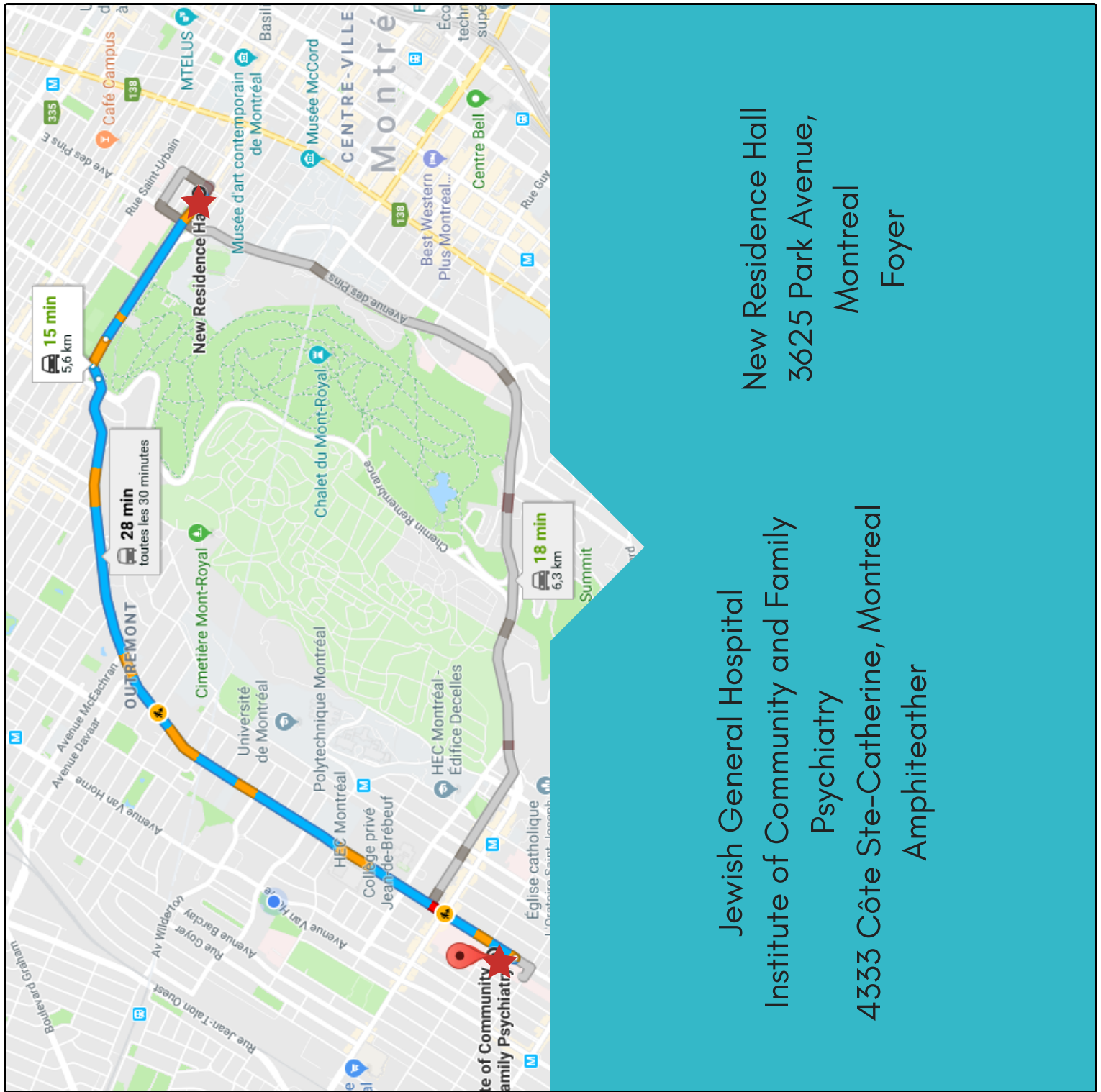
Wilmington, Lizzy - Cardiff University**BLOCK A***Resistance to the UK's hostile environment to people with insecure immigration status*

Measures within the UK legal system are creating a hostile environment for those with insecure immigration status. Immigration checks have extended to private landlords, banks, the NHS, employers, education institutions, the DVLA, further immigration powers to the police and establishing networks and partnerships with front line service providers, such as homeless charities. An increasingly narrow understanding of the ideal law abiding citizen is prominent, as is discrimination towards racially targeted people assumed to 'not to be playing by the rules' (G4S 2009; 2). This externalisation of legal responsibility blurs the lines of accountability while also removing processes and procedures that prevent rights abuses and injustices. As well as a critique of how these measures are legitimised, this presentation will investigate strategic spaces of subversion and dissenting voices. This presentation will highlight approaches of reclaiming and exposing 'truths' rooted in the experience of people who are targets of immigration controls. Through an analysis of resistance groups Delgado's notion that 'there is a war between stories' (1989; 2418) will be explored, how debate is generated, how the terrain of common sense is reaffirmed and what is deemed permissible in the legal, as well as public, imagining.

Yepez, Cristina - McGill University**Block B***Detention and deportation in "the country of universal citizenship"*

The institution erroneously known as "Hotel" Carrion was a detention center that was not recognized as such and was euphemized by the Ecuadorian government as a "Temporary Shelter Center". My ethnographic work maps the violence and contradictions that arose around this site, but not exclusively, to question the migration policies that Correa's government leaves as a legacy. The cases that I have documented around "Hotel" Carrion-Detention Center, as well as the 'sterile halls' of airports and other places of arbitrary detention, account for an ambiguous exercise of power that established deportation as a state policy, unconstitutional (for the 2008 Constitution supposedly recognized universal citizenship) and disrespectful of human rights. My research findings can be a window to better understand certain questions related to globalization, human mobility and the consequences of detention and deportation.

Locations



Organisational Team

Janet Cleveland: Researcher on the rights and health of refugee claimants, refugees and non-status migrants, Centre de recherche Sherpa

Rachel Kronick: Child and Adolescent Psychiatrist, Jewish General Hospital
Assistant Professor, Division of Social and Transcultural Psychiatry, McGill University

Laurence Lefebvre-Beaulieu: Support to coordination

Marie-Eve Paré: coordinator of the conference, marie-eve.pare.ccomtl@ssss.gouv.qc.ca



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Division of Social and Transcultural Psychiatry



Recherche. Immigration. Société.

Parce que notre monde bouge