

Constructing a Crisis: the Role of Immigration Detention in Malta

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ABSTRACT

Malta remains the only country in the European Union that maintains an 18-month, mandatory detention policy for all irregular migrants upon arrival. This paper examines the role that detention has played in the Maltese government's response to the flows of irregular immigration to the island in the 21st century. It argues that detention is symbolic of the crisis narrative that the Maltese government has constructed as a response to these immigration flows in order to gain more practical and financial support from the European Union. The detention policy also serves to reinforce this interpretation of irregular immigration. Such a portrayal, combined with the use of detention as a deterrent, produces detrimental consequences for the migrant population, as well as the wider Maltese society. The paper draws on over 50 interviews, conducted by the author, with government officials, non-governmental organisations, and migrants and refugees on the island. Copyright © 2012 John Wiley & Sons, Ltd.

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INTRODUCTION

Located in the central Mediterranean, the Republic of Malta is an archipelago made up of small islands comprising 316 km² and inhabited by 417,600 people (2010).¹ It is thus

one of the smallest and most densely populated (1,306 people per square kilometre) countries in the world. Before 2002, irregular immigration to the small island state was a political issue that very rarely made headlines. The small number of arrivals every year – as few as 24 in 2000 – meant the issue received little attention from the government or the public. However, irregular immigration exploded onto the political agenda in 2002 when 1,686 migrants and refugees arrived without authorisation, an almost 30-fold increase from 57 in the previous year (National Statistics Office, 2006). This unexpected increase of arrivals to Malta, and to the central Mediterranean region more generally, has since been attributed, at least in part, to a diversion of migratory flows due to the strengthening of patrols along the West African route to Spain and the Canary Islands (Lutterbeck, 2006).

In 2004, 2 years after the increase in irregular immigration, Malta acceded into the European Union (EU) and became one of the smallest members in the bloc. With little material power, in the form of economic or military might, to influence regional migration policy, Malta devised strategies to increase its influence through non-material power.² Amongst these strategies have been the formation of alliances and the interpretation of the arrival of irregular migrants in Malta as a crisis.

This paper posits that the Maltese government's decision to continue to automatically detain all migrants and refugees who arrive on the island is part of a wider attempt to portray the arrival of irregular migrants as a crisis. This crisis is founded on the idea of a state of exception that warrants exceptional measures. This is based loosely on the notion developed by Carl Schmitt and reformulated by Giorgio Agamben that governments may place subjects outside the boundaries of the polis in order to limit their recourse to law (Agamben, 2005; c.f. Huysmans,

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2008; Ellermann, 2010). However, here, I take one step back to examine how a government creates the state of exception, while also bearing in mind the agency of migrants in resisting and reshaping the state of exception. In Malta, the state of exception is one constructed by the government in order to represent Malta's migration position within the EU and in the Mediterranean. As such, it hinges upon physical attributes of the state, especially its smallness and position on the external border of the EU, attributes that are portrayed as unique and crucial to the issue of irregular immigration.

For instance, detention is, on the one hand, justified with reference to the perceived exceptional circumstances Malta finds itself in, including its geographic, demographic, and political situation. The detention policy thus becomes symbolic of the crisis itself. It also, in turn, works to reinforce the interpretation of the immigration phenomenon as a crisis.

By using Malta as a case study, the paper analyses how detention can be used politically to construct a crisis scenario. Firstly, it begins by tracing the evolution of Malta's immigration detention policy to its present form. Secondly, the paper locates detention within the government's broader response to irregular migration as a crisis and examines how the government has conveyed this interpretation to the EU. Thirdly, the paper explores the consequences of the detention policy on the national level, starting with the government's assumption that detention acts as a deterrent. The manner in which the detention policy influences and is influenced by the dynamics at the regional, EU level is then examined.

Although this paper confines itself primarily to examining how and why detention policy evolved in Malta between 2000 and 2010, the immigration implications of the political unrest seen in North Africa in 2011 are briefly discussed in the conclusion. The work draws on over 50 in-depth, semi-structured interviews conducted by the author in Malta between 2008 and 2009. During this time, interviews were conducted with government officials, representatives from non-governmental organisations, and migrants and refugees.

MALTA'S DETENTION POLICY

Malta's detention policy developed concurrently with its national asylum policies. The increase in migrant arrivals in Malta in 2002 coincided with changes to governmental structures as part of

the pre-accession process, which would culminate in EU membership in the 2004 'big bang enlargement' ('EU Commission set stage for Big Bang enlargement', 2002). In passing the Refugees Act of 2001 and establishing a Refugee Commissioner's Office, Malta created its own structures to manage the arrival of irregular migrants, most of whom subsequently apply for asylum (Mainwaring, 2008: 29). The following year, the government opened a detention facility in the Hal Far military barracks with a capacity to hold 80 people, the assumption being that Malta would continue to receive a few hundred migrants each year (Interviews: government officials, NGOs, 2008–2010; UNHCR Malta Representative, Maltese MEP, July United Nations High Commission for Refugees, 2006).

However, the 1,686 migrants who arrived that year overwhelmed the facility and arguably sparked the government's rhetoric of an immigration 'crisis'. After the initial increase in irregular immigration in 2002, the issue remained in the political spotlight in Malta as irregular immigrants continued to arrive in high numbers, peaking at 2,775 in 2008 (National Statistics Office, 2010: 2).³

As part of the pre-accession immigration reforms, Malta also decriminalised the entrance without leave into its territory in December 2002 (Council of Europe, 2004; Council of Europe, 2005a, 2005b).⁴ Because detention remained in place as an administrative fiat, however, any person arriving irregularly is still issued with a removal order and is automatically detained for up to 18 months. Although the removal order is lifted if a person applies for asylum, the asylum seeker remains in detention. There is in fact no provision for issuing a detention order within Maltese law; rather, under the Immigration Act of 1970, detention results from the issuing of a removal order. Moreover, judicial review of the process is limited. Article 25A of the Immigration Act (1970) provides for the possibility of an appeal to be presented to the Immigration Appeals Board within three working days of the date of issue of the removal order. The Appeals Board holds the power to revoke a removal order, thus automatically releasing the immigrant concerned from detention. In practice, however, the Appeals Board only grants release in exceptional circumstances. Having no time limit within which to decide on applications, the appeals

process can also be lengthy. For example, in the past, it has taken up to three and a half months, during which time the applicant may already be released under the standard government procedure (Jesuit Refugee Services – Europe, 2010).

Previously, under the 1970 Immigration Act, the time spent in detention was indefinite. However, pressure from local NGOs resulted in the European Committee for the Prevention of Torture sending a delegation to investigate the matter, prompting the Maltese government to implement a limit of 18 months in 2005 (Council of Europe, 2005a, 2005b). Additionally, an EU directive on minimum standards for the reception of asylum seekers stipulates release if an asylum claim is still pending after 12 months (Council of the European Union, 2003a). However, rejected asylum seekers are held in detention for the entire 18 months (Jesuit Refugee Services, 2006; Interviews: government officials, 2006–2009).

The application of this mandatory detention policy to the migrants and refugees arriving on the island since 2002 has expanded the role of the Armed Forces of Malta as it now includes rescuing migrants at sea and managing the detention centres. Creating detention centres under the military's remit was initially part of the 'ad hoc arrangements that were made at that time by the police immigration authorities' in the face of a large increase in the number of arrivals (Interview: Ministry for Justice and Home Affairs, April 2009). The Detention Services, which now manages and runs the centres, was later created and moved under the auspices of the Ministry for Justice and Home Affairs (MJHA). Nevertheless, detainees continue to be held in military or police establishments run by former military and police officials (Interview: Head of Detention Services, July 2009).

The detention population fluctuates according to the number of new arrivals to the island. For instance, in July 2008, the policy rendered 1,750 people who had committed no criminal offence behind bars (Interview: Head of Detention Services, July 2008). The majority of those detained are from Sub-Saharan Africa, primarily Eritrea and Somalia. Accordingly, between 2004 and 2008, the largest groups of asylum seekers were from Somalia (2,538), followed by nationals from Eritrea (1,225), Sudan (516), Côte d'Ivoire (487), Nigeria (349), and Ethiopia (314) (United Nations High Commission for Refugees (UNHCR), 2008; United Nations High Commission for Refugees,

2007; United Nations High Commission for Refugees, 2006; United Nations High Commission for Refugees, 2005; United Nations High Commission for Refugees, 2004). The relatively high rates of successful asylum applications reflect these patterns, as most Somalis and Eritreans are given subsidiary protection in Malta. Between 2003 and 2008, 40% to 60% of all asylum applicants were given some form of protection. In comparison, the average success rate in the first instance across the 27 EU member states was 28.3% in 2008 (Eurostat, 2009). Nevertheless, the vast majority of successful applicants in Malta are given subsidiary protection with full refugee recognition rates falling from 8.6% in 2003 to 0.7% in 2008 (rates calculated using statistics provided to the author by the Office of the Refugee Commissioner, 2009).

By November 2010, the number of detainees had dropped to 79 ('Budget debate: Number of migrants in detention drops to 79', 2010). This was due to the implementation of the Treaty on Friendship, Partnership and Cooperation, signed by Italy and Libya in 2008 and implemented the following year. The 2008 Treaty provided a large monetary incentive for Libya to increase patrols along its maritime border and to allow Italy to return migrants and asylum seekers to Libya, after they were intercepted at sea. The Treaty's 'push back' policy caused arrivals in Malta to decrease drastically: only 28 irregular migrants landed on the island in 2010 ('European Commission does not endorse push-back policy', 2010). However, the political upheaval in Libya in early 2011 reversed this trend, with 1,530 irregular migrants having arrived in Malta between the 28 March and the 1 June.⁵

Paralleling the post-2002 escalation in arrivals of migrants and refugees is the mushrooming of the number of detention centres in Malta. Along with the original Lyster Barracks Closed Centre in Hal Far, the government opened the Safi Closed Centre and the Ta' Kandja Closed Centre. If these facilities are not sufficient to detain the number arriving, the police headquarters in Floriana are also available for this purpose (Interviews: government officials, 2008–2010; Médecins Sans Frontières, 2009). Maintaining this detention policy is extremely costly: the government spent over €8.2m on its detention system in 2008, up from €6.8m in 2005 (Maltese Parliamentary Question, 2009).

Moreover, NGOs have regularly criticised the conditions of immigration detention for being overcrowded, unhygienic, and inhumane. In protest of these conditions, Médecins Sans Frontières (MSF) suspended their work in the centres after only six months, in February 2009. MSF subsequently published a scathing report detailing the unacceptable conditions, including inadequate access to these basic needs: adequate water and sanitation facilities; separation of men, women, and children; bed space for every detainee; adequate medical facilities and health care provisions; regular access to outdoor space; the monitoring of food provided and a varied diet; and regular telephone access. There is also evidence to suggest that the government continues to detain vulnerable people (Médecins Sans Frontières, 2009). For example, a young Somali refugee recounted,

'I came to Malta in June 2006, I was pregnant with my son. . . I was still in detention when I had my baby and after I spent six months more in detention.' (Interview: April 2009)

Once migrants and refugees are released from detention, most are transferred to one of the open centres on the island. The very limited number of migrants who have access to personal funds may rent private accommodation. Although the open centres allow migrants the freedom of mobility around the island, the centres are also plagued by many of the same problems seen in detention, such as overcrowding and inadequate facilities. As an illustration, the Hal Far 'tent city' is an open centre that has housed migrants and refugees in canvas tents rather than permanent structures for over 5 years. Moreover, this open centre, along with the great majority of the other detention and open centres, is located in a remote area on the southern end of the island, out of sight of Malta's waterfront boulevards lined with hotels that receive over a million tourists every year (National Statistics Office, 2009). The increasing ghettoisation and criminalisation of the migrant population in Malta hinders mobility around the island, making it difficult for migrants to search for employment opportunities and to integrate into Maltese society more generally (Interviews: migrants, refugees, and NGO representatives, 2006–2009; c.f. Fernández *et al.*, 2009; Guild, 2010; Webber, 2000; United Nations, 2008).⁶

Although immigration detention has long been part of Malta's legislation, it has come under scrutiny as of late due to the increase in numbers of migrants and refugees arriving on the island since 2002. Indeed, the detention policy and facilities have evolved over the last decade spurred in part by the country's accession into the EU and the larger flows of irregular immigration. However, the policy of mandatory immigration detention remains, although it has been limited to 18 months. The following two sections examine how the Maltese government has justified this policy and how the policy has come to simultaneously reinforce and be symbolic of the crisis narrative in Malta.

THE ROLE OF DETENTION IN CONSTRUCTING A CRISIS

Immigration detention in Malta is claimed by the government to be a 'powerful deterrent' (Interviews: government officials, 2008–2009; Council of Europe, 2005a, 2005b). Despite being reminded by the Committee for the Prevention of Torture that international standards prevent using detention to deter potential future migrants (Council of Europe, 2005a, 2005b), government officials admit that they use the practice for this purpose. Outlining the reasons for the detention policy, the Minister of Foreign Affairs said, 'The message needs to . . . be received by everyone that entering Malta illegally will not go unpunished' (Interview: April 2009). Another senior official explained that the detention policy 'is good to persuade [illegal migrants] that they have to go back home. . . . It's good that they contact their relatives and say, listen, don't come to Malta because it's terrible here.' (Interview: Ministry of Foreign Affairs, April 2009).

As well as indicating the role detention plays as a deterrent, officials justify such a policy with reference to 'control', 'order', and 'security', and even 'in order to protect the migrants in detention' (Interview: Third Country Nationals Unit, MJHA, January 2009). Senior officials in the Ministry for Justice and Home Affairs do so by invoking 'the smallness of the country, issues of influx' and highlighting that

'there isn't a convenient border which you can take them to and allow them to skip off to the other side as has been the case with several

other countries.... It's our method of controlling and containing at the same time'. (Interview: MJHA, April 2009)

These quotes illustrate the prevailing government stance that Malta is an exceptional case due to its small size, high population density, and blue borders.

Immigration detention in Malta is thus implicated in a broader government agenda to reduce the irregular immigrant population. The strategy to attain this goal has been twofold, carried out at the national and regional levels. The regional level is dealt with in the next section. Nationally, there has been an attempt to deter arrivals, through policies such as detention, and also to encourage repatriation of those already on the island.

For example, the Maltese government implemented an assisted voluntary repatriation (AVR) scheme in 2007.⁷ It was first introduced as a pilot project in the Ministry of Foreign Affairs and later transferred to a more permanent scheme under the auspices of the International Organization for Migration. AVR has had limited success: between January 2004 and August 2009, the projects repatriated 196 people, primarily to Ghana (81), Nigeria (43), and Sudan (41). During the same period, the government carried out 3,308 forced returns (Pisani and Giustiniani, 2009).

Nevertheless, AVR is complementary to both the EU and national objective of reducing the number of irregular immigrants in Malta, as well as removing the need to control for onward mobility to other member states. The scheme initially targeted people both inside and outside of detention, offering migrants up to €5,000 to return to their countries of origin. However, during the course of the pilot project, the focus of recruitment for AVR shifted away from open centres to those still inside detention. Echoing the sentiments of many Maltese politicians, an official within the Ministry of Foreign Affairs explained the reasoning behind this emphasis:

'If they are in detention they're not enjoying it for sure. In detention they can't dream, but once they are in open centres they can dream of escaping Malta.... I think detention is tough on the individual and conditions could be improved, but

for us it's a blessing that people get disgusted and want to leave.' (Interview: January 2009)

It is thus revealed that amongst government officials, improving detention conditions is seen as counterproductive to strategies aimed at 'voluntary' repatriation of migrants. Speaking of both voluntary and forced repatriation, the head of Detention Services (Interview: July 2008) averred that '[r]epatriation is the answer' and that it is furthermore 'best done from detention'. In all cases, the message by Maltese politicians is clear: 'the solutions are not in Malta' (Interview: MJHA, April 2009).

These policies reflect the government's perception of the value of detention as a barrier to mobility, a method to deter unwanted migrants or to remove them once they arrive. As a new immigration gatekeeper on the EU's periphery, Malta now plays the role of controlling migration on its shores.⁸ Indeed, EU membership has transformed Malta's national borders into regional ones in need of fortification and control.

Moreover, Malta's limited financial resources and blue borders encourage the emphasis on deterrence: once migrants and refugees arrive on the island, there are few opportunities for them to move forwards or return home. For example, the Dublin II Regulation stipulates that asylum seekers must apply for asylum in their first country of arrival within the EU and may be returned to this country if found residing irregularly or applying for asylum in another EU member state (Council of the European Union, 2003b).⁹ National borders, along with these EU policies, thus act as a barrier to onward mobility for migrants and refugees who wish to settle in other EU member states; meanwhile, the government's inability to deport many migrants results in a large population of rejected asylum seekers remaining in Malta.¹⁰ The focus on deterrence and the government's tough rhetoric on migrants thus belie a reality where many migrants, even those whose asylum claims are rejected, continue to live on the island, integrating into society to varying degrees.

DELIVERING A CRISIS TO THE EUROPEAN UNION

At the regional, EU level, Malta has found itself in a weak position in terms of influencing migration

policy. Historically, many policies were negotiated and implemented before Malta became a member state, including the influential Dublin II Regulation. Thus, with little economic or military power, Malta has turned instead to non-material power to influence the EU migration agenda. Notably, it spearheaded an alliance in 2008, called the Quadro Group, with Italy, Greece, and Cyprus. The Group, which continues to operate in an *ad hoc* manner, has exploited the rhetoric of EU solidarity as the answer to the perceived immigration crisis they are facing (Interviews: government officials, 2008–2009; Quadro Group, 2009).

Malta has further capitalised on this rhetoric of solidarity by emphasising that the migration ‘burden’ it faces is exceptional due to its size and location. The government does so by highlighting two interrelated points: (i) the large number of irregular migrants arriving in Malta relative to its population; and (ii) the limited space and resources available to Malta to receive these arrivals. The number of irregular immigrants arriving is in fact small in absolute terms, not rising above 2,775 annually. Nevertheless, the government argues that the island’s small population density and high population density amplify the impact of these arrivals. Comparisons based on population are made in order to argue, for example, that the total number of irregular migrants who arrived in Malta since 2002 is equivalent to 1.2 million reaching the UK (Gonzi, 2007: 42; Borg, 2007).

In turn, the government amplifies this ‘crisis’ in order to contend that Malta carries a disproportionate amount of the migration ‘burden’ in Europe. Arguing especially vociferously at EU fora, the Maltese government called for ‘solidarity amongst member states’ to resolve the crisis (Interviews: government officials, 2008–2009). In real terms, the Maltese government is requesting support for relocation schemes that would see those asylum seekers given protection in Malta resettled to other EU member states,¹¹ and in renegotiating the Dublin II Regulation in order to add a proviso that would exempt countries facing ‘particular pressures’. After some years, Malta succeeded in garnering a limited amount of support for these demands: member states have agreed to resettle a small number of refugees from Malta (European Parliament, 2010: 16, 46), and the issue of countries facing particular pressures appears in the 2008 European Pact on Immigration and Asylum (Council of the

European Union, 2008). However, these agreements remain voluntary and *ad hoc*, with little political will to agree on a definition of ‘particular pressures’, or to implement a permanent intra-EU relocation scheme.

The large number of arrivals in 2002 must certainly have overwhelmed the new asylum and migration systems in Malta. The makeshift response was to confine new arrivals to detention centres located in military barracks. Although one might attribute the initial failings of the asylum and migration systems to the unexpectedly high levels of irregular immigration, the continued depiction of migrant arrivals as a crisis almost a decade later is far less convincing.

Moreover, the interpretation of irregular immigration as an ‘invasion’ (Interview: MFA, January 2009) is politically convenient both nationally and for Malta’s status as a structurally weak member of the EU. Regionally, this reading allows Malta to continue to portray the phenomenon as a security crisis and itself as in need of ever-increasing financial and practical support from other member states.

Numbers, coupled with questions of security, are also used to justify the questionable detention policy. Despite calls from EU bodies and NGOs for alternatives, the Maltese government is adamant that its current detention policy is essential and will not be altered. In justifying the use of immigration detention, the government points primarily to security concerns, while also highlighting the bipartisan political support the policy enjoys. The security concerns centre on the number of irregular migrants arriving, the government claiming that it is undesirable to ‘have a sudden influx of people roaming about on the streets in a small country’ (Interviews: government officials, MJHA and Ministry of Foreign Affairs, April 2009). Even the poor conditions found in detention are attributed to the high number of arrivals. As the current Minister of Foreign Affairs explained, ‘I hope those conditions [in detention] will be improved, but it all depends on the arrivals. The moment you have a sudden influx, it creates problems’ (Interview: April 2009).

It is thus easy to see how the Maltese government has positioned its immigration detention policy as a potent symbol for, and proof of, the ‘crisis’. The government justifies detention with reference to the large number of arrivals to a

small, densely populated island. It should be noted that the justification of detention due to the large number of arrivals is somewhat misleading on two counts. Firstly, the policy was in place before the increase in arrivals in 2002. And secondly, the Italian–Libyan Treaty on Friendship and the subsequent decrease in arrivals in 2010 has not resulted in a termination of the policy. Indeed, the Ministry of Justice and Home Affairs released a statement in December 2010 reiterating that, '[t]he government sees no need to depart from its current detention policy, a policy which is also practiced by other EU member states' ('No need to change detention policy, Justice Ministry insists', 2010). Because these circumstances are cast as exceptional, the government can frame extraordinary measures as plausible, even desirable. In addition, detention is implicated in reifying this narrative by the government's choice to render it as a tool with which to mitigate the perceived crisis.

NATIONAL CONSEQUENCES: DETENTION AS IMPOTENT DETERRENT?

The core of the government's rationale for detention rests on the premise that the prospect of spending 12 to 18 months in detention will deter migrants and refugees from arriving on the island. This justification is clearly problematic on the basis that it runs counter to international law. The United Nations High Commissioner for Refugees (1999) reminds state officials that

'Detention of asylum-seekers which is applied ... as part of a policy to deter future asylum-seekers, or to dissuade those who have commenced their claims from pursuing them, is contrary to the norms of refugee law. It should not be used as a punitive or disciplinary measure for illegal entry or presence in the country.'

However, the justification should also be questioned on the grounds of effectiveness.

A vast majority of irregular migrants arriving in Malta between 2002 and 2010 were either intercepted at sea by the Maltese Search and Rescue Unit or landed on the island as a result of trouble at sea. EU legislation allows for boats to pass through Malta's large search and rescue region

unhindered, unless they are in need of assistance.¹² However, once contact is established, the government is obliged to receive the migrants and refugees in Malta and allow them access to asylum procedures. The Dublin II Regulation stipulates this by establishing that asylum seekers must lodge applications in the first member state in which they arrive and that that member state is subsequently responsible for the migrant until an asylum decision is made.

As migrants and refugees generally point to Italy as their intended destination (Interviews: migrants and refugees, 2008–2009), and it is EU legislation that requires migrants in distress to be received in Malta, detention is unlikely to be effective in deterring arrivals. Furthermore, the use of the policy as a deterrent assumes that migrant journeys are premeditated decisions to migrate from directly from a country of origin to one of destination. Contrary to the official stance that irregular migration is such a linear and premeditated process, extensive interviews with migrants and refugees in Malta show that migrants pass through many transit countries, with stops that last from days to years. Moreover, their migration plans and routes change as new opportunities and barriers arise and an intended destination country may become a transit country or vice versa. For example, a young man from the Ivory Coast explained that 'before I didn't know [about] Malta. But in Libya, ... I hear the Libyan people talking about Malta... And I say, Malta...? Malta [is] in Europe? And they say [it's] in Europe' (Interview: April 2009).

Despite the agency involved in exploiting such opportunities, migrants are hardly the 'asylum shoppers' they are sometimes portrayed as in EU political rhetoric (e.g. European Union, 2007). Many are leaving behind political persecution or economic hardship and face limited choices. Many are merely looking for somewhere safe, as one asylum seeker in Malta recounted:

'[E]ven if detention is three years, people will not stop coming. They will still come. Even if detention is four years. [If] they make it four years, people will not stop because they believe that one day they're going to be free. So for me... due to my problem, even if detention is five years, there's nothing I could do and I

cannot return, so I have to stay. When you have a really big problem and you cannot return home, there is no option... [Detention] is a punishment ... that will not stop people coming.' (Interview: April 2009)

Moreover, those interviewed in Malta all claimed they were not aware of Malta's detention policy before migrating. Of course, the sample here is biased in being unable to take into account those migrants and refugees who may have considered making the voyage across the Mediterranean but were dissuaded because of knowledge of Malta's detention policy. Nonetheless, considering that most migrants and refugees are trying to reach Italy, and that those interviewed professed ignorance of the policy, there is no overwhelming evidence from the migrants and refugees that the detention policy is an effective deterrent.

NATIONAL CONSEQUENCES: THE CRIMINALISATION EFFECTS OF DETENTION IN MALTA

Along with being questionable as an effective deterrent, Malta's detention policy has negative consequences for both the migrant and refugee population and Maltese society more broadly. Deprived of their liberty, asylum seekers and migrants raise objections to the material and psychological circumstances within which they are held, referring to the detention centres as a 'prison' or a 'cage' (Interviews: migrants and refugees, 2008–2009). For example, an Eritrean man, who was granted humanitarian protection, spent 14 months in Safi Detention Centre and said about his experience there:

'Detention is amazing. You don't treat an animal like that. You don't get any newspapers, information. You lose so much in there. You lose your talent, everything. You need books to read, fresh air.' (Interview: April 2009)

Such criticism has been echoed by local NGOs and international organisations (Médecins Sans Frontières, 2009; Interviews: NGOs 2008–2009).

Affirming these sentiments, another young Eritrean refugee, who spent 12 months in the same detention centre before being released, describes his experiences:

'As I told you I've been in prisons in a lot of places and ... I can say that [the detention centre] was the worst prison I've seen. Because what makes it the worst for me is that [it] was not my expectation. And in other countries, I was in prison because I broke the rules, but in Malta I didn't break any rules. The only crime I committed is just that I asked for asylum. Asking for asylum, if it is a crime, they were right to put me in that situation.... I can tell you that [in detention] I was cut off from everything. I had no communication with family; I had no communication with other people who live on the outside. I was doing nothing, just eating, waking up ... for months, doing nothing.... During my time, there [were] a lot of problems happening in detention, but ... you cannot go and tell someone who is in charge.... If you want to speak to the soldiers – soldiers they are soldiers and they are trained to be soldiers, not trained to be a social worker or a care worker. They are trained to be soldiers ... so I didn't expect anything from them.' (Interview: April 2009)

The detention policy, and the broader portrayal of the irregular immigration phenomenon as a crisis, marginalises the migrant and refugee population on the island. Not only are migrants and refugees incarcerated on arrival, but the practice of handcuffing migrants while transporting them (e.g. to hospital) is also widespread (c.f. Council of Europe, 2004). Such practices deprive migrants of their freedoms, while sending an unambiguous message to the Maltese population that they are a dangerous element in society.

Many organisations have pointed to this fact. Most recently, the European Court of Human Rights ruled that the detention of an Algerian national in Malta pending his deportation had violated his fundamental rights. The Algerian national brought a case to the Court alleging that Malta had unlawfully detained him (Article 5.1), had not made him aware of the legal and factual grounds for his detention (Article 5.2), and had not provided a remedy by which to challenge the lawfulness of his detention (Article 5.4). The Court found a violation of Articles 5.1 and 5.4, and awarded the applicant €12,000 (Case of Louled Massoud V. Malta, 2010).

Detention and its associated practices thus serve to criminalise migrants and refugees and

negatively affect the way Maltese people perceive them. A survey conducted in 2009 reported that 84% of respondents viewed immigration to the island as a 'national crisis' ('Immigration is "national crisis"', 2009). This panicked reaction is fuelled by the government's portrayal of the 'crisis' situation, the emphasis on the 'invasion' of irregular migrants (Interview: MFA, January 2009), and the incarceration of the immigrants in military and police facilities. Hence, the Maltese people's initial sympathetic response to the plight of irregular migrants arriving on the island has turned hostile, increasingly xenophobic and racist. For example, a poll conducted in 2005 revealed that 90% of respondents perceived an African or Arab neighbour to be undesirable. The island has also seen the emergence of the first far-right wing party campaigning specifically and primarily on an anti-immigration agenda (Grech, 2005).¹³ The detention policy has thus not only contributed to worsening the plight of migrants and refugees in Malta but also caused divisions and violence within Maltese society as a whole.

REGIONAL CONSEQUENCES: EU MIGRATION AND ASYLUM POLICY

The consequences of the Maltese government's policy of mandatory immigration detention percolate from the national level to the regional one. This can be illustrated using three examples: firstly, other EU member states have drawn attention to the Maltese detention policy as one reason to halt Dublin transfers to the island; secondly, mandatory detention in Malta points to the persistent discrepancies and limited harmonisation in asylum and migration policies across Europe; and thirdly, the detention policy, as part of Malta's crisis narrative, exposes the power dynamics at play within EU migration governance.

The Dublin II Regulation stipulates that asylum seekers must apply for asylum in the first EU country they reach. Under the Regulation, all irregular migrants are fingerprinted when they arrive in an EU member state. These fingerprints are held as part of the Eurodac, a European database containing the fingerprints of all asylum seekers and migrants who cross borders irregularly. Once a state records a person's fingerprint, they are then returned to this country if found residing irregularly in another EU member state (Council of the European Union, 2003b).

Although the number of Dublin II returns to Malta is low in absolute terms (127 in 2006, 37 in 2007, 131 in 2008, and 470 in 2009), the limited data available suggest an increase over these 4 years (2006 figures: Commission of the European Communities, 2008; other figures provided by the MJHA to the author, January 2010). Moreover, the possibility of being returned remains a powerful reality in the lives of migrants and refugees in Malta. For example, many of those migrants and refugees interviewed had travelled to other EU countries, only to be sent back; they explained that 'they sent me back because they have my finger' (Interview: April 2009). Others, aware of the risk of being sent back under the Dublin Regulation, made statements such as 'if Malta gives me my finger, I would go to another [EU] country' (Interview: April 2009).

Certain states, especially those on the EU's external border, and organisations such as the European Council on Refugees and Exiles disapprove of linking the allocation of responsibility with entry controls. They argue that this practice places a disproportionate amount of responsibility on peripheral states and operates under the false assumption that standards of reception and access to protection are comparable and adequate across member states (e.g. European Council on Refugees and Exiles, 2006).

Member states and other bodies have in fact suspended Dublin transfers on the grounds that some receiving countries display inadequate reception conditions, including those found in detention. In December 2009, the UNHCR called for countries to stop transfers to Greece because of the inadequate protection afforded to asylum seekers in that country (United Nations High Commission for Refugees, 2009), advice followed by some member states. This development has caused ripple effects, felt on regional and local levels. In Brussels, there is now an EU proposal under discussion to add a new procedure in the Dublin II Regulation that would allow the suspension of transfers to member states that face 'particular pressures' or where asylum applicants will not receive adequate protection (European Commission, 2008). In Malta, a Somali mother explained how the Dutch government returned her to Malta with her two young children, while they allowed another woman who entered the EU through Greece, to remain (Interview: April 2009).

Indeed, certain Dublin transfers to Malta have already been suspended: Germany did so through the sovereignty clause; and the European Court of Human Rights has implemented interim measures in order to stop transfers to Malta and Italy from Finland (European Council on Refugees and Exiles, 2009).¹⁴ Germany's stated rationale for suspension is significant: its government cited the inhumane conditions in reception facilities in Malta (including detention centres), the overstretched Maltese asylum system, and the need to show solidarity with Malta (United Nations High Commission for Refugees, 2010). The rhetorical convergence of inhumane reception conditions with the need to show solidarity with Malta demonstrates how EU structures provide a perverse incentive for a member state to emphasise its vulnerability and inability to cope with migrant arrivals. Thus, the incentive to neglect detention conditions is heightened in order to bolster the image of an overwhelmed island. Certainly, if the EU adopts the proposal to allow for a suspension of the regulation when a country faces 'particular pressures', it will increase the incentive for Malta to continue limiting provisions for asylum seekers and migrants and to treat the arrival of irregular migrants as a crisis.

The lack of harmonisation standards is another obstacle in taking seriously the EU's rhetoric of respecting the fundamental rights of refugees and migrants. Organisations, such as the UNHCR, have argued that the Dublin II system falsely assumes the existence of harmonised protection standards across EU member states. As is clear, this is not the case: there is no limit on detention in the UK, but not all irregular migrants are detained. In France, the limit is 32 days, but detention is likewise not mandatory (Global Detention Project, 2010). As such, harmonisation has resulted in minimum standards being set, at best. For example, the EU's Return Directive (2008) calls for a limit of 18 months to be applied to immigration detention prior to removal. Negotiations of this type of directive often result in limits that take into account the most severe existing practices across member states, such as Malta's mandatory 18-month policy. Within the culture of discouraging irregular immigration, the limit then easily becomes the rule.

The Dublin II Regulation, as well as the lack of harmonisation across EU member states' detention policies and other reception conditions, illustrates the power dynamics at play amongst member

states. Core member states have succeeded in externalising migration controls to the EU's periphery and beyond (Lavenex, 1999; Lavenex and Uçarer, 2002; Boswell, 2003; Oxfam, 2005). However, this process has not merely been unidirectional. The EU's emphasis on exclusion at the external border, coupled with the Dublin II Regulation, has certainly resulted in peripheral member states sometimes experiencing larger numbers of irregular migrant arrivals and, more importantly, bearing the brunt of the responsibility to shore up these borders. In the face of this pressure, Malta has exploited this new role by emphasising its vulnerability to immigration flows, emphasising its limited resources and smallness in order to garner more support from other member states.

In doing so, the Maltese government has justified its detention policy on the basis of its deterrent function, while failing to acknowledge its own role in accentuating the 'crisis' element of the immigration phenomenon and creating the perceived need for a deterrent in the first place. As such, the instrumentalisation of detention as a response to the crisis becomes a false argument by which the government attempts to garner more financial resources and, significantly, practical support from the EU. The Maltese detention policy is thus inextricably linked to dynamics at the regional level, being shaped by as well as shaping these relationships.

CONCLUSION

Detention has been a central facet of the Maltese government's response to increasing irregular immigration since 2002. Justification for the policy has stemmed from the government's crisis narrative of a small island overwhelmed. Although arrivals to the island more or less ceased from mid-2008 until the beginning of 2011 due to the Italian–Libyan Treaty on Friendship, and the number in detention dwindled, the Maltese detention policy endured, and politicians were adamant that it would not change.

However, the detention centres in Malta were once again filled to capacity, when the political upheaval in Libya began to spill across the Mediterranean in March 2011. With Colonel Muammar Gaddafi under attack from rebel forces inside and NATO forces outside his country, migrants once again started to make their way across the Mediterranean to Italy and Malta. The first boat

arrived in Malta on the 28 March carrying 333 migrants and refugees, 271 of whom were Somali. Over the rest of summer, this number would rise to 1,535 (figures provided to author by government officials, 2011).

The war in Libya brought about an end to Gaddafi's cooperation not only in deterring migrants from leaving Libyan shores but also in accepting the return of migrants intercepted by Italy and Malta on the high seas. Without Gaddafi's involvement, migration from Libya and other North African countries struck at the heart of EU solidarity, revealing fractured relationships. In Italy, the arrival of Tunisian migrants instigated a diplomatic standoff with France, as former Prime Minister Silvio Berlusconi facilitated their movement across the Italian–French border. Dramatically, this caused France to reinstate controls along its borders with Italy, signalling a significant breakdown in the cooperation and trust envisaged in the Schengen Agreement, which has operated in Europe since 1995.

In Malta, the government renewed its criticism of other member states for not sharing the so-called burden, especially after its calls to activate an EU-wide temporary protection mechanism were rebuffed (Council of the European Union, 2001).¹⁵ These events served to confirm and reinvigorate the government's perceived need to continue to emphasise the irregular immigration 'crisis' in Malta, through practices such as detention.

Having joined the EU in 2004, Malta's membership has certainly affected detention policy on the island. On the one hand, it has encouraged progressive measures to be taken in order to limit the length of detention, which was previously indefinite, and especially to limit the length of time asylum seekers remain in detention. EU membership has also brought with it the scrutiny of bodies such as the European Court of Human Rights and the Committee for the Prevention of Torture, which has focused attention on the deplorable conditions of detention, as well as the rationale behind the policy. On the other hand, EU membership has also redefined Malta's interests and strategies vis-à-vis migration.

Malta is a small player within a large Union, with little material power to influence migration and asylum policies at the regional level. In the face of externalisation pressure and an EU emphasis on controlling migration at the external

border, Malta has thus relied on other resources, on non-material power. It has constructed a crisis narrative in order to attract more financial support, and especially practical support in the form of a permanent intra-European relocation scheme and an exemption from the Dublin II Regulation.

Within this process, although the government has had some limited success in the use of detention as a symbol and a reinforcement mechanism of the crisis, it has come at a price to both the migrant and host communities. The government's insistence on detention has led to the incarceration of people who have committed no crime for up to 18 months in sub-optimal conditions. More generally, it has also served to criminalise the migrant population. In parallel, the country has seen a rise in xenophobia and racism amongst the Maltese people. Such developments threaten the very fabric of society and highlight the imperative for the government of Malta to reconsider its detention policy.

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ENDNOTES

- (1) The main island, Malta, is by far the largest and most populated, as well the island where migrants are detained and where most subsequently remain. References to 'the island' in this article therefore denote this particular landmass.
- (2) My distinction between material and non-material may be compared with Joseph Nye's discussion of soft power, that is, the ability to obtain what one wants through co-option and attraction, as opposed to through coercion or payment, which would be considered hard power (Nye, 1990, 2004). However, here, I draw the distinction between material and non-material powers both in order to highlight the material limitations faced by small states and more importantly as a critique of the notion of soft power as purely non-coercive (c.f. Mattern, 2005). For a discussion of the strategies used by small states, see Cooper and Shaw (2009), Keohane (1969), and Ingebritsen *et al.* (2006).
- (3) For example, 1,780 and 1,702 migrants arrived in Malta irregularly in 2006 and 2007, respectively (NSO, 2010).

- (4) Entrance without leave refers to those arriving without state authorisation.
- (5) These arrivals have similar nationalities, the majority being from Somalia (411), Eritrea (280), Nigeria (238), Côte d'Ivoire (114), and Ethiopia (103). However, these people, who fled the conflict in Libya, tended to travel in bigger groups on large wooden boats, rather than the small fibreglass boats seen previously. There was also an increase in the arrival of single women, couples, and families with young children (data provided to author by the Immigration Police, 2011).
- (6) For more on the criminalisation of asylum seekers through detention policy in the UK and US in particular, see Banks (2008), Story (2005), and Welch and Schuster (2005).
- (7) AVR schemes are increasingly prevalent across Europe as forced returns have attracted criticism and have been met with limited success. France introduced an AVR programme as early as 1991. Nevertheless, such 'voluntary' schemes have been hampered by low participation rates (Koser, 2001; see also Koser *et al.*, 1998).
- (8) For an analysis of this new gate-keeping role adopted by Eastern European countries, see Lavenex, 1999 and Lavenex and Uçarer, 2002.
- (9) In 2003, the Dublin II Regulation replaced the Dublin Convention (1990). For more on the Dublin Convention, see Brouwer (2008: 13–46) and Karyotis (2007).
- (10) This number is of course difficult to ascertain. An indication may be that the number of rejected asylum applications between 2002 and 2009 was 4,458 (data provided to the author by the Refugee Commissioner in August 2011). Although during this period the government also forcibly returned 3,403 people, a majority of those were North African nationals, who do not usually apply for asylum in Malta (Pisani and Giustiniani, 2009; Interviews: government officials, 2008–2009).
- (11) The relocation of asylum seekers, whose claims have not yet been decided and who may not ultimately qualify for protection, is a longer-term goal for the Maltese government. This, however, is even less popular with other member states (Interviews: government officials, 2008–2009; Quadro Group, 2009).
- (12) Malta has a search and rescue area of 250,000 km², stretching across the central Mediterranean from the Tunisian coast and almost reaching the Greek island of Crete (http://www.sarmalta.gov.mt/sar_in_Malta.htm). It also problematically encompasses the Italian of Lampedusa, causing disputes over responsibility for migrants at sea between Malta and Italy (Mainwaring, 2012).
- (13) For a report on this and an interesting discussion of the ethics of newspaper reporting on migration, see

Sammut, 2007. For a detailed account of the rise of the far right, spurred in part by the issue of irregular migration, see Falzon and Micallef, 2008.

- (14) The ECHR also suspended transfers to Greece in 2011. See *M.S.S. v. Greece and Belgium*, Application no. 30696/09, Strasbourg, 21 January 2011.
- (15) This is provided for in a 2001 Council Directive in the event of a 'mass influx of displaced persons'. However, the directive has yet to be activated, in part due to the political difficulties of defining a 'mass influx'.

REFERENCES

- 'Budget debate: Number of migrants in detention drops to 79'. *Times of Malta*, 4/11/2010.
- 'EU Commission set stage for Big Bang enlargement'. *Euractiv*, 15/10/2002.
- 'European Commission does not endorse push-back policy'. *Times of Malta*, 5/8/2010.
- 'Immigration is "national crisis", 84% say'. *Malta Today*, 05/04/2009.
- 'No need to change detention policy, Justice Ministry insists'. *Times of Malta*, 10/12/2010.
- Agamben G. 2005. *State of Exception*. University of Chicago Press: Chicago.
- Banks J. 2008. The criminalisation of asylum seekers and asylum policy. *Prison Service Journal* 175: 43–49.
- Borg T. 2007. Address by the Hon Tonio Borg, Deputy Prime Minister and Minister for Justice and Home Affairs to Members of Parliament in Cyprus – 11 September 2007. Department of Information Press Release No. 1361, 12/09/2007. Accessed on 10/1/2011, from http://www.doi.gov.mt/en/press_releases/2007/09/pr1361.asp
- Boswell C. 2003. *European Migration Policies in Flux: Changing Patterns of Inclusion and Exclusion*. Blackwell Publishing: Oxford.
- Brouwer E. 2008. *Digital Borders and Real Rights: Effective Remedies for Third-Country Nationals in the Schengen Information System*. Martinus Nijhoff: Leiden.
- Case of Louled Massoud V. Malta. Application no. 24340/08, Strasbourg, 27/07/2010.
- Commission of the European Communities. 2008. Commission Staff Working Document Accompanying the Proposal for a Regulation of the European Parliament and of the Council Establishing the Criteria and Mechanisms for Determining the Member State Responsible for Examining an Application for International Protection Lodged in One of the Member States by a Third-Country National or a Stateless Person. SEC/2008/2963 final. Brussels: 3 December.
- Cooper AF, Shaw TM (eds). 2009. *The Diplomacies of Small States: Between Vulnerability and Resilience*. Palgrave Macmillan: Basingstoke.

- Council of Europe. 2004. Report by Mr. Alvaro Gil-Robles, Commissioner for Human Rights, on His Visit to Malta, 20–21 October 2003. CommDH(2004)4. Strasbourg: Office of the Commissioner for Human Rights, Council of Europe, 12 February.
- Council of Europe. 2005a. Report to the Maltese Government on the Visit to Malta Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 18 to 22 January 2004. CPT/Inf (2005) 15. Strasbourg: Council of Europe, 25 August.
- Council of Europe. 2005b. Report to the Maltese Government on the Visit to Malta Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 15 to 21 June 2005. CPT (2005) 76. Strasbourg: Council of Europe, 30 November.
- Council of the European Union. 2001. Council Directive 2001/55/EC of 20 July 2001 on Minimum Standards for Giving Temporary Protection in the Event of a Mass Influx of Displaced Persons and on Measures Promoting a Balance of Efforts Between Member States in Receiving Such Persons and Bearing the Consequences Thereof. *Official Journal of the European Union*. L 212/12: 7 August.
- Council of the European Union. 2003a. Council Directive 2003/9/EC of 27 January 2003 Laying Down Minimum Standards for the Reception of Asylum Seekers. *Official Journal of the European Union*. L 31/18: 6 February.
- Council of the European Union. 2003b. Council Regulation (EC) No 343/2003 of 18 February 2003 Establishing the Criteria and Mechanisms for Determining the Member State Responsible for Examining an Asylum Application Lodged in One of the Member States by a Third-Country National. *Official Journal of the European Union*. L 50/1: 25 February.
- Council of the European Union. 2008. European Pact on Immigration and Asylum. 13440/08 ASIM 72, Brussels, 24 September.
- Ellermann A. 2010. Undocumented migrants and resistance in the liberal state. *Politics & Society* 38(3): 408–429.
- European Commission. 2008. Proposal for a Regulation of the European Parliament and of the Council Establishing the Criteria and Mechanisms for Determining the Member State Responsible for Examining an Application for International Protection Lodged in One of the Member States by a Third-Country National or a Stateless Person. COM(2008) 820 final/2.
- European Council on Refugees and Exiles. 2006. Report on the Application of the Dublin II Regulation in Europe. March.
- European Council on Refugees and Exiles. 2009. ECtHR Interim Measures (Rule 39) to Stop Dublin Transfers. ECRE Information Note. June.
- European Parliament. 2010. What System of Burden-Sharing Between Member States for the Reception of Asylum Seekers? Directorate General for Internal Policies, Policy Department C, Citizens' Rights and Constitutional Affairs, Civil Liberties, Justice and Home Affairs: PE 419.620, 22 January.
- European Union. 2007. 'Designing the Future Common European Asylum System – Increasing Efficiency, Protection, Solidarity and Facilitating Integration', Press Release IP/07/768, Brussels, 6 June.
- Eurostat. 2009. 75 Thousand Asylum Seekers Granted Protection Status in the EU in 2008. Statistics in Focus. 92/2009.
- Falzon MA, Micallef M. 2008. Sacred island or world empire? Locating far-right movements in and beyond Malta. *Journal of Contemporary European Studies* 16(3): 393–406.
- Fernández C, Manavella A, Ortuño JM. 2009. The Effects of Exceptional Legislation on Criminalization of Immigrants and People Suspected of Terrorism. Challenge Report 9.
- Global Detention Project. 2010. Accessed on 10/01/2011 from <http://www.globaldetentionproject.org/>.
- Gonzi L. 2007. Illegal Immigration: A Maltese View. *European View* 5: 41–45.
- Grech H. 'Are We Racist?', *Times of Malta*, 20/08/2005.
- Guild E. 2010. Criminalisation of Migration in Europe: Human Rights Implications. Issue Paper. Strasbourg: Council of Europe, Commissioner for Human Rights.
- Huysmans J. 2008. The jargon of exception—on Schmitt, Agamben and the absence of political society. *International Political Sociology* 2(2): 165–183.
- Ingebritsen C, Neumann I, Gstöhl S, Beyer J (eds). 2006. Small States in International Relations. University of Washington Press: Seattle.
- Jesuit Refugee Services. 2006. Asylum in Malta: What You Should Know. JRS Malta: Malta.
- Jesuit Refugee Services – Europe. 2010. Becoming Vulnerable in Detention. JRS Europe: Brussels.
- Karyotis G. 2007. European migration policy in the aftermath of September 11. *Innovation: The European Journal of Social Sciences* 20(1): 1–17.
- Keohane RO. 1969. Lilliputians' dilemmas: small states in international politics. *International Organization* 23(2): 291–310.
- Koser K. 2001. The Return and Reintegration of Rejected Asylum Seekers and Irregular Migrants. IOM Migration Research Series. International Organization for Migration: Geneva.
- Koser K, Walsh M, Black R. 1998. Temporary protection and the assisted return of refugees from the European Union. *International Journal of Refugee Law* 10(3): 444–461.
- Lavenex S. 1999. Safe Third Countries: Extending the EU Asylum and Immigration Policies to Central

- and Eastern Europe. Central European University Press: New York.
- Lavenex S, Uçarer E (eds). 2002. Migration and the Externalities of European Integration. Lexington Books: Lanham, Md.
- Lutterbeck D. 2006. Policing migration in the Mediterranean. *Mediterranean Politics* 11(1): 59–82.
- Mainwaring C. 2008. On the edge of exclusion: the changing nature of migration in Cyprus and Malta. *The Cyprus Review* 20(2): 19–49.
- Mainwaring C. 2012. In the face of revolution: the Libyan civil war and migration politics in Southern Europe. In *The EU and Political Change in Neighbouring Regions: Lessons for EU's Interaction with the Southern Mediterranean*, Calleya S, Lutterbeck D, Wohlfield M, Grech O (eds). Mata University Press: Malta.
- Maltese Parliamentary Question. 2009. Detention Centres – spiza totali. Legislature XI: no. 6969, 11 March.
- Mattern JB. 2005. Why 'soft power' isn't so soft: representational force and the sociolinguistic construction of attraction in world politics. *Millennium – Journal of International Studies* 33(3): 583–612.
- Médecins Sans Frontières. 2009. "Not Criminals": Médecins Sans Frontières Exposes Conditions for Undocumented Migrants and Asylum Seekers in Maltese Detention Centres. April.
- National Statistics Office. 2006. World Refugee Day News Release 2006. National Statistics Office: Malta.
- National Statistics Office. 2009. Departing Tourists: December 2008. Information Society and Tourism Unit, National Statistics Office: Malta.
- National Statistics Office. 2010. World Refugee Day 2010. National Statistics Office: Malta.
- Nye JS. 1990. Soft power. *Foreign Policy* 80: 153–171.
- Nye JS. 2004. *Soft Power: The Means to Success in World Politics*. Public Affairs: Cambridge, MA.
- Oxfam. 2005. *Foreign Territory: The Internationalisation of EU Asylum Policy*. Oxfam: Oxford.
- Pisani M, Giustiniani A (eds). 2009. Programmes and Strategies in Malta Fostering Assisted Return to and Re-Integration in Third Countries. European Migration Network.
- Quadro Group. 2009. Cyprus, Greece, Italy and Malta Paper. January.
- Sammut C. 2007. The ambiguous borderline between human rights and national security: the journalist's dilemma in the reporting of irregular immigrants in Malta. *Global Media Journal: Mediterranean Edition* 2(1): 1–9.
- Story B. 2005. Politics as Usual: the Criminalization of Asylum Seekers in the United States. *Working Paper* no. 26. Oxford: Refugee Studies Centres.
- United Nations. 2008. UN Experts Express Concern about Proposed EU Return Directive. *Press Release*, 18 July.
- United Nations High Commission for Refugees. 1999. UNHCR's Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers.
- United Nations High Commission for Refugees. 2004. *Asylum Levels and Trends in Industrialized Countries*.
- United Nations High Commission for Refugees. 2005. *Asylum Levels and Trends in Industrialized Countries*.
- United Nations High Commission for Refugees. 2006. *Asylum Levels and Trends in Industrialized Countries*.
- United Nations High Commission for Refugees. 2007. *Asylum Levels and Trends in Industrialized Countries*.
- United Nations High Commission for Refugees. 2008. *Asylum Levels and Trends in Industrialized Countries*.
- United Nations High Commission for Refugees. 2009. *Observations on Greece as a Country of Asylum*. Office for the United Nations High Commission for Refugees: Geneva.
- United Nations High Commission for Refugees. 2010. UNHCR Information Note on National Practice in the Application of Article 3(2) of the Dublin II Regulation in Particular in the Context of Intended Transfers to Greece. UNHCR: Brussels: 16 June.
- Webber F. 2000. Crimes of Arrival: Immigrants and Asylum-Seekers in the new Europe. *Statewatch*: London.
- Welch M, Schuster L. 2005. Detention of asylum seekers in the UK and USA. *Punishment & Society* 7(4): 397–417.