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The Search for Agency and Hope in the Face of Forced Removal

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Detention is inherently painful. Immigration detention, although administrative in legal terms, is no exception. Drawing on my ethnographic research in a Belgian immigration detention centre, in this blog post I will show how migrants experience and try to resist the pains of immigration detention with a specific focus on the pains related to the potential forced removal.

During my fieldwork, I conducted semi-structured interviews and had informal conversations with detained persons. In every conversation, it immediately became clear that detainees try to make sense of their confinement by placing immigration detention within a framework of punishment. The deprivation of freedom and the lack of meaningful activities in detention were central in their discourse. Their feeling of ‘doing time’ challenged the legal postulation that immigration detention is a purely administrative measure. However, and in line with international findings (see e.g. Bosworth, Turnbull, Van Alphen et al., Warr), the uncertainty of the outcome of detention – and thus of one’s life prospects – was the greatest source of frustration for most detainees. As most of them had built up their life in Belgium, not seldom during a lengthy period of (irregular) residence, leaving Belgium was simply unimaginable (see also Lietaert, Broeckaert & Derluyn) and the forced removal decision that generated their confinement was considered illegitimate. These specific aspects of immigration detention led to high levels of stress and anxiety and, combined with ‘classic’ pains of detention as described by Sykes (e.g. deprivation of autonomy, deprivation of goods and services, etc.), made immigration detention extremely difficult to cope with.

Regarding foreign national prisoners, Warr clearly exemplified these feelings of uncertainty and illegitimacy. He showed how they are reinforced throughout the time in detention and ultimately can lead to a total abandonment of hope. Although I also witnessed some cases of (total) abandonment of
hope, I would argue that those were rather exceptional. In fact, most detainees tried to find ways of (re)claiming agency on a daily basis, particularly - but not exclusively - through several forms of resistance to forced removal (attempts). By doing so, they tried to keep hope on a future in Belgium alive. Detainees articulated three main strategies of resisting forced removal (attempts), which were not mutually exclusive: resistance through legal action, resistance through non-cooperation and resistance through temporary compliance.

**Resistance through legal action**

Legal action is a straightforward way of trying to alter a forced removal decision. Detainees can ask their (assigned or self-appointed) lawyer to resist forced removal by legal means. Two strategies were very common: applying for asylum while in detention, and/or appealing against the forced removal decision (and the associated decision to detain). Asylum claims were sometimes made instrumentally in order to gain additional time to pursue other legal procedures. Omar for instance told me: ‘I have applied for asylum here in the closed centre to gain extra time to continue my family reunification request. They brought me a second ticket to Morocco and then I asked asylum to slow down the process.’ Few of the asylum claims made in detention turned out successfully, although I have witnessed one example. Appeals were more frequently effective: cases were won and people were consequently released on a daily basis (although often still without residence permit). Most detainees, by receiving negative appeal decisions, are however confronted with the limits of legal action on multiple occasions, directing their attention to other forms of resistance.

**Resistance through non-cooperation**

Non-cooperation is another possible way of resisting forced removal. When the state lacks information about the identity and nationality of a migrant and/or when the (supposed) country of origin implicitly or explicitly refuse to cooperate with a forced removal procedure, he or she can become undeportable in practice. Campesi already recognised this ‘undeportability’ as a source of potential opposition to forced removal. Several detainees who believed that the migration office had no information on them indeed refused to cooperate with migration officials in immigration detention. Some of them even cherished - at least in discourse - their status of being undocumented. Asmae almost proudly stated: ‘I have no passport, they don’t have any information on me. I’m a ‘pure illegal’!’ In his analysis of the impact of undeportability on the regime of immigration detention in Italy, Campesi highlighted the risk that immigration detention will turn into a tool for de-facto punishment and deterrence: migrants are locked up for up to 18 months without clear prospects of an executable removal. In Belgium, the maximum legal period of detention is currently 8 months, which seems rather lenient in view of the European Return Directive (18 months). Moreover, given that immigration detention capacity is limited to approximately 500 places and that there is a clear political determination to present high removal figures, a thorough selection process regarding who to detain is therefore made in practice. Still, detention is experienced as punishment by detained migrants in Belgium. Furthermore, the current Belgian government has expressed the intention to double immigration detention capacity and to increase the maximum legal period of detention to 18 months in order to ‘bring our lenient policy in line with European norms’. The risk that ‘undeportable’ migrants will be detained for longer periods of time and even in cases where the probability of an executable removal is low is thus likely to increase in the near future.

**Resistance through temporary compliance**

The third form of resistance I encountered was a rather unexpected one: resistance through temporary compliance. Already being in detention for several months and having unsuccessfully tried to resist forced removal in aforementioned ways, some detainees finally seemed to accept their imminent
deportation. Forced removal was sometimes even discursively welcomed and seen as an opportunity to be finally released from detention. This was especially the case for migrants from e.g. Albania, Georgia, Morocco, Algeria and Tunisia who expected to be able to return to Belgium rather soon, either in a legal or irregular way. Farid stated: ‘I’m 100% sure that I’ll come back. The question is not if I come back. I will come back!’ By stressing the instrumentality and temporality of their compliance, their eventual cooperation with forced removal became a form of resistance. As Omar pointed out: ‘I cannot stay here forever. But I will return to Belgium, that’s for sure. It’s really easy to come back. With hindsight, I wish I had collaborated from the beginning, because then I would already have been back in Belgium by now. Instead, I only lost time.’ As entry bans are imposed on almost every detainee, the legal options of immediate return to Europe seem limited. Regardless of the question of whether returning to Europe in an irregular way is really without difficulties, the shared belief of easy return among detainees is a clear way to keep the hope of a future in Europe alive. A narrative of easy return also permits detainees to keep their head up and not to admit ‘defeat’ (see Warr): a battle may be lost when they are sent back, but the ‘fight’ goes on. The prospect of leaving house, family and friends in Belgium permanently behind is indeed unimaginable for most detainees.

These findings raise questions about the aims and the effectiveness of forced removal policies that do not give considerable weight to personal circumstances and social ties, especially when balancing these aspects with more risk-oriented factors such as previous convictions or the risk to the public safety. It is clear that deportation is a process, not reducible to the particular moment in time when the forced removal is executed (Drotbohm & Hasselberg). However, in a similar vein, resistance is also an ongoing process for most migrants, and even temporary instrumental compliance can be a part of it.