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## African Irregular Migrants in Malta: Exploring Perceptions and Renegotiating the Socio-Cultural Siege of Malta

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*This paper discusses the influx of African irregular migrants seeking asylum in Malta and how their arrival and growing presence in Malta is perceived by the Maltese. Since becoming an EU Member State in 2004 Malta has been overwhelmed by the number of irregular migrants arriving on its shores while en route to continental Europe. Due to its proximity to the North African coast-line Malta becomes a frequent, albeit unintentional, destination for African migrants who are rescued in Maltese waters and subsequently placed in a closed detention facility until their legal status is determined in a court of law. Although it is simultaneously the smallest and most densely populated country in Europe, Malta is obligated to abide by the 2003 Dublin II Regulation<sup>1</sup>, which places a disproportionately large burden on Malta—a small island nation with significant spatial and resource limitations. The international community's criticism of Malta's neglect and mismanagement of its humanitarian crisis, however, are not unwarranted. Social sanctums and domestic legal policies regarding how Malta's irregular migrant population should be perceived and handled remain diametrically opposed and socio-economic, cultural and racial tensions between irregular migrants and Maltese citizens run high. Based on fieldwork conducted in Malta in 2011, this paper examines the problem of irregular migration in Malta and how existing Maltese perceptions are shaping some of the domestic policies that have been internationally criticized.*

### **Irregular Migration in the Mediterranean**

There is an exhaustive body of literature that focuses on Mediterranean migration, both regular and irregular. This paper only examines those pertaining to the intersections of

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irregular African migration and Malta. Countries differ in their definitions of irregular migrants. In Malta, an irregular migrant is a person who

owing to unauthorized entry, breach of a condition of entry, or the expiry of his or her visa, lacks legal status in a transit or host country. The definition covers inter alia those persons who have entered a transit or host country lawfully, but have stayed for a longer period than authorized or subsequently taken up unauthorized employment (also called clandestine/undocumented migrant or migrant in an irregular situation). The term irregular is preferable to “illegal” because the latter carries a criminal connotation and is seen as denying migrants’ humanity” (IOM 2011).

The majority of people who find themselves in this situation in Malta arrived as “boat people” seeking some form of protection or asylum status. They arrive in small, poorly provisioned, rickety boats every year, usually during the summer months of May-August (Lutterbeck 2009; Thomas 2006). Over the past decade the EU has been fighting an uphill battle against irregular or illegal migration by heightening border controls particularly on its southern periphery (i.e.: Greece, Italy, Spain), a situation described by the international community as “Fortress Europe.” Fortress Europe refers to the process of strengthening and uniting Western Europe and has consequently led to the creation of a peripheral Europe... that define[s] a different center of geography and periphery” (Ribas-Mateos 2005: 285). New problems have emerged with the incorporation of Mediterranean island nations like Malta into the EU, which have been receiving boat arrivals of irregular migrants whose objective is to reach continental Europe. Many would argue that the increase of refugees and irregular migrants in Malta can be directly correlated to its entrance into the EU in 2004. The majority of scholars, however, treat this phenomenon as a product of the modern world, characterized by forced, voluntary, regular and irregular migrations due to war, famine, lack of economic opportunities—products of the social and economic disparities that distinguish the Global North from the Global South (Amore 2005; Bijak 2010; Hepner 2011; Lutterbeck 2009; Pugh 2001). It is widely agreed that while permitting unmitigated migration flows is highly undesirable, the “Fortress Europe” model is both ineffective and unfair to nations on the periphery that receive the overwhelming majority of irregular migrants and this is reflected in recent changes in EU policy directives (European Commission Staff Working Paper 2011; JRS National Report Malta 2010).

Whereas the European Union is usually hailed as the most progressive international community with respect to developing and implementing human rights instruments, there is an absence of dedication to upholding the human rights of irregular migrants in detention where the laws of the country that they reside in are temporarily suspended or neglected (Bosworth 2011). The use of detention centers is ubiquitous throughout Europe; it is a highly reactive and often imprudent form of controlling immigrant populations is universal among EU Member States (Bosworth 2011; Cornelisse 2010; Neisser 2007; Schuster 2000; UNHCR 2009). Many have remonstrated Malta’s domestic policy of arbitrary detention, calling attention to the human rights violations and harsh socio-cultural environment facing irregular migrants (Amore 2005; Cameron 2009; Cholewinski 2005; Debono 2011; Gauci 2006; JRS National Report Malta 2010; Mintoff and Scicluna 2005; Schockaert and De Molla 2009; Texeira 2006; Vasallo 2005). These reports, however, objectify migrants as a uniform group of people caught in the cross-fire of international immigration policy debates. While these reports capture the essence of the European political climate and the

legal debates regarding irregular migration, the diversity of human experience is largely absent. Moreover, there is a relative dearth of anthropological studies of migrants in detention centers due in large part to the inaccessibility of the detention centers (Bosworth 2011).

To avoid portraying the Maltese as a people uniformly hardened to the plight of irregular migrants, refugees and asylum seekers, it should be said that there are a multiplicity of factors that frustrate the recognition of irregular migrants' human rights. The actions and effectiveness of transnational human rights institutions are dictated by the conflicting interests of donors, public altruism, local, national and international political agendas, socio-cultural and economic realities and, as a result, administrative decisions are made for reasons that may have nothing to do with the promotion or safeguarding of human rights (Cowan, Dembour and Wilson 2001; Farmer 2005; Goodale 2007). An exploration of Malta's geography, history and culture helps, however, to illuminate both the reasons why irregular migration presents a serious problem for Malta and the areas where there is a greater potential for mediation and the development of durable solutions. Given the time constraints for conducting the research, this inquiry focuses almost exclusively on Maltese perceptions of irregular migrants and the circumstances of closed and open detention facilities that have warranted international criticism. This paper strives to place this international scrutiny within the context of local Maltese culture, values and daily concerns. Furthermore, it highlights some of the discrepancies in domestic laws that continue to undermine the human rights of detained irregular migrants, a situation that exacerbates rather than assuages Malta's "problem of irregular migration."

### **Methodology**

I conducted my field research in Malta in July 2011 at two open detention centers: the Marsa Open Center and Hal Far Tent Village. The majority of my sources came from my interactions with local Maltese residents outside of the detention centers: interviews with government representatives, volunteering and conducting interviews with staff members of the Maltese student grassroots organization Get Up Stand Up!, talking with local vendors, store owners, restaurant and hotel staff, taxi drivers, conducting interviews with two Maltese students studying Anthropology at the Mediterranean Institute at the University of Malta, and via a short home stay with a Maltese family whose daughter had studied abroad at my home university, The University of Tennessee, Knoxville.

### **Summary and Conclusions**

Malta is under a lot of fire to reform its domestic policies. After a 2009 assessment of Malta's closed detention centers and other domestic policies—with the consent and cooperation of the Maltese government—the United Nations High Commissioner for Refugees' (UNHCR 2009) Working Group on Arbitrary Detention issued a disconcerting 2011 follow-up report of Malta's humanitarian crisis, indicating that the situation remains largely unchanged and irregular migrants are still victims of policies and living conditions that are in violation of International Human Rights Law. Irregular or illegal migration is a sensitive topic in general, but it is a particularly difficult subject to broach in Malta, especially when it is framed from a human rights perspective. Most of the locals I talked to (shop owners, restaurant and hotel staff, taxi drivers, people waiting at the bus stops) were interested in my studies and appeared sympathetic to the plight of refugees in general, but a shift in the conversation to something closer to home—African irregular migrants and refugees in Malta—evoked a different set of responses where the situation is not perceived as a humanitarian crisis that

requires an outpouring of local benevolence and aid. Amnesty International's 2011 Annual Report Malta is equally discouraging. General Maltese attitudes toward irregular migrants remain detached and defensive and the government remains committed to lobbying for more "burden sharing" on the EU's behalf. In April 2011 an amendment to EU Council Directive 109/ 2003 was passed, extending more rights and, eventually, more mobility to irregular migrants. Malta was the only Member State to oppose the directive, which suggests discrepancies in understandings regarding the meaning of "burden sharing." Malta's recent legacy of controversial domestic policies, (mis)treatment of irregular migrants and apparent disregard for International Human Rights Law is an anomaly in its relatively unsoiled human rights record. It is here that I rely on the work of Dr. Daniela Debono who places the ill-reception of irregular migrants by the Maltese within the context of Maltese identity, family dynamics and familial values.

The abundance of negative media attention has served the dual purpose of highlighting human rights violations in Malta as well as overshadowing the positive initiatives that are being taken by Maltese citizens. Becoming more proactive rests in focusing on the latter category, drawing more attention to the positive community efforts currently underway to develop cross-cultural dialogue and support systems for irregular migrants. Local organizations such as Get Up Stand Up!, the Jesuit Refugee Service, and the John XXIII Peace Lab Malta have made significant attempts to rectify the shortcomings of domestic policies and continue working to create public forums for intercultural interactions and discussions aimed at promoting peace, goodwill and tolerance. The 'problem' of irregular migration needs to be staged in a different political light that challenges Malta's domestic policies of social and cultural exclusion in order to begin reflecting the realities of twenty-first century migratory flows. Changes in governmental policy are desperately needed, but that is only part of the solution. Concerted efforts by local Maltese communities, international and non-governmental organizations are paramount to ensuring that the need for these changes resonates with Maltese citizens.

I argue that recasting the influx of asylum seekers into Malta as part of an unremitting global phenomenon, rather than a temporary crisis is a critical first step. Time and energy must be committed to promoting and/or implementing policies that proactively address the realities of the forces of global migration, rather than using this phenomenon as an excuse to continue not upholding international human rights legislation. Working to change attitudes and perspectives as well as investing in the community resources already at the nation's disposal will help to diffuse social tensions and develop the necessary infrastructure to bridge the socio-cultural and economic divides between migrant and Maltese communities.

### **Brief History of Malta**

An examination of Malta's history and culture helps to explain why Malta has been slow to develop policies that expedite the processing of asylum applications and help to integrate persons, primarily of African or Middle Eastern descent, who have been granted some form of asylum status<sup>2</sup>. Malta has a very long history of multiple invasions and sieges and this is strongly imprinted upon the social memory. By virtue of its location, and highly coveted natural Grand Harbor Malta attracted the special attention of many world leaders over the centuries. Saint Paul came to Malta in 60AD and converted the population to Christianity. At this time Malta was under the rule of the Byzantium Empire until it was captured by the Arabs in 870AD and the pervasiveness of Arab influence is best evidenced in the basic structure of the Maltese language. History reflects a centuries long battle between the

Christian and Muslim faiths. The islands were “predominantly Muslim throughout most of the Arab period[;]” it was not until the second Norman Conquest in 1127 AD that “a permanent Christian government was set up and a small Christian community started to grow” (Miller 2007: 25). After the expulsion of the Arabs in the 13<sup>th</sup> Century, Malta was occupied by many different groups including but not limited to the Swabians, Angevins, Aragonese, Castilians, and Hapsburgs among others. The next major event was the 1565 Great Siege of Malta where the Knights of the Order of Saint John defeated the invading Turks. Over the last few centuries Malta has been influenced by several European nations, most notably the French and the British. Napoleon invaded in 1798 and implemented a new government. The British arrived in the 19<sup>th</sup> century and ruled for approximately one hundred and eighty years. It was not until after the Second World War that Malta became internally self-governed island with its own official language. Malta became an independent nation from Britain in 1964 and the British formally concluded their use of Malta as a military base in 1979. Malta joined the European Union in May 2004. From the time of its inception, Malta has been attacked and invaded by a multiplicity of cultures; there have been many different types of governments, different types of occupation and partnerships. The one thing the Maltese seem to have consistently defended and maintained is their religion: Roman Catholicism. Today, Malta is

firmly and confidently set in the 21<sup>st</sup> Century as an industrious, peace-loving, forward thinking, Western oriented little state whose past historical aspirations often shrouded in courage, heart-break and misery, await continuing vindication in the progress, stability and peace of the European environment (51).

The Maltese are very protective of their independence and reputation as a self-sufficient, peaceful, neutral, Roman Catholic nation with free health care and education and no military alliances. It is a beautiful country and relies heavily on its tourism-driven economy. As noted in a 2011 issue of the Journal of the Institute of Tourism:

[D]iscussions of culture, sustainability, and sensibility that normally take place in a Maltese context are not really about culture or sustainability or sensibility at all, but rather the localised orthodox understanding conventionally given to those terms. It becomes immediately apparent to those conversant with the global dialogues occurring in such discourses that Maltese discussions are concerned with supporting both the hegemonic logics embedded within Maltese society as well as the accepted patterns of behaviour associated with them rather than having a rigorous discussion of the terms in accordance with more widely accepted and critical discursive parameters (Gretch 2011: 26).

With respect to Malta’s recent entrance into the European Union and the ensuing changes in foreign policy, John A. Schembri, Coordinator of the Mediterranean Institute at the University of Malta states, “. . . we promise to mediate dialogue between two cultures when we are only interested in one. Despite all our declarations in good faith about our diverse Mediterranean elements that make us Maltese, our aspirations remain European, our models come from Brussels, we all look up north.” (Schembri 2004, cited in Amore 2005: 24). It comes as no surprise, then, that the sporadic arrival of large, heterogeneous groups of migrants, with no documentation of their nationality, legal status, financial means, or health history, who speak multiple languages, practice different religions, and arrive with no means to go elsewhere are perceived as a threat.

Tensions portraying Arabs as the traditional enemies of the Maltese and fears of cultural subjugation are part and parcel of 21<sup>st</sup> Century Maltese society. While “[t]his phenomenon has to be viewed against a southern European backdrop featuring periods of Arab domination . . . and long periods of European colonization marked by Christian wars against the Saracen other,” it continues to justify Malta’s extremely negative perception of Arab and African migrants and why these views, often exacerbated by the media, continue to go unaddressed (Borg and Mayo 2007: 179). Irregular migration does pose a potential threat to Malta’s national security, economy and culture. As a welfare state, it is wedded to prioritizing the needs of its Maltese citizens. While basic provisions are given to migrants, they are not the priority and this is inherently problematic when considering the provisions needed to establish adequate living facilities, healthcare, education and the provisioning for potential integration into Maltese society. Over the past decade Malta has received a lot of negative media attention for its treatment of irregular migrants and blatant violation of their human rights, much of which is well-founded, and has often painted a picture of the Maltese as uncaring. This is reminiscent of the first conversation I ever had with a Maltese local, a taxi driver. He made a point of telling me that it was the Maltese, not the African irregular migrants, who were being displaced; the Africans had not been displaced because they *chose* to leave Africa. He said, “the African men have nothing better to do than lift weights and get strong all day and this scares the nice Maltese men like me who are not big and strong and would never hurt anybody.” He continued to talk about how small Malta is and said, “Malta is a safe place, but it is a small island and it does not need any more crowded boats of Africans arriving to disturb the peace.” He advised that I not go to any of the detention centers because they were “dangerous places.” When asked if he thought if any of these people had a just cause for being granted international protection he said, “Sure, not all of them are bad people and some do need protection, but not in Malta. Malta is too small a country and all of the people that arrive on boats should be sent back to Africa. What else can our little country do?”

Hitchhiking in Malta is socially acceptable, encouraged and safe and it played an important role in my research because this is how I met many of my informants—an eclectic group of Maltese nationals, tourists, foreign workers and Maltese ex-patriots<sup>3</sup> and it turned out being one of the most conducive, non-invasive forms of gathering information; in fact, I learned more about Maltese perceptions, modern culture and prejudices from the passenger seat than I did from conducting formal interviews. Most interviewed turned out to be either first or second generation foreign nationals who were apart of the post-1970s trend of return migration. Waves of returning emigrants began in the 1970s, contributing to the large present-day population of ex-patriots with multi-national and multi-cultural roots living in Malta. Foreign nationals are welcomed back into Maltese society. Their presence has been normalized to the extent that it is not uncommon to walk along old Gozitan streets and Maltese neighborhoods and see placards adorning household doorways proclaiming “God Bless Canada” or “God Bless Australia” in lieu of traditional sign posts that herald the family name or contain common phrases like “Sagra Familia.” According to a census conducted in 1995, most ex-patriots chose to return to Malta once its economy improved and most were either of retirement age or younger couples wanting to re-settle in their homeland and raise their children in Malta. Interestingly, their “return was not seen as a risk for [Maltese] future socio-economic prospects . . .” (Cauchi, cite in Amore 2005:7-8). All of the foreign nationals that I hitched rides with fell into the above two categories. One young man was a French national of Maltese decent who was visiting Malta and meeting some of his family for the first time, another was a first generation migrant

who self-identified as Australian-Maltese, another spent forty years living and working in Canada, but had recently returned to retire in Gozo with aspirations of opening up a Bagel Shop in the village of Nador<sup>4</sup>. These were the kinds of people that long characterized migration flows in Malta. It was not until the 1990s that Malta began experiencing an influx of irregular migrants. Even though the numbers of resettled ex-patriots far exceeds Malta's number of irregular migrants, only this latter group is problematized and perceived as a socio-cultural and economic threat. Nearly every person I interviewed expressed fears that irregular migrants would begin taking the jobs of Maltese nationals. According to Texiere who conducted research in Malta in 2006 for the Institute for Political Studies at Rennes these fears are unfounded: "Contrarily to a persistent myth, migrants are not taking the jobs of the nationals ... [and statistics indicate that] the unemployment rate has not changed significantly because of irregular migration" (Texiere 2006: 59). When I presented these statistics to another older couple I met they said, "Yes, well, people say that but nobody's really upset that they might lose their jobs. The Maltese are nice people and we don't want our country to become the depository of Africa's desperate people. We're a small country and there just isn't enough room for a Maltese community and an African community. You know? There's a history there ..."

Perhaps Malta's resistance and ill-reception of irregular migrants is not so much attributed to an inherent racism or discrimination of these people, as much of the press suggests, but rather due to their genuine concern for maintaining the cultural, political and economic integrity of their country. This overall negative perception, however, contributes to a stalemate in policy development and the "represent[ation] [of] people on the move as a dysfunctional problem for state security will create hostility and confrontation, not only towards the migrants, but towards the states of origin" (Pugh 2001: 4).

### **Sagra Familia and The Socio-Cultural Siege of Malta**

A recurrent theme I encountered in my conversations with local citizens was the fear of abandonment by the rest of the EU and a general fear of having a "restless, insulated African community in their backyard." In 2005 *The Sunday Times of Malta* featured an article entitled, "The Third Great Siege?" which stated the following: "Have we joined Europe to be invaded by Africa? People who deliberately and regularly place themselves at risk in international waters in sea crafts which are evidently unseaworthy should not expect any country to take the trouble and expense of 'rescuing' them from their self-inflicted plight" (Texiere 2006: 144). In some instances, these fears have materialized into everyday forms of discrimination, refusals of employment and admittance into clubs and, occasionally, acts of violence. For example, in 2006

a number of violent acts were committed against the Jesuit Refugee Service in Malta, which is the main non-governmental organization supporting African migrants in Malta. Several cars belonging to its staff were set on fire, and the car of the assistant director of the organization was burned. Moreover, the houses of two journalists who had written articles condemning racism were also attacked, although no one was injured (Lutterbeck 2009: 142).

Another theme is the overall lack of a sense of obligation for providing for non-citizens. Malta is "a welfare state on British lines with the government providing for the citizens, special needs as they arise from the cradle to the grave. Poverty in Malta is nonexistent



and street beggars are nowhere to be found. The welfare state is helped to a significant extent by the church and by the numerous voluntary charitable organizations on the islands whose contributions augment the official provision of social assistance” (Miller 2007: 51). The marriage of church and state has tremendously enabled Malta’s people to prosper and maintain a supportive, united community. Maltese culture is heavily influenced by the Catholic Church and basic ideas of care giving have their roots in traditional constructions of the family. The logical extension of this is that families ensure that familial successes and failures stay within the family and that the Maltese will always take care of their own, including the vulnerable or problematic groups of society [i.e.: people with disabilities, criminals, the homeless and/or substance abusers]. Further examination of the politics of Maltese family values and dynamics, what Daniela Debono terms the ‘logic of the family’, demonstrates how the Maltese justify their lack of a sense of humanitarian obligation to provide assistance to irregular migrants. DeBono explains why “upholding the human rights of irregular migrants is perceived in Malta as an act of charity,” driven by individual altruism and not a larger community sense of commitment to the safeguarding of human rights (Debono 2011: 156). The ‘logic of the family’ has important implications for how vulnerable people are to be treated and/ or self-contained, and family issues take priority over other social issues creating hierarchies of perceived obligation and deservingness. People who are not a part of the family do not kindle “the same responses of guilt or shame [and]... By not coming from within, immigrants do not even feature any wider sense of mutual obligation. If need be, they can be repelled” (Debono 2011: 160). The majority of the people I encountered did indeed reflect the attitudes and perception Debono describes. It is unfair, however, to say that such perceptions are universal, as my weekend home stay with Ylenia<sup>5</sup> and her family in Nassax demonstrates.

Ylenia, a graduate from the University of Malta, had studied abroad at my university, the University of Tennessee, and her family. Sunday afternoons are dedicated to spending time with the family which, in Ylenia’s case, included her parents, grandfather, and two sisters. Following a Sunday church service we all sat down for midday meal that Ylenia’s mom had prepared and I listened as Ylenia’s parents talked candidly about current events, politics and their views on the irregular migrant detention situation. They shared the same view expressed by the current Prime Minister, Lawrence Gonzi, in his 2009 address to the United Nations:

[T]he problem of illegal immigration is an international phenomenon driven by external factors which cannot always be prevented or mitigated by the countries affected by this problem. .. My government hopes that other countries would come forward to assist in alleviating the burden which Malta carries—a burden so acutely disproportionate to Malta’s population, land size and population density (Gonzi, cited in DeBono 2011: 151).

Ylenia’s family did not support more migrants coming into their country without some assurance that other EU Member States will come to their aid. They were, however, in agreement that sensitive policy changes were desperately needed to manage the situation more humanely. I do want to note that most of the people I encountered, with the exception of the staff and volunteers at Get Up Stand Up!, were not in favor of the government implementing integration programs or providing better facilities because they thought that this would only encourage more irregular migrants to come and reside permanently.

## International Scrutiny: Malta's Domestic Policies of Arbitrary Detention

Since it became a member of the European Union in 2004, Malta has been overwhelmed by the number of African refugees seeking asylum. They have been and continue to migrate out of Somalia, Ethiopia and Eritrea, as well as other war-torn countries including, but not limited to, the Ivory Coast, Mali, Nigeria and Sudan (Lutterbeck 2009: 123). Due to its location, Malta serves as a bridge<sup>6</sup> between Europe and North Africa and many refugees enter Maltese waters and are subsequently rescued and placed in Malta's detention centers. Frontex, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, announced in its 2<sup>nd</sup> Quarterly Report for 2011 that an estimated 41, 245 irregular migrants entered the European Union between April and June alone, 27, 503 of whom are estimated to have arrived by sea (FRAN Quarterly 2011: 37). The past decade was characterized by increasing numbers of boat arrivals with undocumented migrants with "502 people arriving in 2003, 1,822 in 2005, and 2,704 in 2008" (UNHCR 2011). Interestingly, only one boat arrived with 27 people in 2010, a brief interlude as the number of arrivals peaked once again in 2011; by June 1<sup>st</sup> Malta had already received over 1,500 people (ibid).

All EU nations have a system of detention for incoming undocumented migrants. It is an acceptable standard and logical security measure. International law dictates the treatment of undocumented migrants and provisions for the safeguarding of human rights, but leaves considerable room for nations to develop domestic policies pertaining to the processing of asylum applications and administration of services. Since 2002 Malta has entered into ongoing international debates regarding whose responsibility it is to care for these irregular migrants, dedicating more time and energy into justifying its partitioning of responsibility than to the development of infrastructures that would help to lessen the burden of sporadic boat arrivals.

Malta has done little to ensure that domestic laws and administrative policies cleanly comply with international human rights law, holding steadfast to the need for "burden sharing" in light of the nation's spatial and resource limitations. Malta's policy of arbitrary detention stipulates that all irregular migrants, irrespective of their age or petitions to apply for asylum, are placed in a closed detention center under either armed force or police supervision where they remain for an indefinite period of time, usually spanning anywhere from six to eighteen months, until their status is determined in a court of law (Debono 2011; Hammarberg 2011). All three of Malta's detention centers—Safi Barracks, Lyster Barracks and Ta'Kandja—are overcrowded breeding grounds for disease and discontent. In March of 2009 Médecins Sans Frontières (MSF)/ Doctors without Borders found the conditions to be so deplorable, rendering their efforts futile, that the organization temporarily suspended all activities (MSF 2009). In 2009, the Office of the United Nations High Commissioner for Human Rights (UNHCR)'s Working Group on Arbitrary Detention found Malta in outstanding violation of International Human Rights Law and issued a list of directives to guide Malta in improving its domestic policies. These directives continue to be ignored, human rights violations continue to be unaddressed and Malta's continued social and political deflection of responsibility toward managing its resident and incoming irregular migrant population has made it a recent pariah in the international human rights community (Debono 2011). No one is denying that Malta's situation is unfortunate. Truly, Malta is like a rock stuck in a hard place receiving more irregular migrants than they feel they can support and yet they are expected to provide for them all the same.

## Human Rights Violations in the Closed Detention Centers

Malta follows an administrative domestic policy of arbitrary detention. The fact that it is an *administrative* decision means that it is nowhere mandated by law and can be changed at any time. To date

[t]he most contentious element of Malta's migration policy, at least internally, has been the country's strict detention policy . . . . While in most if not all European countries the detention of undocumented immigrants has become increasingly common practice, Malta is the only EU country that practices a policy of systematic detention of *all* irregular immigrants setting foot on its soil, regardless of whether they are asylum seekers or not (Lutterbeck 2009: 133).

The practice of arbitrary detention is used fairly ubiquitously by EU Member States because it “seems to be an attractive policy option for national governments that wish to combat irregular migration and decrease the numbers of asylum applications, precisely because the perceived neutrality and naturalness of sovereignty's territorial reform has made it easy to marginalize the human interests that are actually affected by it” (Cornelisse 2010: 247). The practice itself is not problematic, providing that the grounds for detaining an individual, as a well as the conditions under which he or she is detained are in accordance with international law. This does not mean, however, that nations have their hands and feet tied by international laws. As a case study on detention centers and policies in Great Britain illustrates, international laws—particularly International Human Rights Law—can be almost seamlessly incorporated into national laws and policies. In Great Britain International Human Rights Law is interwoven and “implemented at the national level . . . via the Human Rights Act 1988 (HRA), in a seemingly ever-expanding body of criminal justice, immigration and asylum legislation, and in various pieces of case law . . . and is part of the 2001 Detention Center Rules that govern daily life in Immigration Removal Centers (IRCs)” (Bosworth 2011: 167). More importantly than incorporating international law locally, the United Kingdom has done so in such a way that it both complements Article 5 of The European Convention on Human Rights and eliminates the potential for ambiguity with respect to the treatment and recognition of the human rights of detainees. It stipulates that

Individuals should only be detained for a clear purpose, for a reasonable period of time and under acceptable conditions. They must be informed of the reason for their detention and their cases must be subject to regular (albeit administrative, internal and undisclosed) review (167-168).

Contrarily, Malta who has, among others, ratified the CCPR, CESC, CRC, CAT and CERD, appears to favor its national laws which, coincidentally, do “not contain provisions regarding the rights of illegally staying third country nationals held in detention” (JRS Malta 2009: 8). Malta violates human rights treaties by detaining individuals regardless of whether or not they are asylum seekers, by not establishing a reasonable timeframe for holding persons in detention and by not guaranteeing detainees' humane living conditions and access to adequate sanitation and health care (Hammarberg 2011; JRS Malta 2010; UNHCR: POLAS 2006; UNHCR 2009). While Malta is politically, socially and geographically disinclined to accommodate for a limitless number of irregular migrants, this does not excuse its disregard for the rights of all persons—citizens and non-citizens—protected under International Human Rights Law (UNHRC 2009; UNHR 2011). Unfortunately,

failure to honor international human rights instruments is commonplace. Detention centers in nearly every nation “are not only excised from many of the legal protections associated with due process, but also from the watchful gaze of the legal and scholarly communities” (Bosworth 2011: 165). It would therefore be foolish to assume that Malta is alone on a pedestal of shame. However, its lack of discretion regarding its human rights violations has attracted the spotlight of the international human rights community. Drawing upon reports published by local and international organizations who have either worked in or assessed the conditions of the detention centers, such as the Jesuit Refugee Service Malta, the UNHCR Working Group on Arbitrary Detention and Médecins Sans Frontières, I highlight the surfeit of human rights violations that have taken place in its three closed detention centers: Ta’Kandja, Safi Barracks and Lyster Barracks.

Médecins Sans Frontières, which began working in Malta in 2008, suspended all operations less than a year later as their ability to administer effective medical care was continuously sabotaged by the conditions of the detention facilities. Gabriele Santi, the MSF coordinator in Malta issued the following statement, “we felt it was impossible to offer adequate medical care under the circumstances ... We could not dispense medication to treat our patients or isolate patients with infectious diseases. Because of the appalling living conditions, migrants often required repeated consultations for the same complaints as symptoms persisted” (MSF 2009). It is additionally problematic that the detention centers are co-ed. As a result, women are subjected to physical harassment, rape and abuse. Another report issued by two employees of MSF cited that conditions in detention were so deplorable that many irregular migrants suffered more “psychological and physical health damage” from their time spent in detention than during their time spent malnourished and dehydrated on overcrowded makeshift rafts floating in the Mediterranean:

[C]onditions in detention centers showed overcrowding ... [and there were] very few functioning showers and toilet amenities. Shelter and nutrition were substandard. Basic care and hygiene measures for infectious diseases were insufficient or absent, this in the presence of outbreaks of chicken pox, gastro-enteritis and tuberculosis ... Deterioration of health status among detained people was documented, with 65 episodes of infectious diseases among 60 healthy people at arrival (Schockaert and De Molla 2009: 66).

The “LIBE Committee, which visited Malta’s detention centers in 2006, concluded in its mission report that the situation in Malta’s administrative detention centers is “unacceptable for a civilized country and untenable in Europe[,]” moreover the conditions “are worse than those of any other European country visited by the committee” (LIBE 2006; Lutterbeck 2009:134-135). In spite of it all, “Maltese authorities fail to respond to basic needs of people in detention centres and fail to bring significant change to the current health hazard” (Ibid). The salient move on MSF’s behalf to temporarily suspend activities in Malta brought Malta under the microscope of international scrutiny. It also, along with other scathing reports issued by the Jesuit Refugee Service branch in Malta, incited UNHCR to commission its Working Group on Arbitrary Detention to assess the situation. Following its mission to Malta in 2009, The Working Group concluded that

[t]he mandatory detention legal regime applied to unauthorized arrivals and asylum-seekers does not seem to be in line with international human rights law. Migrants in an irregular situation are subjected to mandatory detention without genuine and effective recourse to a court of law. The length of their detention has

not been clearly defined under law . . . . Consequently, the Working Group recommends that the Government: change its laws and policies on administrative detention of migrants in an irregular situation and asylum –seekers, so that detention is decided upon by a court of law on a case-by-case basis and pursuant to clearly and exhaustively defined criteria; rule out immigration detention of vulnerable groups of migrants; provide for automatic periodic review by a court of law on the necessity and legality of detention in all cases, as well as an effective remedy for detainees (UNHRC 2009).

Follow-up research and inspections have determined that little has been done to correct these grievances, all of which are in breach of Articles 11 and 12 of ICESCR. (Amnesty International 2011; Council of Europe 2011; Debono 2011; JRS Malta 2010).

### **False Assurance of Rights**

In addition to the human rights violations, primarily the substandard living conditions, irregular migrants cite being denied adequate information regarding the circumstances of their detention and their right to appeal, denied access to education, and special provisions are not made for vulnerable persons (i.e. women, children, or the mentally or physical impaired) in a timely manner (Amnesty International 2011; JRS Malta 2009; LIBE 2006). Upon arrival, migrants are notified of rights or handed documents in English, French or Arabic to achieve said purpose as they are being escorted to detention—languages that the vast majority of them do not fluently speak or understand. The reasons for the continuation of these violations are well articulated by JRS Malta, who point to the vague and sometimes double-binding policies written into Maltese national law. The following excerpts from JRS’s Civil Society Report on the Detention of Vulnerable Asylum Seekers and Irregular Migrants in the European Union (DEVAS), point to Malta’s reliance on national arbitrary laws that criminalize migrants who are perceived as a threat to national security.

For every law or provision that says migrants have a right to something, there is another law that does not hold the Maltese government accountable for providing or protecting these rights. For example:

In terms of Article 13(2) of the Refugees Act asylum seekers are entitled to receive state medical care and services,” but this is undermined by the qualifying statement that “the law makes no provision for undocumented migrants [to] access healthcare[,] there is only a non-legally binding ‘policy document’ establishing that all foreigners in detention are entitled to free state medical care and services [and] the law does not specify the scope of the health care to be provided and whether asylum seekers have the right to access health care under the same conditions as nationals under the public system or if they are covered under a specific scheme” (JRS Malta 2009: 7).

While there is a *non-legal* document declaring migrants the right to health care, there is no governmental legal obligation to ensure that health care is provided. Another striking example of Maltese arbitrary law involves the lack of determination for the length of time a person is detained: “Asylum seekers may be detained for a maximum of one year, but this time limit is not specifically stated in the law [and] there is no legal time limit on the detention of rejected asylum seekers and illegally staying third country nationals who do

not apply for asylum” (6). Regarding the right to appeal unlawful (or perceived unlawful) detention:

The court held that there is a national law authorizing detention which imposes no limit on the amount of time a person may spend in detention, such detention is lawful. According to the court, the scope of this remedy does not include an examination of whether there are other circumstances which make the detention unlawful, e.g. if the detention violates the individual’s fundamental human rights (7).

While a person has the right to appeal their detention, the court has already ruled such detention lawful and has no legal obligation to examine any further individual or extenuating circumstances, rendering an appeal futile. The court can rule in favor of releasing the detainee only to have the attorney general re-arrest the person based on an arbitrary charge of his or her choosing. To underscore this point, in one case, “the court ruled that detention was justified on the basis of national security stating the need to “avoid the flood of irregular people running around in Malta” (Ibid). All of this is assuming that a person appeals their detention at all. Indeed, appeals are rare as most detainees are not informed of their right to appeal (6). In Malta’s case, human rights of irregular migrants are not held in high esteem because they are viewed as criminals rather than asylum seekers and perceived as a threat to national security. Thus, they are housed in prison-model detention centers and are afforded unsubstantiated rights.

### **Open Detention Centers: Marsa and the Hal Far Tent Village**

As is the case in many countries, the ability for the majority of the refugees to depart from the country in which they filed their asylum claims and resettle elsewhere is at the sole discretion of the countries that are processing their applications for resettlement. UNHCR in Malta is the only organization that currently assists people with the resettlement process, which can, and often does, result in years of paperwork and waiting. At present, the Maltese government neither aids in the process of resettlement nor has an established program that helps people granted protection status to integrate into Maltese society (i.e.: providing formal language instruction or job skills training). If an individual is granted refugee status or subsidiary protection based on a genuine fear of persecution he or she cannot, by International Law, be deported. At this point, single men are sent to the Marsa Open Center, run by Malta’s Ministry of Family and Social Solidarity, while women, children, and families are sent to the Hal Far Tent Village. Unlike the closed detention centers, Marsa and Hal Far are both open and more accessible. There are several organizations that are working diligently to aid irregular migrants, petitioning for changes in political policies and endeavoring to facilitate more positive interactions between African migrants and the Maltese. I will here focus on two of them: JRS Malta and Get Up Stand UP! (GUSU).

The Jesuit Refugee Services Malta, backed by the EU and the Ministry of Education sponsors a “Strength in diversity (*Sahha fid-Diversita*) project [which] organizes visits to secondary schools in Malta and Gozo that host panel discussions, intercultural music sessions and provides open forums for refugees to share their personal experiences; “JRS Malta also published a booklet for school children ... entitled *Dinja Wahda, Ferhana* (One happy world) containing information about various areas and countries in the world” (Texiere 2006: 164). JRS Malta runs a Peace Lab aimed at promoting social justice and they have set up “a hostel for irregular migrants released from detention” (151). They are also actively

petitioning to change Malta's arbitrary policy of detention, drawing particular attention to the misinformation or lack of information provided to irregular migrants explaining why they are put in detention as well as arguing for increased protection for vulnerable groups including women, children, disabled and sick persons. In their DEVAS 2010 report published by John XXIII Peace Lab Malta entitled, "The Treatment of Irregular Migrants in Malta," JRS Malta states:

the results indicate that this lack of information induces stress among detainees, many of whom feel that an injustice is being done, but are powerless to do anything about it. This is no doubt aggravated by the fact that detention follows a very long and difficult journey, which in itself places detainees in an even more vulnerable situation. For example, a detainee explained: *70 out of 78 people on the boat died on the journey, and the newspaper said that the government said that the remaining eight should be released immediately, but six of us are still in detention. Why are we in detention? How long will I stay?*" (Mintoff and Scieliuna 2010).

I had a difficult time getting in touch with JRS Malta. I have been told that since the car burnings they strive to avoid media attention. Although I was unable to meet with them, everyone that I talked to at the US Embassy in Malta, GUSU volunteers and other aid workers affirmed that JRS Malta was the singularly most effective organization in Malta in distributing aid and promoting multiculturalism, peace education and tolerance. I heard of Get Up Stand Up! and their English Lessons Project by way of a friend of a friend and was interested in learning more when the Public Affairs Officer from the U.S. Embassy in Malta expressed his avid support for this grass roots organization. GUSU advertises on its website that it is a "new voluntary organization started up by a group of Maltese students [in] late 2009. The organization was created to offer more channels for activism and volunteering in Malta." It was through one of their projects—the English Lessons Project—that I was fortunate enough to gain access to Marsa and Hal Far.

Marsa is located in one of the southernmost industrial inlets of Valetta's Grand Harbor. It was late afternoon and there were men from the open center lounging outside, some leaning against fences and a dilapidated building, others sitting alongside the stagnant water channel that serves as a natural boundary for one side of the open detention center. The center is dwarfed by industrial cranes and large red and blue containers used to transport imported and exported goods. Even though this is not a closed detention center, it looks and feels like a penitentiary and as I passed through the gated entrance I not only had to procure, but surrender my ID to an officer. I followed the girls with GUSU to the building where English lessons were held and, despite informing the facility that I would be there that day, I was told upon my arrival that I really should not be there and was allowed to stay on the condition that I remain in the classroom with the other English teachers. The camp was depressing and I learned from both the GUSU teachers as well as from an anthropology student at the University of Malta who had befriended many of the young men at Marsa that the facility had heightened its security in recent years and limited residents' ability to operate small businesses or host events. She said she was a social worker and had been offering counseling at the Marsa Center for about five years. Unaware that any of the open centers were providing psychological services of which there is a great need, I was eager to learn more. She seemed nervous and very irritated as I explained that I was not another journalist here to write a scathing report on camp conditions, but rather just a

student who was interested in Malta's watershed of refugees and detainees. As a result of all of this I got another affirmative, "No," "I cannot talk with you and I will not talk with you." Upon leaving, the teachers apologized for my harassment and complained about the management of the Marsa Center. Apparently, some of the management personages did not embrace GUSU's involvement at the center and were making it increasingly difficult for them to work there. On the car ride back, there was a heated discussion about the center's recent decision to deny volunteers access to the photocopier, which the English teachers needed to produce handouts for their students. The logic was that it simply was not cost effective for the center to provide this service, despite the volunteers' eagerness to provide the paper and the ink.

Hal Far is located in an isolated area past the airport, on the southeastern side of Malta. The Hal Far Tent Village is exactly as the title suggests. It is comprised of tents, metal containers and had one washing facility with a single spigot for obtaining clean water. I was shocked by how small it was. The open land surrounding the tent village at Hal Far could surely accommodate far more buildings, rather than the dozen or so metal containers and 45 tents that currently house approximately 600 refugees in cramped, unsanitary conditions<sup>7</sup>. I was invited into several homes where residents wanted to show me their living conditions. One of these containers had two rooms, a shared stove, and housed four families. In all of the homes I was invited into, there were more people than there were beds. Hal Far is an eyesore that stands out from every other community on Malta and Gozo and I wondered "why are people being housed in tents and containers—materials obviously donated or imported from elsewhere—instead of in small buildings constructed out of limestone which is the abundant, cheap and ubiquitous building material used in the Maltese Archipelago?" It seemed to highlight Malta's perception of the refugees as a "temporary crisis." When I asked people about it, they frequently responded that the building of any permanent housing structures is undesirable because it would only invite more people to stay.

I was able to accompany the GUSU volunteers to the center three times and was afforded an opportunity to talk with residents and, to my surprise, teach English. On my second visit I was approached by a young man carrying a pad of paper and a pencil. "I'm not actually an English teacher" I said. "I'm just here to visit". "Yes" he said. He nodded, sat down beside me, opened up his pad of paper and then looked at me expectantly. So for the next two hours I did my best to conduct an English lesson. It was an illuminating, challenging and rewarding experience and it certainly enhanced my appreciation for the work the GUSU volunteers do. My experience with Get Up Stand Up! was both positive and encouraging. The volunteers were passionate and dedicated and had a small, but active presence in both of the open detention centers. Apart from observing GUSU's English Lessons Project and the services they were providing to the open centers' residents, I also observed that it was limited. For example, they had a single box of teaching materials for their students at Hal Far. GUSU, like other small non-governmental organizations, is not given the financial or other material support that would help to augment the services they are providing. While in both centers I observed multiple residents complain angrily to the GUSU volunteers about their struggles to find a job, their frustrations with the length of time they spent in detention, their lack of information about the resettlement process and their struggles with racial discrimination—things that lie outside of GUSU's scope of influence. Despite misplaced criticisms, GUSU volunteers remain committed to their work and do much with very little. Many of the residents I spoke with were angry about



the ill-treatment they had received in closed detention and the squalid conditions of open centers. Winston Churchill is noted for the famous axiom: “the way societies treat those who have been deprived of their liberty is a litmus test of commitment to human rights” (Bosworth 2011: 178). While Maltese’ concerns about irregular migration are well founded, their response is not assuaging the issue. One need only look at history to know that the oppression and poor treatment of people fosters discontent and, sometimes, violence.

### Looking Forward

The situation in Malta is a microcosm of the global-local nexus of mass movements—removals, displacements and migrations—of people and human rights. As migration flows are unlikely to abate, “the human rights of migrants may serve as important legal tools and valuable discursive principles, which can help us to understand and discuss justice in a manner where the principles at stake are not defined with reference to accidental lines drawn on the surface of the earth, but instead with regard to people’s real, lived experiences” (Cornelisse 2011: 119). Malta, as a small country guaranteed to play an important role in the lives of many future migrants, is well situated to take the lead in developing progressive policies. There are over 7 billion people in the world and that number is only going to increase and will, naturally, increase at a faster rate in the less developed countries of the world—a conspicuously large number of which are in Africa. As population pressure increases, the prevalence of poverty, war and crusades to lay claim to resources also increases (Redeker-Hepner 2011). An expected byproduct of this is that more people will be crowding onto boats headed for the European continent; a substantial number of them will land in Malta.

The recent events that have shaken the Middle East, North Africa, Southern Europe and the Mediterranean certainly did little to assuage these fears. The Arab Spring, which refers to the political turnovers, civil wars, insurrections and counter-insurrections in Libya, Tunisia, Egypt and Bahrain that began snowballing in January 2011, has intensified the rate at which people are fleeing into refugee camps, getting on boats and planes, or hiring traffickers to help them and their families to cross international borders. Again, Malta is victim to an unfortunate geographic location that situates it due north of these countries in turmoil and will continue to get caught in the “cross-fire” as irregular migrants and asylum seekers look north to resettle and escape the turbulence of their home countries. Following his visit to Malta in March, Thomas Hammarberg, the present Commissioner for Human Rights of the Council of Europe, “the current uncertainty regarding the armed conflict in Libya and its possible impact on migration should not delay these efforts, but act as a catalyst for undertaking them and putting the values and standards of the Council of Europe into practice” (Hammarberg 2011). It will be interesting to see how Malta responds in the years to come.

On April 11, 2011 the EU made an amendment to its Council Directive 2003/109/EC<sup>8</sup> concerning the long-term residence of third country nationals to the mutual benefit of the Maltese as well as persons who have been granted some form of protection status. It states: “refugees and beneficiaries of subsidiary protection will be able to acquire long-term resident status on a similar basis as other third-country nationals legally living in the EU for more than five years” (EC 2011). While the UK, Ireland and Denmark will not take part, this directive applies to all other EU member states, opening the door for burden sharing as most of these people will elect to leave Malta as soon as their five-year residency

period is over. It also provides specific guidelines for how the five year term is to be fairly calculated considering the vast disparities between individuals who spent six versus those who spent eighteen months in detention:

The basic rule is that at least half of the period between the date on which the application for international protection was lodged and the date on which it is granted should be taken into account [and] in exceptional cases where the asylum procedure takes more than 18 months, the whole period should be taken into account (Ibid).

To be successful this Directive will require more monetary and material investments up front—spending more money on health care, education, language acquisition and job skills training. In theory, it is supposed to extend more rights to people granted protection status so that they improve their self-sufficiency while awaiting resettlement. Malta was the only EU member state to oppose the new directive, but that is perhaps more reflective of their fears of the future situation becoming far more overwhelming than of a lack of commitment to mediation and cooperation with the EU.

I recently attended a lecture by Dr. Catherine Besteman<sup>9</sup>, a professor of Anthropology at Colby College in Maine who spoke on the failures and achievements of the social and economic integration of a large community of Somali Bantus who, after fleeing years of war and unconscionable human rights violations in a region popularized in the media as the “graveyard of the world,” resettled in the United States in Lewiston, Maine. The migration of over 3,000 Somalis to a small, white, economically depressed community in rural Maine was neither welcomed nor wanted. The implementation of positive integration initiatives resulted in the Somali Bantus becoming productive members of that community and have since made significant economic contributions. Communities like these will continue cropping up all over the world as more and more people are displaced by war, famine, anthropogenic and environmental disasters. Besteman said that, “the idea that goods and capital will continue to travel freely across borders while people cannot is illogical”; likewise, “the idea that we can insulate ourselves and throw up walls and other barriers to keep people out is a fantasy.”

American anthropologist, Clifford Geertz, argued that the best contribution future anthropological studies can offer is the facilitation of “intelligible discourse between people quite different from one another in interest, outlook, wealth and power, and yet contained in a world where, tumbled as they are in endless connection, it is increasingly difficult to get out of each other’s way” (Geertz 1988: 63). It is untenable for Malta to continue treating its irregular migrants as a temporary crisis to be endured until more help arrives, rather than as a humanitarian issue that is entrenched in the global forces of voluntary, forced, legal and illegal migration (Cayella and Lutterbeck 2008). The Dublin II regulation has, undoubtedly, placed an unfair burden on Malta, but this can no longer be used as an excuse for the failure to develop the infrastructure needed to adequately address its resident irregular migrant population. Malta cannot change its geographic location, its size, or the resource and economic limitations implicated therein. It can, however, bring its domestic policies on arbitrary detention in line with International Human Rights Law and develop integration program for the individuals who have been granted international protection.

## Endnotes

1 The Dublin II refers to **EU Council Regulation 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” (Eur-Lex 2003). It requires all asylum seekers to file their asylum claims in the first EU Member State that they arrive in. For more information pertaining to how the Dublin II has been implemented since its ratification see Kok, Laura. 2006. “The Dublin II Regulation: A UNHCR Discussion Paper.” United Nations High Commissioner for Refugees.**

2 Malta grants two primary types of asylum: Refugee Status and Subsidiary Protection, defined in Malta’s Refugees Act of 2001. Malta, in accordance with the 1951 Geneva Convention, defines a Refugee as “a person who, owing to a well founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country (cite Geneva Convention). Individuals who do not meet the criteria for Refugee Status but do face a “serious and individual threat... by reason of indiscriminate violence in situations of international or internal armed conflict” are eligible for Subsidiary protection (see Council Directive 2004/83EC of 29 April 2004). Malta issues a third and final type of protection, Temporary Humanitarian Protection (THPN), for asylum applicants who do not qualify for either of the above statuses, but do have special circumstances that merit international protection, such as an unaccompanied minor who cannot be repatriated on either medical or other humanitarian grounds (IOM 2011).

3 Post-World War II, the dual strain of overpopulation and high unemployment prompted mass Maltese emigration. Some 140,000 Maltese emigrated to Australia, the UK, Canada and the United States in the period between 1945 and 1979. It has been reported that there are now more Maltese living in Australia than in Malta. (Amore 2005; Galea, Rawstorne and Waitt 2001).

4 Some villages on Malta’s sister island, Gozo, have larger communities of ex-patriots than others. Nador is particularly notable because it has entire streets—small communities—of ex-patriots with homes that fly both the flags of Canada or the United States next to the Maltese flag.

5 Her name has been changed to maintain confidentiality.

6 “The metaphor of Malta as a bridge between the northern and southern shoreline of the Mediterranean has found its concrete expression in the proactive role that the island has played and continues to play in promoting Mediterranean cooperation” (Mitchell cited in Featherstone and Kazamias 2001: 271).

7 I shared with one of my informants, a student at the University of Malta who was doing his undergraduate thesis on irregular migration in Malta, my shock at the small size of both Hal Far and Marsa Center. Even in light of Malta’s spatial limitations, the amount of land that has been set aside appeared to me to be both inconsequential and inadequate. In response, he scoffed and said that his own investigations into the matter revealed that Malta currently has 55,000 vacant properties.

8 “The directive is part of a package of six legislative proposals which EU member states have committed to adopt in order to establish a Common European Asylum System (CEAS) by 2012. The other proposals are: the Dublin and Eurodac Regulations, the Qualification, Reception Conditions and Procedures Directives.” The Directive grants more rights to third country nationals, specifically the right to free movement within the EU, and in particular the right to become a resident in another EU member [state] as well as, under certain conditions, equality of treatment with citizens of the EU member state in which they reside in a wide range of economic and social matters. These include education, access to the labour market and social security benefits. Thus the new rules constitute an instrument for better integration of beneficiaries of international protection that live in their host society for a long period of time (EC 2011). To read the EU Commission Staff Paper in full refer to: [http://ec.europa.eu/home-affairs/news/intro/docs/110720/1\\_EN\\_autre\\_document\\_travail\\_service\\_part1\\_v\\_5.pdf](http://ec.europa.eu/home-affairs/news/intro/docs/110720/1_EN_autre_document_travail_service_part1_v_5.pdf)

9 Catherine Besteman conducts research on issues concerning ethnic violence, racism, community development and engaged anthropology. She is noted for her work in both Somalia and South Africa and is the author and co-editor of several books including but not limited to *Transforming Cape Town* (2009), *Violence: A Reader* (2002), and *Unraveling Somalia: Race, Violence, and the Legacy of Slavery* (1999).

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### **About the Author**

**Hannah Durick** is an undergraduate in the Chancellor's and College Scholars Programs at the University of Tennessee. Her College Scholar's major combines anthropological research methods and perspectives with international studies of Peace, Conflict and Development. This article is a follow-up to the research she conducted in Malta last summer 2011 with a European Applied Anthropology Field School: Off the Beaten Track. While in Malta, her research centered on Maltese perceptions of African irregular migration to Malta, how these perceptions are shaping the reception and detainment of irregular migrants, and the human rights violations still occurring in Maltese Closed Detention Centers.

### **About the Advisor**

**Dr. Tricia Redeker-Hepner** received her B.A. in Anthropology from Barnard College in 1996 and her M.A. and Ph.D. in Anthropology from Michigan State University in 2000 and 2004, respectively. She is an Associate Professor at the University of Tennessee, where she has taught since 2006. Her research interests include political and legal anthropology, African diasporas, forced migration, human rights, and transnationalism. In 2009, she also received a Certificate in Forced Migration and Refugee Issues from the Centre for Refugee Studies at York University in Toronto, Canada.