

Racism, Global Apartheid and Disobedient Mobilities: The Politics of Detention and Deportation in Europe and Denmark

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This paper provides a reading of the European border regime taking special interest in Denmark through an analysis of deportation and detention. This focus allows addressing how the border regime manages and controls territories and populations by obeying a colonial and imperial logic that is a de facto enforcement of apartheid on a global and a local level, and involves European political, economic and legal frameworks. The enforcement of these frameworks is directly connected to the desire to repress the disobedience to the global apartheid structure practiced by migrants and refugees from the global south, as they move across colonially drawn national borders. Indeed, camps, border control, deportations, and other forms of state violence are tools used to manage the political and socio-economic inequalities produced by historical colonialism and the present round of neocolonial dispossessions in the global south.

Introduction

The spring of 2016 in Denmark saw another irruption of the ‘colony within the Metropole’ (Guye, 2011): undocumented migrants, refugees and rejected asylum seekers took claim of the streets and squares in Copenhagen to vindicate their own predicaments, concerns, and priorities. Taking the name of *Castaway Souls of Denmark/Europe*, residents of Sjælsmark deportation camp decided to mobilize against the dehumanizing and criminalizing policies targeting them. They also engaged other collectives and

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organizations in this struggle, most notably *Freedom of Movements*, *Afro Empowerment Center*, *the Bridge Radio* and *Trampoline House*. The movement carried out a series of demonstrations, political actions and made a protest camp that occupied Den Røde Plads (The Red Square) in Copenhagen, symbolically renaming it ‘Tadhamoun Square’ (Arabic for Solidarity Square). These political engagements often involved hundreds of people from different backgrounds, significantly non-white Danish citizens and other migrants and refugees.

The spatial-political intervention of *Castaway Souls of Denmark/Europe* is inscribed in the history of struggles of people of color against racial oppression in Europe. The refugee movement in Berlin and Lampedusa Hamburg (Germany), the Sindicato Popular de Vendedores Ambulantes (Spain), the Parti des Indigènes de la République (France) and the United African Women Organisation (Greece), are some the contemporary expressions of such struggles. We understand these struggles within a larger framework of “offensive struggles” against imperialism, coloniality and racism across the continent, and on a global scale (Suárez-Krabbe, 2016: 8-9). These struggles have unsettled the European metropole to such an extent, that they have produced a crisis of the colonial mode through which it continues to instrumentalize, dominate and exploit the natural world and people from predominantly the global south (Hage, 2016).

The decision of *Castaway Souls* to irrupt into political space was carried by the realization that one of the ways in which the Danish society dehumanizes migrants and refugees is by isolating and excluding people from political, social and civil participation by forcing them to live in camps (Suárez-Krabbe, *forthcoming*). The movement had the following demands: the right to have rights, freedom to move, freedom to stay, close asylum camps/prisons, and stop criminalizing migrants and refugees. Since the large mobilizing during the spring of 2016 several repressive policies have been carried out: the Danish immigration authorities’ plan to isolate the residents in Sjælsmark even more by moving them to Kærshovedgård, a new prison-turned-into-deportation-camp in Ikast, Jutland, was executed. Increasing numbers of people were forcibly moved there, others were deported, and yet others faced criminal charges placed under dubious circumstances. This had a de-stabilizing effect on the movement, particularly because key refugee activists were targeted by such measures. In our reading, it is not a coincidence—but an instance of retaliation—that many of those who received this kind of punishment were the most visibly active in the struggle. For instance, the letter informing them about the execution of their forced transfers to Kærshovedgård arrived less than a week after *Castaway Souls* and *Freedom of Movements* had sent an open letter to the politicians denouncing the injustice of the asylum system

and demanding the rights of asylum seekers to be respected.¹ Indeed, deportations have historically been used as a tool of political violence and repression, destabilizing movements by targeting community leaders who represent the interests of racialized peoples (Buff 2008: 525-6).

In face of the above, and our continued involvement in the struggle against the detention and deportation regime in Denmark, we write this paper with the following objectives. We use it as a way of keeping record of the struggles of migrants and refugees and the social analyses behind these struggles—also known as rearguard theory (Santos 2014). These analyses are often silenced and invisibilized, and are largely unacknowledged by anti-racist scholarship and activism in Denmark, which has tended to centre more on the symbolic and discursive aspects of racism (Andreassen, 2007, Andreassen & Henningsen 2011, Andreassen, & Vitus 2015, Hervik 2008, 2011, 2014, 2015; Hussain, Yilmaz & O’Connor 1997; Jacobsen et. al, 2012; Jagd, 1997; Larsen, Lohman & Slavensky 2013; Loftsdóttir & Jensen 2012), and less on its material and structural sides. Additionally, the paper contributes to building “undisciplined freedom archives” from the perspective of the “traditions of the oppressed” (Bogues 2012: 30). We also intend to show new paths in relation to Danish scholarship against racism, border regimes, migration and asylum, and we hope that the paper can be useful to similar scholarship in other European contexts. Above all, however, the paper is a way of giving testimony, tribute and remembering our friends who believe that a better life is possible and took the streets with us to struggle for it. Some of these friends were forcefully deported or are on the run through the borders of Europe.

In a context where European states put their efforts at perpetuating a regime that dehumanizes and criminalizes migrants and refugees through policies and discourses that lack transparency and accountability (see Lindberg 2017, Whyte 2011), clarity is an essential tool for political struggle. Instead of replicating the detention and deportation regime’s focus on refugees and migrants that reproduces the idea that we are responsible for Europe’s multiple ‘crises’, our focus is directed towards the structural: politicians, state-institutions, and transnational companies that are responsible and should be held accountable for the violence and the suffering of men, women and children that perish at the cost of white colonial Europe. Our argument is that European states are invested in the crime of apartheid, and that apartheid is enforced on two interdependent levels: the state level and the inter-state level. Our outset is that western historical and contemporary imperial and colonial endeavors need to be understood as practices that produce dispossession and (premature) death, among others by keeping large segments of

¹ See also the manifesto published by *Castaway Souls* and *Freedom of Movements*: <http://alice.ces.uc.pt/news/?p=5492>

the world's population subjected to vulnerable conditions (Gilmore 2007, Suárez-Krabbe 2016). Within this context, we understand borders and camps as “partial geographical solutions to political economic crises” (Gilmore, 2007: 36), and de facto enforcements of apartheid. Indeed, camps, border control, deportations, and other forms of state violence are tools used by western societies to manage the political and socio-economic inequalities produced by historical colonialism and the present round of neocolonial dispossessions in Africa, Asia, Latin America and the Middle East (Loyd, Mitchelson & Burridge, 2012: 3). The paper traces these connections between the global processes of coloniality and imperialism, deportation and detention, and relates them to the Danish context.

Racism and Global Apartheid

To engage in the discussion above we find it necessary to first present our understanding of racism and global apartheid, and, further, of how these structures work in relation to migration policies. According to the United Nations High Commissioner for Refugees (UNHCR 2017) there are approximately 65.6 million persons worldwide who have been forcibly displaced as a result of persecution, conflict, violence, or human rights violations. A small percentage of these persons reach the global north. Many of those who do face militarized borders, armed border guards, indefinite detention in prisons and camps, precarious working conditions, criminalization, racism, and the constant threat of deportation. These forms of rejection and expulsion are rooted in the colonial encounter (Tascon 2011: 239-240).

Colonization and imperialism have served as a ‘laboratory’ for all kinds of interventions related to the management of displaced populations (Walters 2015), laying down the groundwork for the contemporary militarization of borders, proliferation of surveillance technologies, and the legal formations that undergird dispossession, expropriation, and displacement (Elsheikh and Ayazi 2017: 26). This included state identification practices such as the branding of enslaved people (Browne 2015), the development of administrative (colonial) sciences (Anghie 2004); the making of national borders (Hage 2016) and systems of border control; and the development of technologies of spatial and racial control such as the camps (Chari 2008). Today's migrants and refugees braving through the borders of Europe face problems similar to those faced by enslaved Africans and indigenous people (past and present): forced exile; displacement; imposition of non-citizen status codified in law and justified along racial lines; and labor exploitation and subjection to laws that control their movements and mandatorily detain them in particular racialized spaces such as plantations, reservations and camps (Tascon 2011: 239-242).

Indeed, we understand racism as the more than 500 years old socially constructed structural division between ‘fully human’ and ‘less-’ or ‘subhuman’. The standard by which people are divided into these hierarchies is the white, Christian, European, property-owning man and woman (Suaréz-Krabbe, 2015). This means that religion and spirituality, epistemology and knowledge, economic, social and political organization, and gender and sexuality, are among the criteria by which racist hierarchization happens (Quijano, 2000). The more ‘alike’ a group is to the white standard, the more privilege it will be offered (Gordon, 1999). Consequently, we understand race as

a socially constructed rather than an inherently meaningful category, one linked to relations of power and processes of struggle, and one whose meaning changes over time. Race, like gender, is ‘real’ in the sense that it has real, though changing, effects in the world and real, tangible, and complex impacts on individuals’ sense of self and life chances (Frankenberg 1993, 11 – cit. in Wekker 2016).

The point is not whether or not racist categorization is true. Rather, what is important is what it does to people, and whose interests it serves. This point is crucial as the legal terminology pertaining displaced people legitimizes European border regimes as they simultaneously cover over European nation-states’ involvement in imperialism and coloniality. Moreover, as any other previous terminology and legislation embedded in the racist logic, it dehumanizes and criminalizes migrants, refugees, colonial and imperial subjects, and even colonial citizens throughout the European continent (Suárez-Krabbe 2014).

Our understanding of the ‘border regime’ follows that of Casas-Cortes et. al (2015) that emphasizes the socially constructed character of borders, including the participation of non-state actors in their making. Indeed, through the lens of the border regime, “migration is a co-constituent of the border as a site of conflict and as a political space”. As migration challenges borders, it also provokes reactions of various state agencies and policy schemes to stabilize, control, and manage these borders “as they seek to invoke the border as a stable, controllable and manageable tool of selective or differential inclusion” (Casas-Cortes et. al. 2015: 69). The border regime is connected to differential inclusion and exclusion “that create different degrees of precarity, vulnerability and freedom by granting and closing access to resources and rights according to economic, individualizing, and racist rationales. (Casas-Cortes et. al., 2015: 79, see also Gilmore 2007). In our understanding, the border regime and its central role in the production of group-differentiated vulnerabilities to premature death (cf. Gilmore 2007) allows speaking of it as an important element in the global apartheid system. It is fundamental in this context to remember that apartheid refers to racism-based policies in any state (Morton 2000: 27), and not only to the South

African version of such system. This fact is also stated in the United Nations' *International Convention on the Suppression and Punishment of the Crime of Apartheid* (ICSPCA), which entered into force in 1976. In the Convention (article two), apartheid is defined as “inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them.” The list of inhumane acts is worth quoting at length:

- a. Denial to a member or members of a racial group or groups of the right to life and liberty of person
 - i. By murder of members of a racial group or groups;
 - ii. By the infliction upon the members of a racial group or groups of serious bodily or mental harm, by the infringement of their freedom or dignity, or by subjecting them to torture or to cruel, inhuman or degrading treatment or punishment;
 - iii. By arbitrary arrest and illegal imprisonment of the members of a racial group or groups;
- b. Deliberate imposition on a racial group or groups of living conditions calculated to cause its or their physical destruction in whole or in part;
- c. Any legislative measures and other measures calculated to prevent a racial group or groups from participation in the political, social, economic and cultural life of the country and the deliberate creation of conditions preventing the full development of such a group or groups, in particular by denying to members of a racial group or groups basic human rights and freedoms, including the right to work, the right to form recognised trade unions, the right to education, the right to leave and to return to their country, the right to a nationality, the right to freedom of movement and residence, the right to freedom of opinion and expression, and the right to freedom of peaceful assembly and association;
- d. Any measures including legislative measures, designed to divide the population along racial lines by the creation of separate reserves and ghettos for the members of a racial group or groups, the prohibition of mixed marriages among members of various racial groups, the expropriation of landed property belonging to a racial group or groups or to members thereof;
- e. Exploitation of the labour of the members of a racial group or groups, in particular by submitting them to forced labour;
- f. Persecution of organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid.

The 2002 *Rome Statute of the International Criminal Court* additionally defines apartheid as a crime against humanity. Of essential importance to understand the political economy of global apartheid is the fact that none of the western countries, including Australia, Denmark, Canada, France, Germany, Israel, Italy, the Netherlands, New Zealand, the United Kingdom, and the United States ever ratified the ICSPCA. This means that even though apartheid is recognized as a crime against humanity, the countries that have not ratified it cannot be held accountable for it. As such, the Convention is legally obsolete, at least to the extent that most of the countries invested in the enforcement of apartheid largely are the same

countries that have not signed the Convention. In spite of its legal obsolescence, the definitions contained in the ICSPCA and the global mechanisms reflected when looking into its history are of central to our conceptualization of global apartheid.

Apartheid is at work in Denmark and in Europe in all of the points mentioned in the convention. Our global focus allows understanding how Denmark and Europe deny members of different racial groups of the right to life and liberty of person; impose on them physically detrimental conditions; legally prevent their political participation and social development; legally create physical separation along racial lines; exploit their labor; and criminalizes their resistance against the above. Apartheid, hence, is a *structure*, not an event (Hage 2016). Inspired by Gilmore (2007), we understand this structure not as one confined to specific states. Rather, apartheid is the institutionalization of racism in different spaces and places that are, however diverse, intimately interconnected through policies, cooperation, economic interests and exploitation, forced and voluntary human mobilities, and legal frameworks and institutions.

Additionally, in apartheid, race and class interact in complex ways to define differentially the quality of life, infrastructure, health, and mobility of different groups (Hage 2016: 43), as well as their political and social possibilities. In other words, apartheid systematically exposes racially differentiated groups to premature death (Gilmore 2007). This focus of course implies that any analysis of borders, migration and asylum that does not take into account the structures of colonial power remains limited and invisibilizes the ways in which histories of domination, exploitation and struggles against oppression are entangled with the practices and institutions that shape the western migration infrastructures. To put it simply, border regimes, camps, and racism are intimately connected to the geopolitics of war and displacement, including the imperialist policies of western nation-states through the proliferation of wars, military interventions, and neocolonial occupations across the planet. Palestine, Afghanistan, Iraq, Syria, Yemen, Mali and Nigeria are a few examples (Genova, 2017). Border regimes are also entangled in imperial regimes of accumulation in the form of extractivist industries, industrial fishing and ‘land grabbing’ across the global south.

The framing of current problems in the language of crisis is significant to the contemporary global apartheid regime and appears routinely in EU and Danish policy documents and political discourse. Along with racialized categories such as ‘irregular migrant’ and ‘rejected asylum seeker’, crisis discourse is used to criminalize migrants and refugees. These legal, political and mediatized representations forces upon them a disturbing image that makes reference to the danger and threat they allegedly pose to

European societies (Arbogast 2016: 58). The crisis discourse justifies and provides legitimacy to apartheid legislations and practices. It strengthens the ‘irregular status’ of migrants and enables the enforcement of further dehumanizing conditions and the militarization of border control. One no longer sees people fleeing from—and continually facing—severe problems but ‘criminals’ and ‘illegals’ to be managed, differentially included, detained and deported. When migrants and refugees are captured and detained for crossing a border, they are not only crossing a national border, they are attempting to cross into the borderless world which is exclusively reserved for the economic, political and cultural elites and upper classes (Hage 2016)—and indeed to capital. In this sense, refugee and migrant mobilities are an instance of transnational civil disobedience (New Keywords Collective 2016: 13-14). However, this disobedience is not easily tolerated by the global north, whose reaction is to strengthen the racist and colonial order through apartheid. In the following two sections, we attempt to show how this takes place by centering our analysis in deportation and detention policies in the EU. This is followed by a final section that looks at deportation and detention in Denmark.

Deportation

According to Peutz and De Genova (2010:10), modern deportation represents a legalized form of expulsion, and its genealogy can be traced to the Middle Ages. Its antecedents include

the mass transportation of convicts up through the early modern period, and the population transfers of “minorities” that plagued Europe throughout the first half of the twentieth century and peaked—but did not end with—the forcible resettlement and ultimately genocidal policies of Nazi Germany.

Modern deportation law emerged in the confluence of three interrelated processes: the nation-state’s monopolization of the legitimate means of movement; the post-World War I establishment of the citizen as the only bearer of inalienable rights; and the production of ‘illegal’ migration as a threat to the sovereignty of nation-states (Ibid). Kanstroom complements this genealogy by taking into consideration laws and practices such as the Fugitive Slave laws, the Indian ‘removals’ that became key to the subsequent legal status of Indian nations, the Chinese Exclusion Act, the internment of the Japanese Americans and the Palmer Raids. For Kanstroom (2007) deportation fulfills a twofold function within the nation state: firstly, it works as a form of *extended border control*, as a mechanism to manage individuals who have crossed a state’s borders without permission. Through this function, deportation

reaffirms state sovereignty, the control over territory and population, and legitimizes the distinction between citizens and noncitizens. Kanstroom emphasizes social control and policing of territories and people. Significantly, he argues that “Once deportation law is conceived, even in part, as a system of social control largely deployed against people of color, then its relationship to slavery law becomes clear” (cit. in Buff 2008: 524). It is in this sense that Buff (2008: 525) proposes to understand deportation as a racialized system of social control, targeting different migrant categories as well as citizens who are members of racialized communities. And it is in this sense that we analyze deportation as part of apartheid.

Deportation as a racist system of social control is the expression of a complex sociopolitical regime that enforces racial privilege. It does so materially, spatially and symbolically. Deportation has increasingly become a dominant strategy used by nation-states to reaffirm their power to punish those who have violated the material and symbolic boundaries of ‘the nation’ (see also Peutz and De Genova 2010: 2). European political discourse portrays deportation as an essential component of “EU’s comprehensive efforts to address migration and in particular to reduce irregular migration” (Commission 2015: 2). From the perspective of European authorities, including the Danish ones, the rate of deportations is too low: according to the European Commission, 40 % of those ‘irregular’ migrants that were ordered to leave in 2014 departed effectively. This means, according to them, that irregular migration is not addressed efficiently. On this basis, the Commission concludes that one “of the most effective ways to address irregular migration is the systematic return [read: deportation], either voluntary or forced, of those who do not or no longer have the right to remain in Europe” (Commission 2015: 2).

In the last decades, the EU has introduced an architecture of policies, practices, directives and initiatives geared towards the construction of deportation corridors (Drotbohm and Hasselberg 2015) across European spaces and beyond. During the 1980s and 1990s, there has also been an increase in *externalized border control*, which involves the ‘export’ of European states’ border politics, control practices and political imaginaries to countries in the global south (Boswell 2003). Denmark was a key player in this process in connection with its participation in the UN, NATO and the EU. Externalized border controls and deportation corridors involve complex interactions between intra-state and inter-state legislative, administrative and political institutions. The goal is to apprehend, filter, sort and deport migrants.

The European Community’s Returns Directive (2008) outlines a series of binding laws that attempt to provide common standards and procedures for the deportation of irregular migrants. The Directive

frames Europe's politics of deportation with an emphasis on tackling irregular migration. It uses a humanitarian language that highlights the rights of migrants and the EU's commitment to international human rights instruments. For instance, EU states are cautioned to take into account the best interests of children, family life, the fundamental rights of migrants, their health and to respect the principle of non-refoulement.² The use of a humanitarian framing gives the false impression that consolidating the EU deportation system results in a more humane politics of deportation, one that is fair and respects the rights of migrants. While the two goals that underlie it—securing the rights of migrants and tackling irregular migration—might seem complementary, they are not: securing the rights of migrants becomes more difficult and complex when border policies are motivated by the objective of tackling irregular migration. In other words, two incommensurable goals are presented as if they were commensurable. Indeed, the EU's 'tackling' of irregular migration is precisely that, which violates the rights of migrants (Lemberg-Pedersen 2015: 397). While constantly referring the principle of non-refoulement and the rights of migrants, EU migration law is still framed from within the logic of European nation-states' perceived need to protect their borders, an idea that in fact overrules the stated concern to protect the rights of immigrants (Karamanidou and Schuster 2010: 8). In sum: we are back to nothing—no rights for immigrants.

Detention

The efforts towards consolidating more 'effective' deportation practices have been paralleled by a proliferation of spaces of deportation. Through the discourse of refugee/migration crisis, the EU is strengthening a detention system that deprives migrant populations of their rights and their freedoms. Globally, detention camps have multiplied, expanded and become more sophisticated (Arbogast 2016: 11). Immigration detention can be broadly understood as the deprivation of freedom mostly, though not always, of 'irregular' migrants for migration related reasons, including unlawful presence or detention pending deportation (Wong 2015: 109).

Since the 1990's, detention has become a key technology of spatial and racial control through which migrant populations are managed in Europe, and beyond. It is spatial to the extent that it depends on the continuous production of spaces of detention and deportation. And it is racial to the extent that it targets

² The principle of non-refoulement in the Refugee Convention forbids states to send people back to countries where they risk persecution or violent death.

disproportionately populations racialized as non-white (Chari 2008: 1909). Like deportation, migrant detention appears in official political discourse as a legitimate and necessary practice of border control, a means to enforce deportations, and thus, as the proper and natural response of nation-states to those who have violated its borders (Cornelisse 2010b). Yet, the figures posited by authorities—that only 40% of migrants issued with a deportation order have effectively left the EU—reveal that the majority of those held under immigration detention are never deported from the EU. This means that despite the provisions made on the Returns directive regarding the period that detention can last, migrants often end up incarcerated for months, and even years. What we have, then, is a system that criminalizes migrants as a tool to deprive them of their rights and freedoms. The human cost of such a system cannot be underestimated. Reports of suicides, self-harm, mental health problems, degrading treatment, physical and verbal assaults, and rape are commonplace in detention camps (Arbogast, 2016: 62-3) and the situation is similar in deportation camps (Freedom of Movements Research Collective 2018).

Current detention and deportations policies in the EU necessitate the maintenance of a vast carceral detention system, and a proliferation of spaces of deportation both within its territory and beyond. This carceral system rests on the creation of special prisons and detention camps only for irregular migrants, and when ordinary prisons are used, migrants are kept apart from ‘ordinary’ prisoners. Thus, in Article 16(1) of the Return Directive (2008) the European Parliament and the Council of Europe argue that “[d]etention shall take place as a rule in specialised detention facilities” and that when “a Member State cannot provide accommodation in a specialised detention facility and is obliged to resort to prison accommodation, the third-country nationals in detention shall be kept separated from ordinary prisoners”.

In practice, the “specialised detention facilities” have given shape to a veritable “prison asylum complex” (Fekete 2009: 136), which includes ad hoc buildings or pre-existing structures such as warehouses, army barracks and prisons, airports, ports and international railway stations, boat cabins in the merchant navy, trucks, buses, planes, and train compartments used by national police and Frontex (Arbogast 2016: 12). ‘Open’ centers designed for the accommodation of asylum seekers, located in geographically remote areas are also part of this prison asylum complex, and based on the logic of confinement. ‘Open’ centers also facilitate the administrative management of racial segregation. Other spaces of migrant detention include administrative buildings, national and local police stations, as well as hotspots. This carceral system also includes externalized detention camps as those mentioned earlier, and thus encourages the incarceration of migrants beyond European borders (Arbogast 2016: 12; Fekete 2009: 148-150). The assemblage of sites and places of struggle that constitute the prison asylum complex

materialises the particular moral geographies that assert hierarchies of space and people, as political devices that reminds “people who is in charge, or what the dominant ideology or philosophy is” (Rajaram and Grundy-Warr 2007: xxv-xxvi).

Like deportation, detention is framed within the humanitarian terminology, emphasizing rights and protection. This gives the impression that the Return Directive is a way forward towards establishing a more humane politics of detention. However, if we critically assess the Directive in relation to the broader dynamics of border control another picture emerges. Here, again, there is a tension between securing migrant rights and the prerogatives of border control. Rather than ‘a measure of last resort’, detention is one of the main organizational structures to administer the entry of ‘aliens’ to European soil, and to enforce deportation of noncitizens (Cornelisse 2010b: 102). From the perspective of European authorities, detention fulfills three functions. First, it is a means through which member states can fulfill their obligations to deport irregular migrants living within their territories, as stipulated in Article 8 of the Returns Directive (2008: 4), which requires member states to take “all necessary measures to enforce the return decision”. Second, it prevents migrants from moving to other member states escaping from deportation orders. And third, it provides authorities with sufficient time to “take the steps that are necessary for the identification of an irregular migrant and the delivery of travel documents by the country of origin” for the purposes of deportation.

From the perspective of migrants, detention constitutes yet another instance of legally-sanctioned state violence unchecked which confirms that they are, in fact, without rights and which criminalizes their very existence. However, people living in detention camps are seldom convicted criminals, nor are they prisoners waiting for their day in court. They are ‘administrative detainees’, a bureaucratic category that defines people who have not committed a crime but whom the state has decided to deprive of their freedom for administrative purposes, such as deportations and assessing asylum claims (Flynn and Cannon 2009: 3). As immigration detention is for administrative purposes and not for punitive ones, and migrants detained are not prisoners in the formal sense, immigration detainees are imprisoned but with fewer rights than convicted prisoners (Fekete 2009: 148). Further, they constitute a heterogeneous group of migrants;

whose application for protection has been rejected, whose residence permit has expired, or who have never held a residence permit but have been in the country for a number of years. Some might be workers, students, citizens of an EU country, spouses or parents of Europeans, people suffering from

illness, unaccompanied minors, victims of torture or trafficking, stateless persons, etc. And others might be people who were refused access to the European Union at the border. (Arbogast 2016: 11).

On the basis of the above one could argue, like Malkki does in relation to refugees, that the terms ‘illegally staying third-country nationals’, ‘irregular migrants’ and other terms used by the European state and interstate system to categorize people in immigration detention do not define a “generalizable ‘kind’ or ‘type’ of person”. Instead, one could emphasize that these categorizations encompass within them “a world of different socioeconomic statuses, personal histories, and psychological or spiritual situations” (cf. Malkki 1995: 496). Although it is true that dominant terminology regarding immigrants and refugees encompasses a heterogeneity of people, conditions, histories and backgrounds, we find important to remember that heterogeneity without thereby forgetting the real and tangible effects of the generalizing categorization. Indeed, we emphasize that it is intrinsically a racial terminology. In other words, while ‘irregular migrant’ or ‘illegally staying third-country national’ can be labels imposed to a broad range of people, it is important not to lose sight of what this terminology does: by generalizing what is not generalizable, it hides the basis for its generalization: a racist, colonial and capitalist logic (see also Suárez-Krabbe 2016). While this and the previous section have shown the general contours of deportation and detention at the EU level, the next section analyses the way this politics of border control, deportation and detention has localized in Denmark.

Deportation and Detention in Denmark

In Denmark, deportation is largely based on the so-called ‘motivation enhancement measures’ (*motivationsfremmende foranstaltninger*). These refer to specific parts of the Danish Aliens Act, which have been included since 1997, allegedly to encourage asylum seekers and migrants to leave Denmark or assist in their removal from the country. These measures include:

- Forced relocation to special centers that are geographically secluded and with poor transport connections and operated by the Danish Prison and Probation Service.
- No food allowances. This pressures the Center’s inhabitants to eat the catered food at the center’s cafeteria at specific times of the day. The food does not take into account the person’s age, health or religion.
- People are not allowed to work.
- Obligatory duty of notification with the police or other public authority several times a week.

- Constant risk of being detained, or outright detention. Imprisonment is used as a ‘motivational’ strategy: to increase the psychological stress and degradation.
- Constant risk of being forcibly deported or subjected to violent deportation.
- No legal assistance during the asylum procedure. It is only when the person has had his or her case rejected that he/she is appointed a lawyer.
- Individual body search and visitation at any time during the asylum process, and anywhere.

The rejected asylum seekers who are subjected to the motivation enhancement measures are accommodated in one of the two departure centers in Kærshovedgård or Sjælsmark where they are forced to reside. They can also be imprisoned in either Vridsløselille state prison or Ellebæk Immigration Center.

Vridsløselille and Ellebæk are closed institutions in which people can be detained if facing forced deportation or opposing deportation; failing to appear for an interrogation with the police; waiting for a ruling in regards to their deportation; or if the police officer in charge of their case decides they are ‘not contributing’ to the solving and processing of their case or accelerating their departure (Danish Aliens Act § 36). For example, a person can be detained during the asylum process if he or she “through his/her behavior significantly impedes the illumination of his/her asylum case,” among other things by “concealing information about his/her identity, nationality or travel route” or “by other similar means does not contribute to solving the case” (Danish Aliens Act § 36 subsection 4, item 2 and 3). The decision on whether a person ‘contributes’ or not to the “illumination of the case”, whether he/she puts obstacles and / or obscures the investigation, is taken by individual police officers handling the case. In this sense, the executive branch (police) plays a judicial role. It is unclear what criteria are used when making these decisions and several experts criticize their apparent arbitrariness and lack of rigorous prior investigation (Clante Bendixen 2011: 22-26, Kjær 1990, Vedsted-Hansen 2009).

As mentioned in the previous section, the prison asylum complex includes ‘open’ centers located in geographically remote areas designed for the accommodation of asylum seekers. In Denmark, the two deportation centers Sjælsmark and Kærshovedgård are this kind of ‘open’ centers that facilitate the administrative management of racial segregation by materializing it.

To understand how deportation and detention work, it is useful to compare deportation centers with the Danish prisons (Freedom of Movements Research Collective 2018; Helsinki-Komité 2017). In the latter, systematic violations of individual rights happen—violations, which cannot be equated with the state of affairs in the country’s prisons. The most notable differences pertain to the procedural guarantees

and the resident's rights-and possibilities they have for claiming these. In deportation centers, residents have not committed any infraction of the law, undergone no trial, nor received legal advice. Some of the residents have been convicted to deportation as part of the punishment according to criminal law, but most of these infractions are petty crimes for which Danish citizens would receive a fine. We also see residents increasingly being charged with 'infractions' which are provoked, promoted and even exaggerated by prison guards, police and politicians.

Another notable difference between 'open' deportation centers and prisons in Denmark is the timeframe of detention. People in deportation centers can—and often do—find themselves in a situation in which they can potentially be confined there indefinitely. This uncertainty regarding the length of stay increases stress, depression and anxiety among the rejected asylum seekers (Hallas et. al. 2011). On top of this, and contrary to citizens in prisons, residents in deportation camps have very limited access to healthcare. Inasmuch as they do not get any allowances nor can they cook their own food, they are also forced to eat the food served at the centers' cafeterias—which does not cater for special dietary needs.

Finally, in the deportation centers, the role of the Prison and Probation Service is unclear, and they have no clear guidelines from the Ministry of Justice. However, the Minister of Integration, Inger Støjbjerg, has in several instances affirmed that the purpose with the camps is "to make life intolerable" for people.³ With no other guidelines, the purpose of making life intolerable for residents seems to be the only rule that officials working in the camps follow. However, some state or state-allocated functionaries have also voiced criticism against this political 'instruction' (Freedom of Movements Research Collective 2018)

The Danish state's treatment of asylum seekers as subhumans is justified by the fact that they are not Danish citizens, and thus not entitled to protection under Danish law. Allegedly, they are not entitled to be in Denmark either. However, even if a rejected asylum seeker or a person convicted to deportation has been denied the right to be in the country in a judicial sense, this does not mean that he/she is staying here *illegally*: their continued stay is in full compliance with Danish and international regulations. Therefore, the category 'illegal' only applies to people who have left the refugee, asylum and immigration system, and live without papers in Denmark. This technical discussion does not change the fact that, in Denmark, refugees and migrants are made deportable through systematic and

³ Inger Støjbjerg in Politiken 01/06/2016

institutionalized practices that turn them into criminals and systematically dehumanizes them through apartheid practices.

Conclusion

Modern borders are not neutral reflections of what Arendt described as the “old trinity of state-territory-people” that characterizes international moral frameworks and norms that ascribe rights to the human (Gündogdu 2014: 10). They are the means of dividing and regulating the exploitation of resources and as a means of containing colonial subjects in particular places and time-spaces: they limit people’s freedom of movement, the space of their dreams and aspirations, and thereby also their control/freedom over/in time. Modern borders also serve to control and regulate population flows between nation-states, especially between the former colonies and the west (Hage 2016: 43-44). In that sense, they reproduce coloniality. Yet, national borders are not the only borders enabling or constraining people. There is also a second, invisibilized border, a line that defines worth and being from worthlessness and inexistence: a zone of being and a zone non-being (Fanon 2008 [1952]). The zone of nonbeing is inhabited by people of color from the global south, often poor and/or displaced by imperial war and neo-colonial accumulation by dispossession. For them, walls, fences, barbed wire, FRONTEX, visas, checkpoints, immigration bureaucracies, camps and detention centers combine to make national borders important apartheid realities. In contrast, people in the zone of being experience the world as open, without borders. As Ghassan Hage (2006: 44) puts it

Some people roam the globe like masters, others like slaves. Some are subjects of the global order, others are its objects, often circulating strictly according to the needs of capital. This bifurcated experience extends a long history of the realities that differentiated the world of the slave owners from that of the slaves and the world of the colonial masters from that of the colonized laborers.

Moreover, as we have suggested in this paper, the European colonial/imperial architecture of legislative, administrative and political measures have effectively implemented apartheid through the apprehension, sorting and deportation of migrants. As part of this dynamic, detention camps have multiplied, expanded and become more sophisticated (Arbogast 2016: 11). Immigration detention is a key technology of racial and spatial control (Chiari 2008) through which European and other western nations control and manage space and populations, both within their territories and beyond. Like deportation, the imprisonment of migrants appears in official political discourse as a legitimate and necessary practice of border control, a

means to enforce deportations, and thus, as the proper and natural response of nation-states to those who have violated its borders (Cornelisse 2010a, b). However, our argument is that this criminalization of refugees is key to uphold the racist ordering of society and it is in fact, apartheid.

Indeed, European nation states are actively engaged in giving migrants a disturbing image by drawing on imperial and colonial cultural archives of memory (cf. Wekker) where all peoples marked as non-European (that is, non-white) are to varying degrees represented as threats, as irrational and uncivilized peoples whose existence is a danger to European white societies. The criminalization of refugees also justifies repressive and violent legislations and practices that become legitimate in the eyes of the public (Arbogast 2016: 58), and which are actually aimed at all non-white populations. In this sense, it widens the reach of already existing racist structures of society, both on an intra- as well as on an inter-state level by legitimizing criminalization of non-whites and enabling the enforcement of further dehumanizing conditions. In other words, the criminalization of refugees and immigrants strengthens and legitimizes current global and local configurations of apartheid. The racist system hierarchizes and gives different rights to distinct populations according to this hierarchization. As such, in legal terms we currently find an unacknowledged but very clear hierarchization between wanted white and/or skilled immigrants, legal immigrants/colonial citizens, refugees, asylum seekers, and illegal and deportable people. While the first have rights, the spectrum is one of the gradual removal of rights by the state and inter-state system. This same principle of the removal of rights according to racial hierarchization was at play in apartheid South Africa, and it is the same principle at play in relation to Palestinians subjected to Zionist rule. It is also, we reiterate, a principle central in Europe; neither foreign nor new but part of the structural legacies of colonial and imperial rule.

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