

## DEVAS Project: Glossary of Terms

*Terms relevant to DEVAS project:*

### 1. Vulnerable<sup>1</sup>

- Something or someone that can be wounded, open to attack and criticism; a heightened state of sensitivity and susceptibility to danger and physical or emotional injury.
- Physically, mentally or socially disadvantaged persons who may be unable to meet their basic needs and may therefore require specific assistance.<sup>2</sup>
- Minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence.<sup>3</sup>
- Family members of refugees.<sup>4</sup>
- Single women, children, unaccompanied minors and those with special medical or psychological needs;<sup>5</sup> unaccompanied elderly persons, torture or trauma victims.<sup>6</sup>

### 2. Vulnerable condition<sup>7</sup>

- A state of vulnerability; a necessary or determining factor(s) that creates a state of vulnerability.

### 3. ‘Space’<sup>8</sup>

- The physical area in the detention centre within which the detainee lives out their daily life; encompasses sleeping quarters, recreational rooms, bathroom facilities, social quarters, exterior quarters, etc.

### 4. Physical condition<sup>9</sup>

- A necessary or determining factor(s) that leads to vulnerability in the physical integrity of a person.

### 5. Mental health condition<sup>10</sup>

<sup>1</sup> Pg. 15 of detainee questionnaire

<sup>2</sup> UNHCR (2006), *Master Glossary of Terms, Rev. 1*, pg. 23

<sup>3</sup> COUNCIL DIRECTIVE 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers, (Reception Conditions Directive), Art.17 (1)

<sup>4</sup> COUNCIL DIRECTIVE 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or persons who otherwise need international protection and the content of the protection granted, (Qualifications Directive), Whereas Clause 27

<sup>5</sup> UNHCR (February 1999), *Revised Guidelines on Applicable Criteria and Standards Relating to the Detention of Asylum Seekers*, pg. 1

<sup>6</sup> Ibid, pg. 8

<sup>7</sup> Pg. 15 of detainee questionnaire

<sup>8</sup> Ibid, pg. 2

<sup>9</sup> Ibid, pg. 7

<sup>10</sup> Ibid, pg. 8

- A necessary or determining factor(s) that leads to vulnerability in the mental integrity of the detainee.
6. The ‘outside world’<sup>11</sup>
    - Persons, organisations, bodies and representatives that are based outside of the detention centre, with whom the detainee maintains (or may maintain) contact.
  7. Physical health<sup>12</sup>
    - The particular state of welfare of a person’s physical integrity.
  8. Mental health<sup>13</sup>
    - The particular state of welfare of a person’s mental integrity.
  9. Integrity (physical or mental)
    - The completeness or wholeness of a person.

*Glossary from the 10 NMS report:*

10. (An) act
  - Any law which is a national law having been adopted by the competent national legislative authorities
11. Administrative detainee
  - A person who is deprived of personal liberty except as a result of conviction for a violation of law
12. Administrative detention
  - A situation of “deprivation of liberty”, not merely a “restriction upon liberty”; an administrative measure and not a measure of the penal system, although its use takes on characteristics of criminal incarceration. Thus it is neither pre-trial detention on remand nor imprisonment after a court trial.
13. Administrative detention centre
  - An administrative detention premise or an administrative detention facility exclusively for asylum seekers or persons who are at an external border of a EU Member State and who want to make an application for asylum at the border or illegally staying third-country nationals and where a large number of persons is accommodated.
14. Administrative detention facility
  - Consists of only buildings.
15. Administrative detention premise

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<sup>11</sup> Ibid, pg. 10

<sup>12</sup> Ibid, pg. 13

<sup>13</sup> Ibid, pg. 13

- Consists of buildings and surrounding outer space, for example, a garden, park, backyard
16. (To) amend a law
- Modify, change a law
17. Asylum applicant (or asylum seeker)
- A third-country national or a stateless person who has made an application for asylum in respect of which a final decision has not yet been taken.
18. Asylum procedure detention
- Detention during the asylum procedure; if the asylum procedure takes place at a border, asylum procedure detention is at the same time pre-admission detention; if the asylum procedure takes place on the territory, asylum procedure detention is at the same time inland detention.
19. Asylum seeker (or asylum applicant)
- A third-country national or a stateless person who has made an application for asylum in respect of which a final decision has not yet been taken.
20. (To) detain
- To deprive someone of his/her liberty except as a result of conviction for a violation of law.
21. Detainee
- Cf. “Administrative detainee”
22. Detention
- Cf. “Administrative detention”
  - At EU level “detention” of asylum seekers is legally defined as the “confinement (...) by a Member State within a particular place, where (an asylum seeker) is deprived of his or her freedom of movement”; previously, the EU Commission had proposed to define it as “the confinement of (an applicant for asylum) by a Member State within a restricted area, where his freedom of movement is substantially curtailed”.
23. Detention centre
- Cf. “Administrative detention centre”
24. Detention facility
- Cf. “Administrative detention facility”
25. Detention order
- An administrative or court decision or act ordering the detention of a person (in some countries the removal order and the detention order are not separated and thus constitute one single measure).

## 26. Detention premise

- Cf. “Administrative detention premise”

## 27. Directive

- Cf. “EU directive”
- An EU directive is binding, as to the result to be achieved, upon each Member State to which it is addressed, but leaves to the national authorities the choice of form and methods (Art. 249 Treaty of Amsterdam).

## 28. EU acquis

- Cf. “EU law”
- The complete set of EU law

## 29. EU directive

- An EU directive is binding, as to the result to be achieved, upon each Member State to which it is addressed, but leaves to the national authorities the choice of form and methods (Art. 249 Treaty of Amsterdam).

## 30. EU law

- EU law distinguishes three types of law: primary law (treaties of the EU), secondary legislation (decisions, directives, recommendations and regulations) and decisions of the European Court of Justice and the Court of First Instance.

## 31. EU legislation

- Decisions, directives, recommendations and regulations (also called “secondary legislation”).

## 32. Foreigner

- A person who is not a citizen of the country where she/he is staying.

## 33. Illegally staying third country national

- “Any person who is not a citizen of the (European) Union and whose “presence on the territory of Member State” is regarded as “illegal stay” because the stay “does not fulfil, or no longer fulfils the conditions for stay or residence in that Member State.”

## 34. (To) imprison

- To deprive someone of his/her liberty as a result of conviction for a violation of law.

## 35. Inland detention

- Detention on the territory of a country.

## 36. Law

- Cf. “Act”

- Very general notion, may describe legislation and court decisions.
37. Legal age of adulthood
- When a minor stops being a minor and can legally act on his/her own
38. Minors
- Those persons who have not yet reached the legal age of adulthood (age in the country of stay, not in the country of origin).
39. Migrant
- A person who is staying in a State of which he or she is not a national (sociological notion).
40. Outside world
- Lawyers, NGOs, pastoral workers, family, friends, etc; services in the centre are not considered as “outside world”.
41. Particularly vulnerable people or people in vulnerable situations
- Elderly persons; families; persons with physical or mental health disabilities; minors; pregnant women; sick persons; single mothers or fathers with child/children; unaccompanied minors, traumatised persons
42. Pre-admission detention or pre-accession detention
- Cf. “detention”
  - Detention before somebody is admitted to the territory (at borders)
43. Pre-removal detention
- Cf. “detention”
  - Detention for the purpose of removal.
44. Prison
- A closed centre for persons who are deprived of personal liberty because a court convicted them for violation of law.
45. Prisoner
- A person who is deprived of personal liberty as a result of conviction for a violation of law.
46. Removal/to remove
- The execution of the obligation to return, namely the physical transportation out of the country (the person is on the territory of a country).
47. Removal order
- “An administrative or judicial decision or act ordering the removal” (in some countries the return decision and the removal order are not separated and thus constitute one single measure).

48. Repulsion/to repulse

- To push back (at a border).

49. Return/to return

- “The process of going back to one’s country of origin, transit or another third-country, whether voluntary or enforced.”

50. Return decision

- “An administrative or judicial decision or act, stating or declaring the stay of a third-country national to be illegal and imposing an obligation to return” (in some countries the return decision and the removal order are not separated and thus constitute one single act).

51. Temporary custody

- Cf. “detention”