

Belize Detention Profile

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With its rich cultural and ethnic history, Belize has traditionally been considered a country of immigrants. However, in recent decades the country has come under increasing migratory pressures. According to the International Organization for Migration, “In relative terms, Belize is the Central American country that has received the largest foreign population since 1983. In 2000, foreigners constituted 14.8 percent of the population” (IOM, website). Irregular migrants are detained in the country’s single prison, the Belize Central Prison, which is operated by a private non-profit group called the Kolbe Foundation. Observers have criticised the government for the deplorable conditions inside the prison, including overcrowding.

Detention Policy

The *Aliens Act* (2000), the *Immigration Law* (2000), and the *Deportation (British Subjects) Act* (2000) are the principle laws governing the arrest, detention, and deportation of irregular migrants in Belize. The *Immigration Law* contains provisions for the entry, residence, transit, and exit of migrants.

Grounds for detention. Immigrants can be detained on multiple grounds in Belize, including if they are deemed to be an unauthorized or “prohibited” immigrant; or if they are issued an expulsion order, an order of banishment, or a deportation order.

Prohibited immigrants. A person is deemed to be a “prohibited immigrant” under the Immigration Act if they are: (1) refused a visa to enter Belize; (2) likely to become dependent on public funds due to infirmity; (3) unaccompanied or dependent because of mental and/or physical handicap; (4) suffering from a communicable disease; (5) stowaways; or (6) if they enter, leave, or remain in Belize contrary to the *Immigration Act* (Section 5).

Section 26 of the *Immigration Act* grants power to immigration officers to remove prohibited immigrants from Belize. Removal can include: (1) ordering non-citizens to leave in the same vessel in which they arrived; (2) ordering them to leave within 60 days of entering Belize; or (3) by arresting and bringing the person before a magistrate’s court for the purpose of issuing a removal order.

Immigration officers can request a court order for the removal of a prohibited immigrant from the country, or detention of the person until removal is possible (*Immigration Act* Section 30). Section 37 of the *Immigration Act* states, “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.”

Order of Expulsion. Section two of the *Aliens Act* (2000) grants power to the minister to issue an expulsion order to “undesirable aliens,” which requires them to leave the country within a fixed time period and prohibits them from re-entering. According to Section 2(1), “undesirable aliens” include non-citizens who have been convicted in court of an offence that incurs a prison sentence; who have been certified by a magistrate to have disturbed the peace and good order of Belize; or if the minister deems that it is expedient for the welfare of Belize or for public safety.

Section 3(1) of the *Aliens Act* (2000) provides for the arrest and deportation 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 (Section 3(2)). Only the minister can consent to bail (Section 3(3)). Expulsion orders must be carried out “as soon as possible,” and are published in the *Gazette* and posted at police stations across the country (Section 5).

Order of Banishment. The minister can issue non-citizens considered to be a risk to public safety with an order to be banished from Belize. If the non-citizen fails to appear in accordance with a court summons, the minister may issue a warrant for any police officer to arrest and detain the non-citizen until brought before the minister (*Aliens Act* Sections 17-19). A person issued with an order of banishment found in Belize after the time fixed for his/her departure can be arrested without warrant by any police officer and is liable to a fine of up to \$500 and imprisonment for up to six months. If the non-citizen has still not left the country within this period the minister may issue a new order of banishment, a process which can be repeated for as long as is necessary (*Aliens Act* Section 20).

Deportation order. According to the *Deportation (British Subjects) Act* (2000), an immigrant British subject who is not a citizen of Belize can be issued with a deportation and security order by the minister if he/she is: convicted of a crime; an “undesirable” or “destitute” person; or a prohibited immigrant (Section 3, 5). A security order is accompanied by either a restriction or deportation order (Section 5). Deportation can either replace or follow the completion of a criminal sentence (Section 3).

A judge or court can order the detention of any convicted or “undesirable” non-citizen issued with a deportation, restriction, or security order for up to 28 days (Section 9). Section 11(3) provides for the detention of any person issued a deportation order, stating that he/she “may be placed on a ship, aircraft or other suitable conveyance about to leave Belize and shall be deemed to be in legal custody while so detained and until the ship, aircraft, or other suitable conveyance finally leaves Belize.” The person can be detained for a maximum period of 28 days, after which time the restriction or deportation order will cease to be valid (Section 11(5)).

Criminalisation. Sections 32-34 of the *Immigration Act* provides for the prosecution of anyone who has committed certain offence against the *Immigration Act*, including if he/she provides false or fabricated information and/or documents to immigration officers; is a prohibited immigrant and knowingly and wilfully lands contrary to the provisions of the *Immigration Act* or without a valid permit; fails to comply with the conditions of a valid permit; knowingly harbours a prohibited immigrant on his/her vessel or assists the person’s entry into the country; or employs a non-citizen who is not in possession of an employment permit. Where no specific penalty is indicated, such persons are liable to a fine of up to \$5,000 and/or imprisonment for up to two years (Section 34(3)).

The Senior Immigration Officer and the Director of Immigration and Nationality Services, or anyone authorised by them, have the power to prosecute under the *Immigration Act* (Section 42).

Anyone who brings an immigrant into Belize contrary to the entry requirements and provisions of the *Immigration Act*, is required, upon conviction, to pay the removal expenses of the immigrant from Belize (Section 35). Stowaways are liable to imprisonment for up to three months and any police officer may apprehend a stowaway without a warrant in order to bring him before a magistrate (Section 36).

The Kolbe Foundation, which operates the country’s prison, reports that 132 people were convicted and imprisoned at the Belize Central Prison for illegal entry to the country in 2009, making up 11.85 percent of all prisoners during that year. This shows a notable increase in convictions for illegal entry from the previous year, when only 32 people were convicted and imprisoned, comprising 2.87 percent of all prisoners during that year (Kolbe Foundation website c).

Access to appeal. Section 28 of the *Immigration Act* 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 (Section 28(3-4)).

An expulsion order may be appealed, according to Section 9(a) of the *Aliens Act*, only on grounds that a person is not an “alien.” 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 (Section 9 (a-d)).

Asylum Seekers. Asylum seekers are generally not detained in Belize. Section 10 of the *Refugees Act* (2000) states that a person or any member of his/her family shall be deemed not to have committed the offence of illegal entry under the *Immigration Act* if they apply for recognition as a refugee, until a decision is reached on the application and the appeal process has been exhausted, or if the person has been granted refugee status. Section 16 of this law grants power to the minister to order the detention or deportation of undesirable persons, including recognised refugees and protected persons, under the provisions of the *Aliens Act* or the *Deportation (British Subjects) Act*.

Detention Infrastructure

Belize does not have a dedicated migrant detention facility. Non-citizens detained based on their status are held in the Belize Central Prison (*Immigration Act* Section 30(4); Kolbe Foundation website), the country's sole prison, which falls under the authority of the Ministry of Home Affairs. Since 2002, the Kolbe Foundation—a private, non-profit organization largely made up of Rotarians and established in 2002 in response to government concerns about the mismanagement of the Belize prison—has managed the facility (Kolbe Foundation website a).

The prison is located in Hattieville, some 17 miles from Belize City and six miles from the Burrel Boom village. It is used to confine all persons in the country that are ordered to be incarcerated by a court, including males, females and youths (Kolbe Foundation website a, b). Criminal inmates are reportedly detained in separate sections from migrants (Rodriguez 2007).

The Kolbe Foundation harshly criticised conditions at the facility prior to its taking over management of it. The organisation's website states, "Buildings and cells were incomplete. There were no sewerage facilities, no potable water. 300 beds held 900 prisoners. Cells designed to hold two men had to house up to a dozen. When it rained, cells flooded. Many inmates slept without bedding on the wet floors. No kitchen or mess hall was available. Arrangements had not been made for proper disposal of garbage. There was no in-house hospital or clinic. No thought had been given to administrative offices or facilities for a Superintendent. These were only the most glaring of the problems that plagued the facility from day one. Some remain major problems ten years later" (Kolbe Foundation website a).

Observers continue to report deplorable conditions at the prison. In its 2009 human rights report, the U.S. State Department stated that conditions at the Belize Central Prison were poor and below international standards. The capacity of the prison was increased from 1,200 to 1,750 in February 2009, after the prison was found to be severely overcrowded. As of 1 December 2009 1,423 inmates were detained at the prison (U.S. Department of State 2010).

Facts & Figures

According to the Records and Processing Section of the Kolbe Foundation website, 132 people were convicted and imprisoned at the Belize Central Prison for illegal entry to the country in 2009, making up 11.85 percent of all prisoners during that year. This shows a notable increase in convictions for illegal entry from the previous year, when only 32 people were convicted and imprisoned, comprising 2.87 percent of all prisoners during that year (Kolbe Foundation website c).

Between 2001 and 2009, a total of 376 persons were deported from Belize after imprisonment at the Belize Central Prison, 190 of which were deported in 2009 (Kolbe Foundation website c). The majority of immigrants detained in the Belize Central Prison originate from Guatemala, Honduras and El Salvador (Kolbe Foundation website c).

At the end of 2009 there were 21 pending asylum applications in Belize (UNHCR 2009).

Belize Detention Profile

List of Detention Sites

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Name	Status (Year)	Location	Facility Type	Security	Authority	Management	Capacity	Reported Population on a Single Day	Demographics & Segregation
Belize Central Prison	In use (2010)	Hattieville	Prison	Secure	Ministry of Home Affairs	Kolbe Foundation	1750 (2010)	15 "illegals" of a total of 1,334 inmates (1 June 2008)	Adult males & females. Segregation of criminal detainees and administrative detainees (2007)

Sources

(This is only a partial list. More detailed information is available upon request.)

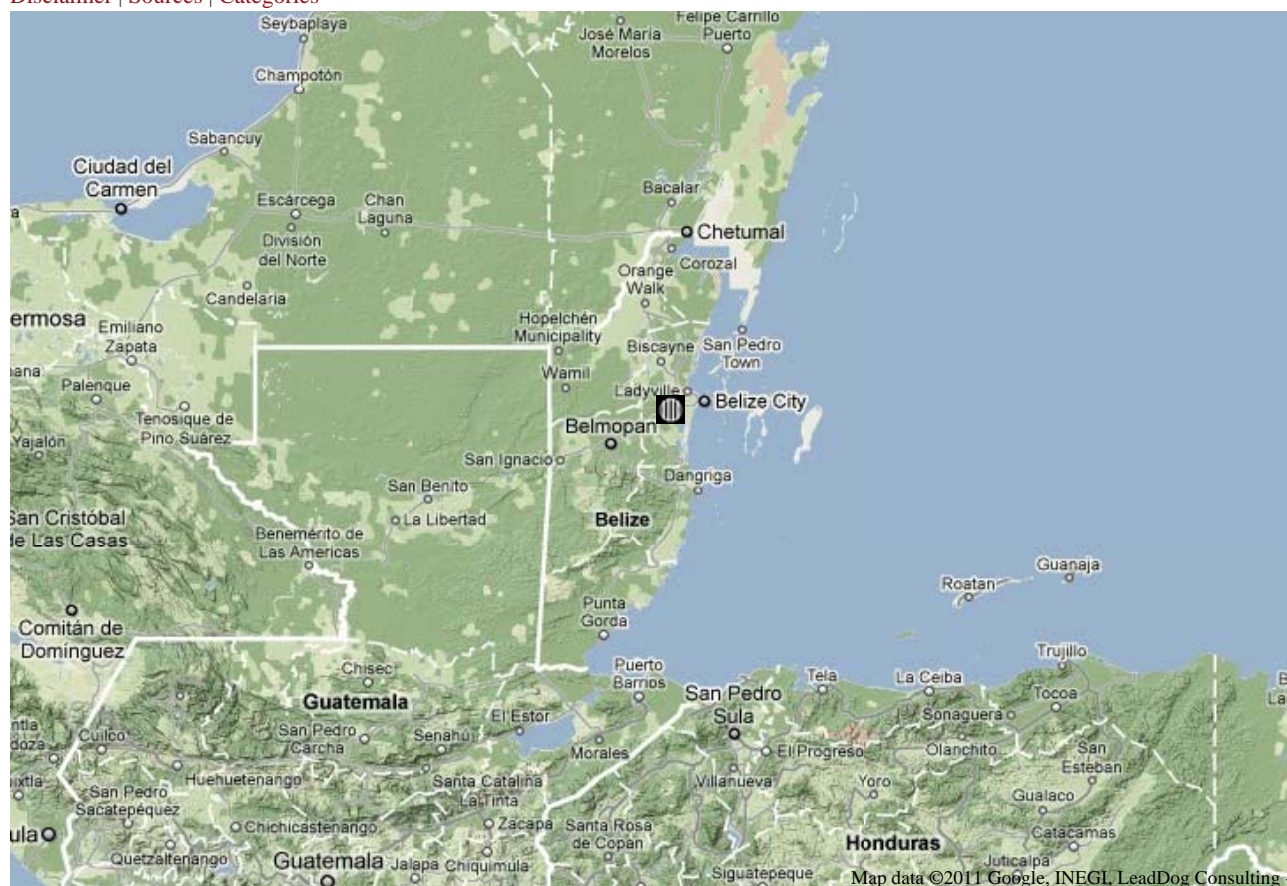
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- Kolbe Foundation. Website c. "Statistics." www.kolbe.bz/home/index.php?section=58 (accessed 26 July 2010).
- Rodriguez, Paul (Ombudsman of Belize). 2007. Interview by Michael Flynn (Global Detention Project). 8 January 2007. Global Detention Project. Geneva, Switzerland.

Belize Detention Profile

Map of "In Use" Detention Sites

For more detailed information, see the complete [List of Detention Sites](#).

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Country View

1. [Belize Central Prison](#)

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