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3D threats to illegalised migrants – desertion, detention, deportation – during pandemic

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Illegalised migrants – people who are denoted an illegal status by the state authorities and are thereby rendered deportable (undocumented/irregular migrants and so-called failed or bogus asylum seekers) – mostly find work in notorious 3D jobs: dirty, dangerous and demanding. An oppressive treatment of illegalised migrants by the authorities presents this already marginalised and
weak population with 3D threats: desertion, detention and deportation. In the wake of the COVID-19 pandemic these threats take on

dimensions in placing illegalised migrants under increased and palpable risk for their lives. Declaring people’s status ‘illegal’,
state institutions often deny them access to healthcare services, shelter and other basic needs. The new realities of the COVID-19
pandemia throw into question the institutional approach in managing illegalised migrants. Beyond the inhumanity implicit in
abandoning tens of thousands of people within states’ sovereign territory, can states now afford not knowing the whereabouts of
illegalised migrants and their health condition? At a time that criminals are released from prisons in light of the COVID-19 risk, is
administrative detention of non-criminal migrants can be considered an appropriate policy?

Right here
The horrendous lives of illegalised migrants unfold right here, often at a short distance from where many of us, who read
this short essay, live and work. It is in fact in western states – and not in the global south – that we find the most
staggering evidence for a systematic destruction of illegalised migrants’ lives.

Let us take the Netherlands as our example here. The 15th richest country on the planet, with a society that praises itself
for historically upholding tolerance towards Others, has an estimated population of around 100,000 illegalised migrants. Illegalised
migrants in the Netherlands fear that any encounter with state officials, especially the police, can result in

their violent arrest, a lengthy detention of up to 18 months, and a forced deportation. The most known Dutch group of
illegalised migrants is called We Are Here. The group is known because it opted to make its abhorrent situation visible to
the Dutch public. Most illegalised migrants lead invisible lives, working informally or begging on the streets, residing in
overpopulated apartments without registration or in deserted buildings and relaying on the charity or solidarity of
concerned citizens and voluntary organisations that take on them to do the work that state has purposively forsaken.

Out of desperation, members in the We Are Here group decided to take their cause to the streets of Amsterdam; the place
where they have been living in for years. Almost eight years ago, in the winter of 2012, a number of homeless illegalised
migrants – mostly rejected asylum seekers from countries in Africa – put up tents and built a makeshift camp in a yard
of a deserted school. After a few months, and some failed attempts to negotiate with the local authorities an alternative
solution for the situation, hundreds of police agents, some on horses, arrived early in the morning to forcefully evict the
camp. Some illegalised migrants were arrested, a few were deported, but the majority simply found themselves back on
the streets of Amsterdam, deserted once more, with no shelter, no work permit, no access to healthcare, and no way to
secure a minimal subsistence. Alarminglly, among the members in the We Are Here group were a few pregnant women
and a number of families. Within a few days after their eviction, and in collaboration with some local squatters, a new
deserted place in Amsterdam was inhabited by the group. A few months later the police arrived once more to evict the
group. Ever since, this vicious cycle has been going on in changing intervals. Sometimes the We Are Here group is able to
stay for a few months in one place, on other occasions it takes the police only a few weeks or even days to arrange for an
eviction.

COVID-19 has infused with earnestness the realities of illegalised migrants. As many have been quick to observe, the call
to stay at home only applies to those who have a home to stay in. The same goes for the call to frequently wash hands
with soap, which only relates to those who have access to a steady supply of water and enough detergents. In fact, almost
none of these measures for fighting the spread of COVID-19 are applicable for illegalised migrants. There is no way for
people who live in overly congested makeshift camps or squatted spaces to keep a protective ‘social distance’. Nor is it
possible in case of suspected infection or mild symptoms to isolate oneself. A visit to the hospital is out of reach for
most illegalised migrants who have no medical insurance and are afraid that putting their name on any medical
document could lead to their arrest and deportation in the future.

In many respects, COVID-19 has revealed the dreadful limits of a governing modality that is based on an ‘inclusive
exclusion’ (Mezzadra and Neilson 2011). Deserted illegalised migrants are always also included within the de facto
governed population of the state in whose territory they reside. COVID-19 has brought to the fore the irresponsibility that
marks states’ attempt to reduce the legibility of their governed population; to no longer account for every subject within
their sovereign territory but, instead, to legitimate the discounting of certain subjects, as if they no longer exist.

One would have expected that in light of the risk of COVID-19 new remedial measures would be implemented swiftly to
protect vulnerable illegalised migrants. Yet, this has not happened in most countries. In the Netherlands, for example, by
mid-February 2020, when global air traffic was brought to a halt, the Dutch authorities did not announce the immediate
suspension of all deportation operations. Correspondingly, the authorities refused to set free illegalized migrants in

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On 18 March 2020 the Dutch State Secretary for Justice and Security responded to a question in parliament concerning the sending away of asylum seekers who approached reception centers for refugees. The State Secretary conceded that new asylum claimants were denied access to reception centers: ‘The need to control the spreading of the virus makes the handling of the asylum procedure impossible...PL light of the intensive contact that the procedure requires, it is not responsible to take any other decision’. Interestingly, the State Secretary did find it feasible that ‘in special situations, return interviews [with illegalised migrants] can continue taking place’. In the Dutch lexicon, ‘return’ stands for deportation, and ‘return interviews’ stand for an attempt to convince an illegalised migrant to agree on a planned deportation.[1] In spite of a public campaign to release all illegalised migrants from administrative detention, the authorities declined such a move, and on 30 March 2020 the Netherlands kept around 360 detainees, although by then deportation operations had been completely suspended.

Some concerned residents in the neighbourhood have taken on them to regularly bring food and basic sanitary gear to the migrants in the parking garage. Yet with the outbreak of COVID-19, neighbours stopped coming. The local authorities know for months about the conditions in the parking garage, but only by the end of March 2020 they placed a few portable toilet booths just outside the place. It was meant to help the migrants in practicing self-quarantine and managing the lockdown. The voluntary organisation ‘Doctors of the World’ has taken on itself to visit the garage once a week and offer medical attention for the migrants. As one of the doctors despondently vented: ‘The right for healthcare to fearing for their life. refuted by several academic studies, is nevertheless staunchly upheld as the Holy Grail of getting the Dutch migration policy to work properly.

In 2014, some activists led a complaint with the European Committee of Social Rights (ECSR) against the Dutch government for its inhumane and degrading policies. In response, the then acting State Secretary for Justice and Security announced that he did not feel obliged by the report and was not planning to allocate ‘a single cent’ for improving the situation of illegalised migrants in the country. In 2015, the European Committee of Ministers ratified the ECSR report and obliged the Netherlands to take measures in reparation of its current policies. Forced to act, the Dutch government moved to subsidize a very basic shelter – with ‘somber conditions’, in the official language of the state – for a limited number of illegalised migrants in dire circumstances. In Amsterdam, where this new policy has been

[1] In spite of a public campaign to release all illegalised migrants from administrative detention, the Dutch government for its inhumane and degrading policies. In response, the then acting State Secretary for Justice and Security announced that he did not feel obliged by the report and was not planning to allocate ‘a single cent’ for improving the situation of illegalised migrants in the country. In 2015, the European Committee of Ministers ratified the ECSR report and obliged the Netherlands to take measures in reparation of its current policies. Forced to act, the Dutch government moved to subsidize a very basic shelter – with ‘somber conditions’, in the official language of the state – for a limited number of illegalised migrants in dire circumstances. In Amsterdam, where this new policy has been
Weeks into the spread of COVID-19, the Amsterdam municipality offered illegalised migrants in the parking garage to sleep in a nearby sport hall that was converted into an emergency shelter, keeping in line with social distancing and basic sanitary conditions. Migrants could come every day after 4pm and leave in the morning before 9am. Yet, many illegalised migrants declined the offer. They feared that the authorities would condition their stay in the shelter by collaboration with the Dutch immigration unit on their future deportation. Tying up any assistance to illegalised migrants with an explicit agreement to work ‘in good faith’ with the Dutch deportation unit is a renowned pattern among the Dutch authorities. It is astonishing to realize that even in times of a deadly viral pandemic, securing basic protection for human beings in a vulnerable position is made tentative and negotiable.

Important debates are being weighed at the moment as to whether a push for a premature ‘exit strategy’ out of the COVID-19 crisis is propelled by a rapacious capitalist system that puts the economy before the lives of workers. We ponder on this question because we clearly realise that prioritizing capital over the lives of workers is not a speculative possibility here and now, but an historical fact in various periods and different places. Capitalism assumes its predatory quality, as Cedric Robinson (1983) has laid bare, from the fact that it has always been, from its inception, racial capitalism. In Robinson’s words: “The tendency of European civilization through capitalism was thus not to homogenize but to differentiate—to exaggerate regional, subcultural, and dialectical differences into “racial” ones” (26). Racism, which preceded and informed capitalism, is an ideology that squares more comfortably with the idea that the lives of some people are inferior – in value – to those of others.

‘Not a single cent,’ said in 2015 the Dutch State Secretary for Justice and Security, when faced with a demand from the European Committee of Social Rights to improve the inhumane treatment of illegalised migrants. Can we expect that in dealing with the deadly implications of the COVID-19 pandemic, which will cost billions of Euros in direct and indirect cost to national economies, the logic of racial capitalism will be sidelined, and a different, more humane one will reign? Judging by examples worldwide – from the president of the US calling COVID-19 the ‘Chinese virus’ and threatening that China will pay for its damage and the German authorities allowing gastarbeiters to fly in from Romania under conditions that completely disregard basic precautionary measures – we should all be concerned about the bleak answer.


[2] A filmed report on the situation of this group of illegalised migrants in Amsterdam can be viewed online at: https://www.youtube.com/watch?v=KiUr591Nat

Barak Kalir

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