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**Press Release February 4th, 2014**

## **„At the limen“ – New report on detention centers and the EU Return Directive**

Investigation reveals serious shortcomings concerning the implementation of the EU Return Directive in Spain, Italy, and Cyprus

Inhumane and unlawful conditions during detention of migrants

Beginning in August 1<sup>st</sup>, 2012 and ending in January 31<sup>st</sup>, 2014 borderline-europe e.V. in cooperation with partner organizations KISA in Cyprus, Borderline Sicilia in Italy, and Mugak and Acoge in Spain conducted an extensive research regarding the EU Return Directive (2008/115/EC). A main focus of this research has been to highlight the conditions under which migrants are detained in these countries.

This project has been supported by the EU program “Europe for Citizens” and its main research results are published in the brochure “At the limen.” We found serious breaches of the European Convention on Human Rights as well as breaches of the guide-lines of the Return Directive concerning the detention of migrants in all three countries.

These include:

- Long-term detention as a norm: 18-month detention is practiced frequently. Detention as the ultima ratio, which is how detention is defined in the guide-lines of the Return Directive, is therefore not applied.
- Unnecessary detention: migrants are deprived of their freedom, even in the cases that deportation cannot be carried out (i.e. when the country of origin does not accept them back). Again, detention as the ultima ratio is not applied.
- Detention of minors and other vulnerable groups.
- No effective legal protection.
- No access to (adequate) health care, or restriction of such access.



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- No access to information: detainees are often not aware even of the reasons of their detention.
- Criminalization of migrants: migrants, who are detained because of their irregular status of residence, are detained along with persons, who are in custody and under trial for crimes. This results, among others, in migrants being considered as criminals to public opinion.

In all three countries – Italy, Spain, and Cyprus – detention of irregular migrants is possible on administrative decision alone (without any legal proceedings). Such a practice deprives migrants of their basic right to freedom and also of their right to legal representation. Moreover, as the findings of this report reveal, detention does not entail repatriation.

The research reveals that the Return Directive is not followed in Italy, Spain, and Cyprus and that such violations will persist for as long as detention is considered to be a legitimate means for migration control.

The European Commission should have submitted an evaluation report of the Return Directive by December 24<sup>th</sup>, 2013, but this is not yet available. It also remains unclear whether this report will propose any amendments of the Return Directive.

The brochure can be found in print here:

borderline-europe, Mehringhof, Gneisenastr. 2a, D-10961 Berlin, [mail@borderline-europe.de](mailto:mail@borderline-europe.de)

It can also be downloaded from [www.borderline-europe.de](http://www.borderline-europe.de).

We would appreciate it if you were to recognize and publish this information.

Borderline Europe e.V.

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