



UNLOCKED IN LOCKDOWN THE CLOSURE OF MIGRANT DETENCION CENTRES IN SPAIN

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THE COVID-19 PANDEMIC EMPTIES SPAIN'S MIGRANT DETENTION CENTRES FOR THE FIRST TIME IN THE COUNTRY'S HISTORY

- Despite the high risk of contagion, Spain continued its attempts to carry out deportations, although these were rejected by the destination countries.
- The release of all detainees took place more than 50 days after the state of alarm was announced and borders were closed.
- The future of the people released remains a mystery.

INTRODUCTION TO MIGRANT DETENTION CENTRES (CIE, CENTROS DE INTERNAMIENTO PARA EXTRANJEROS)

On 12 June 1985, Felipe González signed the Treaty of Accession of Spain to the European Economic Community. Less than a month later, on 1 July, Organic Law 7/1985 on the rights and freedoms of foreigners in Spain was enacted. Article 26 provides for the investigating judge to agree to the detention of foreigners in establishments of a non-penitentiary character as a precautionary measure allowing a deportation order to be issued or implemented. This led to the emergence of immigration detention centres (known as CIEs or Centros de Internamiento de Extranjeros) in Spain. The fact that these measures were taken in such quick succession reveals the influence of the EU on migration control in the Spanish legal system since its earliest beginnings. The power wielded over borders and over some of the people coming from outside these borders—who are the most vulnerable in socio-economic terms—has manifested in the form of a deportation apparatus that encompasses CIEs and is gaining ground in terms of its actions and scope.

The National Police Force has been responsible for managing the detention centres since they were created. The director, who oversees the running of the centre, must release detainees when their deportation is ordered, when there is evidence that deportation cannot be carried out, when 60 days have passed since the person was detained, when the detainee is suffering from health problems, and when agreed by the relevant judicial authority or the General Commission for Immigration and Borders. If the person is not expelled from Spain, they remain in a situation of administrative irregularity following their release and the deportation order against them continues in effect. However, they cannot be detained again if the maximum detention period has been met.

There is a great deal of discordance between the legal setup of these centres and the reality on the ground. In more abstract terms, it is worth noting the disproportionate nature of their very existence—administrative irregularity is punished by the most severe penalty in the penal system, the deprivation of liberty—and their ineffectiveness in fulfilling their purpose—year after year, more than half of the people locked up in CIEs fail to be deported.

In practice, these discrepancies go still further. It is striking that, despite these centres being defined in law as non-penitentiary establishments, most are located on the premises of former prisons. Moreover, despite the fact that detention is a precautionary measure, it is implemented almost automatically and other less damaging measures such as fines are overlooked. Without providing an exhaustive list of all the inconsistencies present in the CIE system, it is important to highlight that, although detainees should in theory only be deprived of the right to the freedom of movement, many other rights are also undermined.

This mass of contradictions has resulted in a significant number of jurists, social movements and civil society actors raising their voices to call for detention centres to be shut down from the day they opened. They describe immigration detention centres as racist prisons where the rights of detainees are systematically violated; they are not deprived of their liberty because of criminal charges but for having an irregular administrative status in the country.

CORONAVIRUS ARRIVES INTO THE CIE

Until 10 March, life at the CIE in Aluche, Madrid, continued as normal. Several detainees made a report to the Plataforma CIEs No Madrid (No CIEs Madrid Platform) stating that two detainees had been attacked by police the previous weekend when they were trying to inform officers that another inmate was unconscious. The following Monday, one of the men assaulted was deported to his country of origin, while the other man and the sick detainee—who had required assistance from an Advanced Life Support Unit from SAMUR—received separate flight notifications for their deportation the following day. It is best to get rid of the witnesses “of things that never happened” as soon as possible. A female detainee with serious health problems and a single kidney also required urgent assistance from a specialist. The Samba Martine Human Rights Observatory, Mundo en Movimiento, Acción en Red, Karibu and Pueblos Unidos attempted to provide support in any way possible on a case-by-case basis: by making complaints to the supervising courts and the Ombudsman, by contacting lawyers specialising in torture prevention, by raising awareness of human rights violations... Nothing to see here.

However, on 10 March, the authorities at the CIE in Madrid sent an email informing the organizations authorized to enter the centre that they must reduce their visits as far as possible, monitor the health of the people they visited and refrain from visiting if they had any symptoms or had been in contact with people infected with COVID-19. The email referred to “*the existence of a protocol within the centre to prevent this type of infection, which states the action to be taken in the event of possible cases of COVID-19, based on the guidelines and procedures recommended by the Ministry of Health*”, but the content of the protocol was not attached or explained. The only specific measure on record was that “*hydroalcoholic gel for cleaning hands [is] available at the entrance to the visiting booths.*”

Just a month earlier, the SUP (Sindicato Unificado de Policía or Unified Police Union) informed the National Police Headquarters of its concerns regarding the threat posed to officers by the transfer of detainees potentially carrying infectious and contagious disease without complying with the safety protocol, as a patrol at the CIE in Aluche had taken a detainee to hospital who was later diagnosed with [tuberculosis](#). The SUP requested an investigation into the reasons for failing to fulfil the transfer protocol *“without informing police officers or providing them with the appropriate protective materials, as well as the measures adopted to prevent CIE officers from being infected”* and demanded *“that they provide the medical department at the CIE in Aluche with better material resources to ensure that incidents such as this do not occur again”*.

No one was informed of this incident. However, the release of the diagnosed person and his cell mates revealed the dramatic lack of responsibility and inability to protect public health present among the CIE authorities. Once they had read the email, the organizations involved with the CIE became very concerned about the detainees inside the centres. If a potential tuberculosis outbreak had been handled in this way, what would happen in the event of a case of COVID-19?

It is in this apparently transparent and carefully considered manner that the internal management of the coronavirus crisis began at the CIE in Madrid. Of the seven detention centres currently operating, Madrid has the best health facilities and is one of the few to have a health care service assigned to the centre. However, according to detainees, this health service was not available during this crucial time (despite being mandatory). Apparently transparent, we say, because reference was made to a protocol that was not explained, and, given the centre’s past and recent management of infectious and contagious diseases, there was a lack of trust when it came to the existence or application of such a protocol. Apparently carefully considered, because evidence suggests that the CIE authorities (made up of police officers) were concerned only with the health of the officers, as they did not believe that the CIE was equipped to guarantee the health of those inside, according to the SUP declaration.

On 12 March, several detainees reported that a group of around 45 people had entered the centre the day before, while others were being released (around 20 people). Organizations with access to the centre received another email stating that external visits to detainees had been suspended.

That same day, [flights and ferry connections with Morocco were also suspended](#), while [Algeria](#) announced a similar suspension of all flights to Spain from 16 March the following day. The CIE population was largely made up of people from Algeria and Morocco. Although both nationalities have always been present in the centres in significant numbers, the proportion of Moroccan and Algerian people has risen dramatically over the last two years. What is the reason for this? Attempts are being made to enhance the efficacy of the deportation apparatus using a brutally Machiavellian formula, revealing the deeply rooted nature of institutional and structural racism. First, agreements are reached with the

countries of origin. Then, arrests are made in order to expel nationals of these countries with irregular status in Spain, either directly or following a period of detention in the CIE. These arrests are based on racial profiling (whereby the police focus on race or ethnicity criteria to identify a person, rather than on suspicions or evidence of a crime). Detentions based on racial or ethnic profiling are so common that the UN has come to consider them "[*an endemic problem in Spain*](#)" and has warned that racial profiling leads to police brutality.

The implications of this situation are extremely serious: the executive branch cannot infringe the basis of the democratic state and the rule of law nor the first three articles of the [Universal Declaration of Human Rights](#) in order to improve the efficacy of an undercover racist prison that does not operate as a springboard for deportation in quite the way the state would like. In short, arrests based on racial profiling cannot be carried out on our streets in order to "make detention centres more effective".

On 13 March, the National Campaign to Close Detention Centres and End Deportation issued its first [statement](#) in direct reference to the medical emergency triggered by the coronavirus. The campaign is led by organizations and collectives that support people living in detention centres in the various regions in which they are located. In the statement, they called on the government to free all people living in CIEs and to close the centres immediately. They argued that it was impossible to guarantee that detainees' health would be protected in the centres and that it was highly dangerous to expel people to other countries due to the "*multiplying effect of international mobility in spreading the pandemic*" (just the day before, Colombia had rejected a mass deportation flight for this very reason). They also called for new detentions to be avoided due to the infeasibility of deportations, and, emphasizing the principle of legal proportionality, they reminded the authorities "*that detention in CIEs is a discretionary, precautionary measure proposed by the administration and authorized by the courts, and we therefore consider that the right to good health must come before the goals of the deportation system*".

On 13 March, the health protection measures implemented at the CIE in Madrid were extended to the other centres: compliance with the general recommendations issued by the Ministry of Health, application of the mysterious protocol and a ban on visits. The Ministry of the Interior and the Police told the press that "*there are no positive cases in any of the detention centres in the country, so only preventive and reactive measures have been taken*" although [the centres continue to operate "as normal"](#). At the CIE in Valencia, these measures are overseen by the centre's supervising court, which issued an [order](#) containing instructions for the police authorities, including: "*the number of detainees in the CIE must be reported on a daily basis, with no more than three detainees permitted per cell*".

The total ban on visits to the CIEs plunged detainees into a state of heightened vulnerability with immediate effect. During these visits, organizations make contact with detainees and their families in order to provide support during their detention and detect and denounce

dysfunctions in the system and rights violations ([torture](#); [abuse](#); arbitrary denial of access to legal representation, interpreting services, the [asylum process](#) and [medical care](#); detention of [minors](#), [pregnant women](#), people with [severe physical and/or mental health diagnoses](#), people with functional diversity such as blindness or deafness, etc.). When the organizations see evidence of such problems, they file reports, complaints and petitions with the supervising courts for the CIEs, the Ombudsman and the Public Prosecutor's Office.

THE STATE OF ALARM AND THE CLOSURE OF THE BORDERS: TURNING POINTS IN THE RELEASE OF DETAINEES

On 14 March, the state of alarm was declared. At this point, more than thirty countries had closed their borders to people coming from Spain, one of the five countries in the world with the highest number of infections. The enactment of the state of alarm and the imposition of strict restrictions on mobility led us to think that the detainees in the CIEs would all be [released](#) as none of them could be deported. But that was not the case.

Half of the detainees in the CIE in Barcelona were Algerian citizens with a deportation order by ferry for two days after the state of alarm was declared. Aware that their detention was unfounded and very concerned about the ban on visits to the centre, the detainees began a peaceful protest and went on hunger strike to demand their release. However, as they later explained, the police aggressively forced them to give up the strike.



The Spanish Minister for Internal Affairs, in a press conference, on 17th March, 2020 // Moncloa. Borja Puig

On 16 March, the Minister of the Interior officially announced the [closure of Spain's borders](#) “until the end of the state of alarm”. At that precise moment, the legal grounds for depriving detainees of their liberty ceased to exist under the Operating Regulation and Internal Regime of the CIEs, which states that “*The director will decide not to admit a detainee (...) when it is known that the deportation, refoulement or return cannot be carried out*”. Therefore, all detainees should have been released at that very moment. But that was not the case.

In purely legal terms, detainees who were due to be released in the subsequent 13 days—when the first period of the state of alarm would come to an end—should have been freed at least as their deportations could not be carried out safely. But that was not the case.

In universal terms, everyone should have been released as deportations were not feasible and it was not possible to ensure that detainees' health was protected. Even the [National Police recognized that it was “obvious that \[release\] has to be carried out because there is no possibility of return](#)”. But that was not the case.

Minister Grande-Marlaska displayed immense hypocrisy when he declared that the government's ultimate goal was “*to protect the health and safety of citizens and curb the spread of the virus*”.

According to police sources, that very 16 March, Spain had ordered the deportation of a group of people to Algeria by sea; this operation could not be carried out because Algeria refused to allow the ship to dock due to the risk of infection. Migra Studium, Tanquem els CIE, Irídia and SOS Racisme issued a [statement](#) calling for the detainees to be released and the CIE in Barcelona to be closed.

On 17 March, the Council of Ministers approved a new Royal Decree to modify the previous law and suspend all activities that could pose a risk of infection. Nonetheless, the CIEs continued to function and to attempt to deport detainees in a careless, irresponsible manner (that same day, a Colombian detainee was notified of his deportation, which was thwarted when he was refused entry to the country). The Asociación de Abogados Extranjeristas (Association of Immigration Lawyers) made a [complaint](#) to the Ombudsman, emphasizing that “*if deportation is not possible, detention must end immediately and the individual must be released.*”

THE LACK OF INFORMATION INCREASES TENSION AND INSECURITY

During this time, the opacity characterizing the world of the CIEs became darker still and the detainees looked on with growing tension as they or others were released at random. In Murcia, several detainees went on hunger strike to protest the lack of measures to protect their health and to demand their freedom.

Señores Jueces, prensa, noticieros, ciudadanos de Madrid, con la presente notificamos el estado en el que nos encontramos el día de hoy 17 de marzo del 2020. Habiendo una pandemia al nivel mundial y nuestro estado de salud esta corriendo muchísimo peligro ya que hay muchísimos internos con sintomatología de esta pandemia conocida como Corona Virus, corremos riesgo 145 internos los puntos son los siguientes:

- ① los alimentos que estamos recibiendo son preparados por personal que esta huyendo a sus casas y regresando y así nos exponen al corona virus, porque los bares, restaurantes, comedores, etc, etc, estan cerrados.
¿Porque nosotros siendo internos por falta administrativa porque tenemos que exponernos a esto. pedimos el derecho a la igualdad
- ② hay una pandemia y los policiaes quienes prestan Vigilancia a los internos hacen sus cambios con total normalidad, van a sus casas de esta forma ellos pueden contagiarnos.
- ③ Hay un medico al cual nos ha tratado con analgesicos pero muchos de nosotros presentamos los síntomas de esta enfermedad y no se nos han hecho los Analisis clinicos, medicos para saber si estamos contagiados
- ④ Asi mismo el medico tambien va su casa con total normalidad y las enfermeras, no sabemos si trabajan en otras instituciones, cuando aun el riesgo aumenta mas
- ⑤ Pedimos Ayuda inmediata ya que somos seres Humanos y no estamos tratados como tal.
- ⑥ Anexamos en otras dos hojas las firmas de todos los internos con sus firmas.
- ⑦ A partir de este momento nos declaramos en Huelga de Hambre.

Image: Letter from detainees in the CIE in Aluche

In [Madrid](#), detainees issued a [statement](#) expressing their “*huge concern over the lack of protection against COVID-19*”, declaring that they would go on “*hunger strike as a form of peaceful protest*” and reporting that they were being denied tests “*despite the fact that several people have COVID-19 symptoms*”. Several of them climbed onto the [roof of the CIE](#) to raise awareness of their situation and shouted “Freedom! Freedom!”. In doing so, they were able to draw [attention](#) from social movements, the press and the government itself.

Throughout their protest, the detainees were in contact with activists from Plataforma CIEs NO Madrid. The platform contacted the Ombudsman's office immediately, engaging in negotiations in which it was promised that detainees would be released in less than 10 days once their files had been individually evaluated and that the protest would have no negative consequences. The Ombudsman mediated with the Head of the Central Repatriation Unit and the detainees came down from the roof. Alongside the Ombudsman was MP Enrique Santiago, who remained at the centre to guarantee the detainees’ safety while they were being body searched. He agreed to visit the CIE the following day to ensure that no one was punished for the protest, but he was not able to do so.

On 18 March, when the detainees managed to speak to Plataforma CIEs NO Madrid—later than usual and after overcoming the hurdles put in their way by the police, such as not letting them charge their phones or not returning their devices to them—they confirmed the organization’s suspicions. They reported that during the afternoon and evening of the previous day, the police had abused them and told them that “*there is no doctor for any of you, we’re operating minimum staffing levels*” during those days. They immediately informed the Ombudsman and attached pictures of the injuries, medical reports of serious chronic diseases diagnosed before the individual was detained and posing a heightened risk from COVID-19 infection, and the detainees’ home addresses. That day, ten people were released on the orders of the Director of the UCER in Madrid. In Valencia, nine people were released.



Protest by detainees in the CIE in Aluche COVID-19 // CIES NO Madrid Platform

That same day, it was unofficially confirmed that all CIEs had been instructed to ensure that the detainees they released requested help under the humanitarian assistance programme launched by the government in response to COVID-19. However, this [was not happening](#). As neither the CIE authorities nor the Ministry of the Interior were providing information to the organizations in contact with the detainees, they carried out an approximate count to obtain an idea of the number of people detained at the time. The results were as follows:

Zona Franca in Barcelona: 30 people
Hoya Fría in Tenerife: 26 people
Aluche in Madrid: 149 people
Barranco Seco in Gran Canaria: 69 people
Sapadors in Valencia: 60 people
Sangonera la Verde in Murcia: 90 people
Algeciras: 45 people

This means that a total of approximately 470 people have been unfairly deprived of their freedom on Spanish territory since the borders were closed.

DETAINEES CANNOT BE EXPELLED AND MUST BE RELEASED

Two very positive events took place the following day. On the one hand, [all detainees at Zona Franca](#), the CIE in Barcelona, were released. Just a day earlier, a detainee had reported a [brutal assault](#) by several police officers.

Meanwhile, the [Ombudsman responded](#) to the complaint made by the Asociación de Abogados Extranjeristas, stating that *"in the case of foreigners detained in CIEs, their situation is unique in that deprivation of their liberty is exclusively intended to ensure that their return or deportation is carried out. The current circumstances prevent this purpose from being fulfilled, which is why, in the opinion of the Ombudsman, these people should be released."* He also reported that he was *"in constant communication with the General Commission for Immigration and Borders, as well as with the Secretary of State for Migration, to ensure that releases are carried out [in appropriate conditions](#)".*

Encouraged by the Ombudsman's response, the detainees in the CIE in Murcia brought their hunger strike to an end on 20 March.

The Minister of the Interior was asked about the CIEs at a press conference and stated: *"Everyone should know that here there are two fundamental rights, freedom and public health, which are defined and applied in combination in the interests of both the individual affected by the deprivation of liberty and, in this case, and very importantly, of society"*.

For anyone who is familiar with the integrity of the CIEs, this statement lacks any material meaning. In the dramatic circumstances produced by the medical crisis, these words are emptier still. When the speaker is directly responsible for ensuring that this policy is applied, it is impossible to know whether this is an individual who disregards reality or who actively conceals it.

Our confidence in institutional statements is constantly undermined by the actions of the deportation apparatus. Just two days after the Minister's speech, the government attempted to carry out a deportation flight to Mauritania, although the flight was cancelled due to the police's refusal to participate in the operation. This lack of trust is reinforced by the conditions in which several people have been released: the police freed them from the main entrance of the centres after withholding their documents. These releases usually took place in the evening or at night and without providing financial resources or any means of transport, with all that this entails in a context of legal restrictions on mobility. Without entering into a debate on international solidarity, everything appears to suggest that the public health, freedom and security lauded by Grande-Marlaska were neither combined, defined or applied.

In this context of disinformation and abdication of responsibility, the remaining detainees became increasingly despairing. On 23 March, the Campaña Estatal por el Cierre de los CIE y el Fin de las Deportaciones (National Campaign to Close Detention Centres and End Deportation) issued a new [statement](#) demanding compliance with *"the recommendations issued by the Office of the Ombudsman, as well as an indefinite halt to deportations in the context of the COVID-19 medical crisis"*. They updated the status of each CIE and called for *"humanitarian accommodation for people who have recently arrived in the Spanish State and for those who are homeless, by providing alternatives such as the homes of friends and relatives."*

THE FIRST COVID-19 CASES ARE CONFIRMED; RELEASES TAKE PLACE RANDOMLY AND DEPORTEES ARE REJECTED BY THEIR COUNTRIES DUE TO THE RISK OF CONTAGION

On 26 March, the countrywide National Police union confirmed that one of the police officers at the CIE in Hoya Fría, Tenerife, had tested [positive for COVID-19](#) and asked for the rest of the police officers at the centre to be tested and temporary closure to be considered to avoid further contagions. That same day, the Council of Europe made a [further institutional declaration](#) requesting the release of migrants with irregular administrative status based on the lack of legal grounds for continuing their detention and the *"limited opportunities for social distancing and other measures to protect migrants and staff from COVID-19 infection"*.

Releases continued but nobody was able to ascertain a pattern that would reveal the criteria on which they were based, increasing distress levels among detainees. In this tense atmosphere, 23 people remained locked up in Madrid, 32 in Valencia and around 60 in Murcia; no information was provided for the Canary Islands and Algeciras.

A day later, several detainees from the CIE in Valencia published a [video](#) through CIEs NO Valencia showing the overcrowded conditions they were being kept in, despite the clear order from the supervising court to limit the occupancy of the rooms to a maximum of three people, the mandatory preventive measures against contagion such as gloves, masks and sanitizing gel—which were not available to them—and the legal order [stipulating their release](#). Unfortunately, overcrowding was not limited to Valencia; in the two [CIEs on the Canary Islands, conditions were also very worrying](#).

On 28 March, when more than 100 countries had banned people from Spain from entering their territory, the Deputy Director of Operations for the National Police, José Ángel González, stated that *“of the 765 places that we currently have in CIEs, just 200 of them are being used, which means that there is only 30% occupancy”*. He explained that since the state of alarm and the border closures came into force, a plan had been put in place to gradually release all the detainees on a case-by-case basis, because *“logically, if the borders are closed then there is no possibility for repatriation”*.

DESPITE THE HIGH RISK OF INFECTION, SPAIN CONTINUED TO ATTEMPT DEPORTATIONS THAT WERE REJECTED BY THE DESTINATION COUNTRIES

It is impossible to find any consistency between these words and the active attempts made to repatriate migrants to Algeria, Mauritania and Colombia. It is impossible to find good will in a government that deprives 200 people of liberty without legal grounds for their confinement and that insists on evaluating releases on a case-by-case basis. It is particularly hard to believe that the government is acting in good faith when it tries to cover up its own legal breaches by crudely massaging the figures, ignores the people it is illegally detaining and attempts to manipulate citizens.

On the same day, the risk we had been warning of since the start of the pandemic became a reality, when the [first two cases of coronavirus](#) were confirmed at the CIE in Gran Canaria.

On 30 March, Grande-Marlaska spoke out about the CIEs again, saying that *“repatriations have been suspended because they are clearly impossible as the countries of origin have closed their borders even to their own nationals”*. He then pointed out that *“we are applying the principle of legality here; in the case of those whose return is impossible or unfeasible within the legally established period of 60 days, for whatever reason, we will of course schedule their release and adopt the necessary measures and guarantees”*.

The Minister's understanding of the application of the principle of legality is as questionable as it is reductive, as the law states that detention may be used to ensure deportation; therefore, when deportation is clearly impossible, as the Minister himself recognises, there are no longer any legal grounds for detention and the appropriate action is to release all detainees. It is one thing to say that the principle of legality is applied and quite another to actually apply it.

The supervising judge for the CIE in Murcia also spoke out on the same day [at the request of Convivir Sin Racismo](#), which had demanded the immediate release of the detainees and the closure of the CIE. Although the Public Prosecutor's Office responded favourably to the demand, the judge, in a display of legal creativity, coined a new concept in her ruling by suggesting that a "*gradual release procedure*" should be carried out "*in several stages*". She did not provide any further details or information on dates; in other words, things would remain as they were.

In the certainty that the government is a conscious actor and that the judicial authority sometimes vaguely watches over protected legal principles, in this case, the health and freedom of people, social movements [continue to raise awareness of the injustices of detention on a daily basis in the hope that, even if human sensitivity does not emerge among those responsible for migrants' continued imprisonment, common sense at least will rear its head.](#)

On 31 March, when nine detainees were still being held in Madrid, 28 in Valencia, 50 in Murcia and four in Algeciras, the situation in the CIE on the Canary Islands was quite extreme, as Canarias Libre de CIE (Canary Islands Free of CIEs) had been reporting for years. In Tenerife, [the Hoya Fría CIE was closed](#) after two police officers tested positive. In Gran Canaria, the supervising court ordered the [urgent eviction of the Barranco Seco CIE due to an outbreak](#) of coronavirus and the transfer of detainees to available social centres on the island so that they could remain isolated, avoiding risks to the health of the general public and of the officers and detainees in particular.

The order noted that between the visits on 23 and 31 March, "*there has been a progressive deterioration in the health of the public servants who have been or are providing services at the Barranco Seco CIE, as well as progressive contagion among migrants, who, without having committed any crime of any sort, are locked inside the old Barranco Seco prison*". It also acknowledged the overcrowding in the centre, the absence of conditions for isolating detainees with symptoms or who had tested positive, and the role of these two issues in allowing COVID-19 to spread. The judge observed that the only right that should be limited for detainees was freedom of movement and emphasized the right to good health as a priority. Lastly, he ordered the CIE authorities to inform the courts responsible for the detentions of this measure "*given that deportations from our national territory are impossible due to force majeure, as well as for strictly humanitarian reasons, in order to guarantee the right to good health for both officers and migrants inside the CIE*". Finally, a judge who dispenses justice.

The Asociación de Abogados Extranjeristas presented a [new complaint](#) to the Ombudsman based on his recommendations and highlighted the Ministry of the Interior's visible reluctance to release detainees " *despite it being very easy to foresee that none of them would end up being deported due to border closures related to COVID-19*". They concluded their complaint by stating that " *by maintaining the CIEs open and operational against all the odds and against all evidence of their futility, it is blatantly apparent that their declared purpose is far from accurate*" and calling for " *the Ministry of the Interior to act consistently with the law and immediately close the premises that should have no other purpose than to allow what is currently impossible to carry out*".

On 1 April, three of the four detainees at the CIE in Algeciras went on hunger strike. Social movements [continued to exert pressure](#) on the authorities and the following day two of the four inmates were released. On 2 April [the last detainees were finally released](#) and [the CIE in Aluche, Madrid, was left empty](#).

The Minister of the Interior was again questioned about the CIEs at a press conference. When asked whether the Ministry of the Interior had decided to empty them out of fear of COVID-19 (including the CIE in Aluche, Madrid), he firmly replied: " *No, no. We have not decided to empty the detention centres out of fear of COVID-19. I will say it again: we act on the basis of the strictest public health criteria and legal parameters; this is what drives our actions*".

He went on to explain that each individual case was studied in order to transfer the people released to the reception services, employing the gimmick of lower figures by adding " *today, the percentage of places in the CIEs is 9% despite occupancy being at 60% just before the state of alarm*". These figures conceal the detainees who remain illegally locked up in Gran Canaria (where the eviction process was not completed due to a confirmed coronavirus outbreak), Valencia, Murcia and Algeciras.

INTERNATIONAL ORGANIZATIONS REQUEST THE URGENT RELEASE OF DETAINEES AND THE MINISTER OF INTERNAL AFFAIRS SETS A DATE

On the same day, the United Nations High Commissioner for Human Rights, the International Organization for Migration, the United Nations High Commissioner for Refugees and the World Health Organization [made a crystal clear statement](#) about " *the situation of refugees and migrants held in formal and informal places of detention*" and declared that " *considering the lethal consequences of a COVID-19 outbreak, they should be released as soon as possible*". The Minister's fear of acting in accordance with the Spanish legal system and his reluctance to abide by international recommendations may be interpreted in two possible ways. On the one hand, it suggests that he cares little for the suffering of people who continue to be deprived of liberty. On the other hand, it shows that he is more interested in the electoral consequences of his management of the situation than in current regulations or common sense. Both of these are probably true to some extent.

Fernando Grande-Marlaska himself confirmed to Fundación porCausa that very same afternoon that the release of migrants with irregular status from the CIEs would be completed [on Monday 6 April](#), depending on the availability of reception places. This demonstrates that the Minister adapts his speech depending on his audience and expresses himself ambiguously to the general public, while displaying incredible accuracy when questioned by migrants' rights organizations.

On 3 April, [the release of all detainees](#) from Barranco Seco CIE in Gran Canaria was finally completed. Those who were sick were isolated in hospital and those infected stayed at a training hotel. The rest were given a place in the reception centres available on the island, following the orders of the supervising court. Meanwhile, people were still on the move and three boats had recently arrived at the Canary Islands while another was shipwrecked on the way, taking 43 people to a place from where they would never return. Social movements clamoured for all those who had arrived but who were kept invisible by the system and deprived of their rights to be urgently regularized. In [Ceuta](#) and [Melilla](#), people were kept in inhumane conditions. Mobility restrictions had turned overcrowded CETIs and makeshift auxiliary camps into the new CIEs, dramatically worsening the living conditions of those inside.

On 6 April, there were still [34 people inside the CIE](#). Institutional declarations noting the principle of legality and the protection of health clashed with the despair that swamped the three detention centres that continued to operate. The date set by the Minister of the Interior to complete the release of the remaining detainees came and went.



#LibertayCIErre campaign by the National Campaign to Close Detention Centres and End Deportation

THE LAST DETAINEES ARE RELEASED, INSTITUTIONAL STATEMENTS LACK COHERENCE AND THE FATE OF THE PEOPLE RELEASED REMAINS A MYSTERY

On 8 April, the Sapadors CIE in Valencia was emptied but not everyone was released. Of the three remaining people, one was transferred to a reception facility after being released. The other two were taken by the police to the CIE in Algeciras; according to them, they travelled the whole way "with their hands tied, inside a crate." Along with the other two people who were already detained in Algeciras, a total of four people were held at the centre.

That same day, the Court of Seville rejected the appeal filed by the Asociación Pro Derechos Humanos de Andalucía (Andalusian Association for Human Rights) which demanded the release of one of the detainees. The appeal stated that deportation was impossible and contained a thorough description of the unhealthy conditions in the CIE in Algeciras (the facilities were in such poor condition that the public authorities and the Public Prosecutor's Office recognized this fact publicly).

The next day finally brought [the release of 11 people](#) remaining in the Sangonera La Verde CIE in Murcia, the penultimate centre to be emptied. The supervising judge's reference to "gradual release" was now easier to understand.

On 10 April, José García Molina, Deputy Director of Logistics for the National Police, appeared at a press conference and answered a question asking whether all inmates would be released by saying "Yes. The Minister of the Interior already stated that almost all the CIEs would close this week and that's what has happened; there are only two people left". There were actually four detainees remaining in the CIE in Algeciras, which has [the worst conditions of all](#) immigration detention centres in Spain. On 11 April, one was released, meaning that three people remained illegally locked in a centre whose appalling conditions were already apparent when it stopped being used as a prison for this very reason 19 years earlier.

Uncertainty continues to shroud the fate of the people who were released. The police have gradually returned most of the documents they had kept when the detainees were freed, but the unpredictability and opacity of their actions makes it difficult to predict what will happen when the "new" normality returns. Will there be massive raids aimed specifically at detaining these people? Will there be attempts to force those whose documents are still in the hands of the police to collect them in person, taking advantage of their presence to detain them? What will happen to those who are [sick](#)?

In line with Europe's course of action in recent years, on 16 April the European Commission announced a number of guidelines on asylum, return and resettlement. These guidelines encourage member states to continue working to deport migrants who do not have the right to apply for asylum in the EU, to prepare for the time when returns may

resume and to continue with all activities that can be carried out despite the current restrictions.

Unfortunately, this xenophobic approach lacking in solidarity comes as no surprise. Nor does the fact that the request made to the contrary by the Council of Europe on 26 March and the recommendations made by expert international organizations 12 days earlier have been ignored. It is still less of a surprise that the Commission speaks in these terms in the midst of a global pandemic, when migrants have tested positive for COVID-19 in detention centres in France, Spain and Italy and in camps in Greece. Fortress Europe is no longer a surprise, but it is a cause for outrage and that is why citizen movements continue to fight for change.

The following day, the police carried out a [raid based on racial profiling in Barcelona](#), while others also took place in Madrid that same week. Three people continued to be held in Algeciras.

On 21 April, Algeciras Acoge received a response to the request for release that it had filed with the supervising court for the CIE. The judge declared himself incompetent to decide on the matter. He reported that the Public Prosecutor's Office had advised against this measure and invited the request to be forwarded to the courts that had ordered the detention, to the Public Prosecutor's Office or to the CIE authorities. Just as the regulations state, with no consideration for the exceptional circumstances caused by the COVID-19 medical emergency, the state of alarm, or, once again, the people deprived of liberty. An ordinary judge's response to an extraordinary situation.

But he is not the only one. The supervising judge for the CIE in Murcia began to use her imagination again, issuing a ruling sharing [her recommendations for the reopening](#) of the CIEs, after stating that *"there is no protocol for the CIEs on this matter"*. These statements are startling to say the least when we recall that mysterious protocols were applied in the centres at the beginning of the pandemic. To address this shortcoming, the judge ruled that *"due to their similarity"*, the *"recommendations used in prisons in response to COVID-19"* that were issued on 27 March and the *"guide to good practices in workplaces in response to COVID-19, issued by the Spanish Government on 11 April"* *"must now be enforced"*. It is striking that this supervising judge, who proves herself to be familiar with the regulations regarding the CIEs by copying full extracts in her rulings, forgets that they are specifically defined in the article setting out their legal character as *non-penitentiary public establishments*. The malfunctioning of the system at the expense of the most vulnerable is more than apparent once again.

THE PERVERSE NUMBERS GAME

On 23 April, Grande-Marlaska addressed the Committee on Interior Affairs in Congress and stated that *"life in the CIEs has largely continued as normal, although they have reduced their occupancy to 0.7% in the current situation, meaning it stands at almost zero."* The

manipulation of numbers, used by the government since the beginning of its communications regarding the CIEs, is aberrant. To state that the occupancy of the CIEs has been reduced to 0.7% when it should be 0% is to acknowledge that there is a breach of the law. The fact that public officials admit their own breaches of the law, implying that their actions are positive to citizens, is extremely serious as it causes severe damage to the democratic quality of the country.

In any case, if we play the percentages game, the figures prove quite puzzling: if three people represent 0.7% of the places in the CIEs, a simple calculation shows that 428.57 places are available. The number of places in the CIEs, like everything else about them, is unclear. The Ministry of the Interior is as likely to speak officially of 1,135 places, as it is to declare that there are 866 or 765 (the latest number given by the Deputy Director of Operations for the National Police in his statements on 28 March). On this basis, Grande-Marlaska should be content since the “*almost zero occupancy*” would be 0.39%. In reality, we would still be talking about three people, but we know now that what lies behind the figures is of little interest.

The Minister went on to say that he “*would like to emphasize that the clearance of the CIEs has, of course, been carried out in an orderly manner. Priority has been given to the release of those detainees who have their home or roots in Spain*”. Of the four detainees that make up the almost-zero referred to by Grande-Marlaska, three are Spanish residents. Furthermore, based on first-hand knowledge of the conditions in which the releases have taken place, it is strange that the Minister highlights the orderly nature of the clearance, as this demonstrates complete ignorance of the reality or a rather wicked, *sui generis* notion of what “in an orderly manner” means.

Following the Minister of the Interior’s speech, Enrique Santiago, a mediator in the peaceful protest at the CIE in Aluche and current Vice President of the Reconstruction Committee, congratulated him for the way in which the CIEs had been managed. After being deluged with [criticism](#) from [social movements](#), he later clarified that his congratulations referred to clearing the centres.

Too bad they are not empty yet, too bad that 0.7% is not 0%, and too bad that 0.7% is not a percentage but three people. That way, his clarification rather than [his congratulations](#) would have made sense. [Three people were still being unfairly deprived of liberty in the CIE in Algeciras and another person was locked up the following day. There were four detainees again—or was it 0.93% instead of four? Wasn't this all about releasing them and providing them with reception facilities?](#)

On 27 April, according to one of the detainees, a police officer verbally and physically assaulted him, kicked him several times and smacked him, causing his ear to bleed. The bleeding continued all night and he was taken to hospital in the morning. After bringing the incident to the attention of the groups fighting to close the CIEs, he filed a complaint with the Ombudsman with their support.

That same day, rumours began to circulate that the CIE in Algeciras would close on 11 May for construction works. Assuming that the public authorities really do now have an interest in clearing the CIE to carry out the works, this is the most promising ray of hope for the release of all detainees to emerge in the last month.

Meanwhile, the government, through the Minister of the Interior, continued to send messages that were inconsistent with efforts to curb the pandemic and guarantee health and safety, announcing that [the reopening of the CIEs would not be linked to the de-escalation phases](#) but to the *“real capacity for return”* to the country of origin. In the same vein, on 2 May, the Ministry of the Interior, revealing its shameless intentions, openly acknowledged that it was negotiating with the Tunisian government to [deport 600 people with Tunisian passports who were in Melilla at the time.](#)

On 5 May, the detainees were informed that they would finally be released. Two of them already had bus tickets for the same day (paid for by their friends), another would be picked up by his family and the last one would be transferred to a reception facility. Three of the four detainees left the CIE.

MORE THAN 50 DAYS AFTER THE STATE OF ALARM WAS ANNOUNCED AND BORDERS WERE CLOSED, SPAIN IS FINALLY FREE OF CIE

On 6 May, [the last detainee](#) at the CIE in Algeciras was released. More than 50 days after the state of alarm was announced and borders were closed. One month after the date set by the Minister of the Interior for releasing all detainees. Twenty-seven days after there were only three detainees left, then four. It is hard to believe that, during all this time, it was not possible to find an available place in one of the reception facilities, especially when only one of the four people was revealed to need this type of support after being freed. If we draw links between the facts and the institutional declarations, it is clear that the government's aim was to illegally perpetuate the deprivation of these people's freedom and to take advantage of the trust placed in institutions by society.

The fact is that for the first time in more than 30 years of immigration detention centres on Spanish territory, [all CIEs are now empty and closed](#). The social movements and collectives supporting the closure of the detention centres [are overjoyed](#) as what once seemed unthinkable has finally happened.

Detention centres are part of the deportation apparatus in our country, one of many elements that give substance to the structural and institutional racism that pervades every corner of the state and of Europe, from top to bottom. There is no doubt that there are people with a true public service vocation who fight to eradicate racism from our institutions. Citizens offer them their full support and encourage them to show bravery in response to the system's current configuration in order to achieve radical change that will improve everyone's lives. In order to dismantle systemic racism, we must take a multilevel

approach, from above and from below, from within and from without, in the short and in the long term, because it is so entrenched that, like the pandemic we are experiencing, it can only be eradicated by all of us together.

On 6 May, environmental approval for the construction of a [new CIE in Algeciras](#) was approved. For now, organizations and groups are happy to celebrate the closure of all detention centres, but this victory is only temporary and the struggle goes on.

For this reason, the National Campaign to Close Detention Centres and End Deportation continues to exert pressure to ensure that these racist prisons disappear. On 14 May, they launched a new campaign with a clear, firm demand: the [CIEs should not reopen](#). As well as the permanent closure of detention centres, the campaign also calls for the [regularization](#) of migrants currently living in Spain ([Portugal](#) and [Italy](#) are already working on this, so the excuse that the [European framework prevents such a move](#) is invalid) and the [immediate transfer](#) to the peninsula of those held in the CETIs in Ceuta and Melilla.

The COVID-19 medical crisis has endowed society with a collective awareness that demonstrates the need to prioritize people, far from the cruel artificiality caused by the tyranny of the economic interests of the few. It is vital that we recover the essence of humanity as soon as possible in order to express and develop our nature; this means building a world in which everyone is free at all times, even when they are on the move.



Image: Mundo en Movimiento #CIEsNo #MejorSinCIE #MejorConDerechos

Mundo en Movimiento is a non-profit association that addresses multidimensional aspects of migration and promotes global citizenship. It is part of the Plataforma CIEs No Madrid and the National Campaign to Close Detention Centres and End Deportation.

As an organization accredited by the CIE in Aluche, Madrid, it leads *Desmontando el enCIErro*, a project that takes an intersectional approach to gender and health, calls for the permanent closure of detention centres and supports detainees, raising awareness and reporting on the numerous inconsistencies and rights violations occurring in these centres.