



## Global Detention Project submission to the Committee on Migrant Workers

Geneva, 11 March 2015

### Honduras: List of Issues Prior to Reporting

#### List of issues prior to submission of the initial report of Honduras to be adopted at the 22 Session of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 13 – 24 Apr 2015

##### Part III of the Convention

##### Articles 16 and 17

1. Please provide information on detention of migrant workers and members of their families with corresponding provisions in the 2003 Migration Law (*Ley de Migración y Extranjería*) and 2004 Regulation (*Reglamento de la Ley de Migración y Extranjería*):

(a) What are the grounds provided in law, including immigration or criminal law, that allow the detention of migrants?

(b) Does the law provide for specific penalties or punitive sanctions—in addition to administrative detention—for violations related to unauthorized entry, exit, or stay in the country?

(c) Are migrants informed about the reasons for their detention upon arrest? Do they have access to legal counsel? Do they have right to appeal against detention order? Does a court review detention order?

(d) The maximum period of detention being 90 days, what is the average detention period in practice?

(e) Does Honduras provide alternatives to detention? If so, what kinds of alternatives are used?

(f) Are minors protected from immigration detention?

(g) How many migrants were detained in 2014, 2013, and 2012?

(h) In general, does Honduras maintain statistics on the numbers of people placed in immigration detention annually, the number of people in detention any given time, the number of people removed or deported annually, the average length of immigration detention, or the nationalities of detainees? If so, can it make these statistics available?

2. Noting that Honduras has two specialized immigration detention centres (*Centros de Atencion al Migrante Irregular*) in Tegucigalpa and Choluteca, please provide information on conditions of detention of migrant workers and members of their families:

- (a) What are the capacities of these centres?
- (b) Are women and men detained separately? Are families separated?
- (c) What institutions can visit these centres (Ombudsman, NGOs)? Do they regularly conduct visits?
- (d) Does Honduras make use of any additional facilities for the purposes of detaining foreign nationals for immigration-related reasons?

3. Reports indicate that in the past Honduran authorities collaborated with officials from other countries, namely the United States, to undertake multilateral anti-smuggling operations that led to the arrest of both suspected smugglers and undocumented migrants from third countries. These operations reportedly led to the detention of numerous third-country nationals, the costs of which were at least in part paid by U.S. officials.

- (a) Has Honduras recently or does it currently have any similar collaborative anti-smuggling arrangements in place with other countries targeting alleged smuggler in Honduras?
- (b) If so, have these operations led to the detention of third-country nationals?
- (c) Does the government receive money from any foreign government to detain and deport people from its territory?