

## Belize Immigration Detention Profile

Profile Updated: January 2016

Belize hosts migrants and asylum seekers from various neighbouring Central American countries, most of whom seek to reach the United States.[1] The country's small population of immigration detainees mainly come from [El Salvador](#), [Honduras](#), and [Guatemala](#). However, there have been cases of foreign nationals from as far away as Somalia, [Bangladesh](#), and India being arrested and placed in immigration detention.

Belize's immigration detention practices contrast with the policies of neighbouring countries in key ways.[2] In particular, the country provides criminal sanctions for immigration-related infractions and appears to be the only nation in Central America that does not have a dedicated administrative immigration detention facility.

### Detention Policy

Belize has several laws that are relevant to the treatment of foreign nationals, including the Refugee Act, the Immigration Act, and the Aliens Act.[3]

Belize criminalizes various status-related infractions. Under the [2010 Immigration Act](#), any person who enters Belize other than at an approved entry point, disembarks without the consent of an immigration officer, or fails to present him or herself to an immigration officer upon arrival can be charged with an offence (article 24). In this way, Belize's Immigration Act resembles that of [Malta](#), with which Belize shares British colonial heritage. In addition, the Belize Immigration Act and [Malta's 1970 Immigration Act](#) employ the concept of "prohibited immigrant." In contrast, [Panama](#) decriminalized status-related violations in 2008 when it overhauled its immigration legislation.

The law provides numerous migration and non-migration-related grounds for classifying a person as a "prohibited immigrant," including lack of sufficient means of subsistence, having a mental disability or communicable disease, being a stowaway, being a prostitute or homosexual, having a previous criminal conviction, non-compliance with the conditions of a permit, revocation or expiry of a permit, or entering, leaving, or remaining in the country in contravention of a provision of the Immigration Act (articles 5(1), 9(4), 13(3)).

Immigration officers can request a court order for the removal of a prohibited immigrant and detain the person until removal is possible (*Immigration Act* article 30). Any person who is considered "prohibited" and who disembarks without previously obtaining a permit can be charged with an offence (article 34(2)). This offence is punishable by a fine of up to 5,000 Belize dollars (roughly 2,500 USD) and/or imprisonment for up to two years.

Article 28 stipulates that anyone detained, restricted, or arrested as a prohibited immigrant must be informed of the grounds for their detention and must be provided with the right to appeal to a summary jurisdiction court. A notice of appeal must be

handed to the court and immigration officer within seven days of the appeal being made (Immigration Act, article 28(3)-(4)).

Immigration detention is also set forth in the [2000 Aliens Act](#). Articles 3(1)-(2) provide for the arrest and expulsion of non-citizens who can be detained in custody prior to their deportation “in such manner and place as the Minister shall direct.” If they have not been deported from Belize within one month they should be released from custody as soon as is possible.

Appeals must be made in writing to the Supreme Court within three days of receipt of an expulsion order. Every person detained in custody under an expulsion order must be given the opportunity to appeal and steps to enforce the expulsion order must be suspended once intention to appeal has been made (Aliens Act, article 9 (a)-(d)).

In practice, apprehended migrants are reportedly held in administrative detention for 3-6 months if they cannot pay the fine. However, “extraregional” migrants tend to be detained for longer periods, often because of complications related to carrying out deportation flights to countries of origin.[\[4\]](#)

In 2014 the [UN Committee on Migrant Workers](#) addressed the criminalization and detention of migrant workers in Belize. The Committee was particularly concerned about the treatment of undocumented migrants as criminal offenders. It advised Belize that irregular entrance into a country and expiration of a permit should be administrative infractions and not criminal offences. It urged the country to remove from its legislation provisions that make irregular immigration status a criminal offence, take measures to ensure that the administrative detention of migrant workers and members of their families on the basis of their migration status be used only as an exceptional measure and only for the shortest time possible, and adopt and employ alternative measures to detention.[\[5\]](#)

## **Detention Infrastructure**

Belize is the only Central American country that does not have a dedicated immigration detention facility. Rather, migrants are detained in Her Majesty's Prison (the Belize Central Prison), which is located in Hattieville, some 25 kilometres outside the capital, Belize City. Article 30(4) of the Immigration Act provides, “An immigrant ordered to be removed may be placed on board a suitable vessel by any police officer or immigration officer, and may be lawfully detained in custody on board so long as the vessel is within the territorial waters of Belize.” Article 37 states that a “person detained in custody under this Act but not serving a sentence of imprisonment may be so detained either in Her Majesty's prison or in any place appointed for the purpose by the minister, but if detained in Her Majesty's prison he shall be treated as a person awaiting trial.”

The Kolbe Foundation, a Christian NGO, has operated the prison for many years. In June 2015, allegations arose about poor administration at the facility, bribes, and ill-treatment of detainees. One former prisoner claimed that these abuses appeared to be possible because of the autonomy that the Kolbe Foundation allegedly has with respect to relevant government agencies and oversight.[\[6\]](#)

Previously, in 2013, four former employees of the Kolbe Foundation denounced human rights abuses at the prison and were subsequently the target of a defamation lawsuit filed by the Kolbe Foundation.[7]

Some non-governmental sources report that immigration detainees are held in a separate section of the central prison and that women and men are segregated.[8] On the other hand, according to information reported by the [International Detention Coalition](#), immigration detainees are confined in the pre-trial section of the prison.[9] In 2014, the Committee on Migrant Workers expressed "particular concern" about "the detention, including indefinite detention, of migrant workers along with convicts under inhumane conditions and without basic assistance, including the possibility of seeking and establishing contact with lawyers and family relatives." The UN treaty body urged Belize to ensure that migrant workers and members of their families who are in detention have access to legal aid and consular services and are kept in humane conditions.[10]

Reports indicate that vulnerable groups like asylum seekers, victims of trafficking, and migrant children are not placed in immigration detention. Children are supposed to be placed in shelters managed by the Ministry of Human Development (Ministerio de Desarrollo Humano) while authorities organize removal procedures. Accompanied children are separated from their parents. While parents are detained in the Belize Central Prison, minors are kept in shelters.[11] However, according to the Committee on Migrant Workers, children under 18 years of age, including unaccompanied minors, have been placed in pre-deportation detention for committing infractions listed under the Immigration Act. The Committee recommended that Belize should never place children in detention on the basis of their or their parents' immigration status, urged the country to cease the detention and expulsion of migrant children on the basis of their migration status, and underscored that the best interest of the child and the principle of non-discrimination are primary considerations.[12]

There do not appear to be any official statistics available concerning immigration detention in Belize, however one civil society source told the GDP that the number of detainees appears to have decreased in recent years.[13] According to official statistics, some 170 foreign prisoners were incarcerated as of 9 January 2015 in the Belize Central Prison.[14] The reasons for their incarceration were not reported.

## Endnotes

[1] International Organization for Migration, Website: "Migration Trends: Belize," Undated, [http://costarica.iom.int/en/belize/migration\\_trends\\_in\\_the\\_mission/](http://costarica.iom.int/en/belize/migration_trends_in_the_mission/).

[2] Undisclosed source (NGO), Email exchange with Izabella Majcher (Global Detention Project), November 2015.

[3] ILO NATLEX Database, Belize, Migrant Workers, [http://www.ilo.org/dyn/natlex/natlex4.listResults?p\\_lang=en&p\\_country=BLZ&p\\_classification=17](http://www.ilo.org/dyn/natlex/natlex4.listResults?p_lang=en&p_country=BLZ&p_classification=17).

[4] Instituto de Estudios Políticos para América Latina y África and Médicos Sin Fronteras, *Información comparada sobre detención de solicitantes de asilo en Centroamérica y Caribe*, 2007, <http://www.gloobal.net/iepala/gloobal/fichas/ficha.php?entidad=Textos&id=4303&opcion=docum>

ento#ficha\_gloobal; and Undisclosed source (NGO), Email exchange with Izabella Majcher (Global Detention Project), November 2015.

[5] Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, *Concluding observations on Belize in the absence of a report*(CMW/C/BLZ/CO/1), 26 September 2014.

[6] Channel 7 Daily News, "Two Faces of Belize Central Prison," 5 June 2015. <http://www.7newsbelize.com/sstory.php?nid=32670>.

[7] Adele Ramos, "Belize Central Prison Coalition faces legal hurdles," *Amandala*, 22 November 2013, <http://amandala.com.bz/news/belize-central-prison-coalition-faces-legal-hurdles/>.

[8] Undisclosed source (NGO), Email exchange with Izabella Majcher (Global Detention Project), November 2015.

[9] International Detention Coalition (IDC), *INFORME REGIONAL DETENCIÓN MIGRATORIA Y ALTERNATIVAS A LA DETENCIÓN EN LAS AMÉRICAS*, October 2014.

[10] Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, *Concluding observations on Belize in the absence of a report*(CMW/C/BLZ/CO/1), 26 September 2014.

[11] Undisclosed source (NGO), Email exchange with Izabella Majcher (Global Detention Project), November 2015.

[12] Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, *Concluding observations on Belize in the absence of a report*(CMW/C/BLZ/CO/1), 26 September 2014.

[13] Undisclosed source (NGO), Email exchange with Izabella Majcher (Global Detention Project), November 2015.

[14] Institute for Criminal Policy Research/World Prison Brief, Website: "Belize," <http://www.prisonstudies.org/country/belize>.