

**Modern Day Slavery: An International Comparative Analysis On The Unseen Exploitation  
And Forced Labor Mechanism In Immigration Detention Centers**

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## **Abstract**

Currently, there is a limited amount of research that explores specifically the forced labor and labor exploitation that occurs within Immigration detention and labor detentions globally. While there are several publications, research reports and policy memos addressing the United States's inhumane immigration detention system, there is a need to investigate the similar practices occurring in other countries and propose an international framework addressing forced labor and labor exploitation in detention centers. This research has compiled evidence and datasets on detention rates, detention usage and implemented legislation across four countries which includes: Australia, Libya, United Kingdom and the United States of America. These four countries were selected due to their similar record with increasing migration rates, accessible data on immigration detention and labor detention sites, existing reports on human rights violations and labor exploitation in relations to detained immigrants and similar economic models. The findings indicated the similar patterns with how countries are exploiting vulnerable immigrants with the usage of detention. Furthermore the findings also uncover the cooperations between agencies, governments and businesses and how they contribute to unethical practices. This paper also explores the domestic and international legal loopholes allowing countries to continue the cycle of labor exploitation and forced labor in immigration detention. The International Labour Organization must develop a framework in which specifically addressing forced labor within immigration detention.

## **Problem Statement**

The United States immigration detention system is widely known for its “Voluntary Work Program”<sup>1</sup> which operates by putting detained immigrants into forced labor and receiving low payment. However, it is less known that this similar practice in the United States is modeled and replicated in immigration detention centers around the world. These immigration detention centers operate similarly without having an official established government program such as the U.S Voluntary Work Program. While certain countries such as Australia and Libya do not have a government operation program, they continue the abuses and labor exploitation through secrecy. Furthermore these countries have violated international laws and international treaties such as the Convention against torture and the abolition of forced labor. By closely investigating the government and private sectors involvement with forced labor in immigration detention worldwide, there is room to propose recommendations to stakeholders, advocates and international institutions to recognize this relevant issue and establish practices towards disseminating labor exploitation in immigration detention. In general, these detention sites are proven to be inhuman conditions and allow human rights abuses to play out.

This research aims to answer the following questions:

1. What is the global prevalence of forced labor in detention centers, and how does it vary across different countries, specifically Australia, Libya, the United Kingdom and the United States of America?
2. What legal loopholes or government policies allow for the persistence of forced labor in detention centers within the selected countries?

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<sup>1</sup> Seth H. Garfinkel. (2017). *The Voluntary Work Program: Expanding Labor Laws to Protect Detained Immigrant Workers*. Case Western Reserve University School of Law Scholarly Commons

3. What are the economic incentives for governments or private corporations to engage in or support forced labor in detention centers?
4. What role do ILO play in addressing forced labor in detention centers?

## Literature Review

### Australia

In Australia there are two detention systems, the offshore and mainland centers, in which the government operates. The mainland and onshore detention centers detain two people who are asylum seekers and individuals whose visas are no longer valid. The offshore detentions operated on Nauru and Papua New Guinea<sup>2</sup> focus on detaining immigrants who arrived by boat.

According to the global detention system, there is an estimate of five officially reported mainland detention sites<sup>3</sup>. While the offshore detention centers have been closed, there are still reports of immigrants being detained through Australia's prison complexes. This contributes to the several concerns in regards to Australia secrecy with operating detention centers.

In order to understand how forced labor is operated in Australia's detention, it is vital to first outline how the country maintains secrecy regarding the conditions in detention centers. Since the establishment of the Operation Sovereign Border (OSB) and the passage of Australia's Force Act in 2015<sup>4</sup>, securitization and militarization has played a huge role in offshore detention allowing OSB to make certain decisions in the interest of the government. This has allowed the government to add a level of secrecy that prevents the disclosure of military operations and opens an easier pathway towards refusing asylum seekers entry into the country. This high

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<sup>2</sup> *Secrecy and abuse in Australia's immigration detention systems*. (2019, November 25). Faculty of Arts.

<sup>3</sup> *Australia immigration detention profile*. Global Detention Project.

<sup>4</sup> *Secrecy and abuse in Australia's immigration detention systems*. (2019, November 25). Faculty of Arts.

degree of secrecy is concerning as it restricts the public, NGOs and public advocate access to information on how detention is operating. Furthermore, in relation to NGOs and public advocates, the government has rejected independent observers from accessing data and information on detention operations. While Australia Human Rights commissions conduct annual inspections on mainland centers, they do not have access to offshore detention sites. Notable and respected human rights organizations such as Amnesty International alongside delegations from countries have also been rejected access<sup>5</sup>. Informal independent observers such as friends and family members are also obligated to follow strict rules and guidelines with visitations. There are also restrictions over the media and journalist access and reporting on Australia detention sites as Nauru has enforced a \$8000 nonrefundable fine for journalists who violate these enforced policies<sup>6</sup>. In 2015, the UN special Rapporteur for the rights of migrants raised concerns surrounding the level of secrecy in the Australian government with its handling of detention sites and limitations of available information<sup>7</sup>. Most importantly the high degree of secrecy surrounding Australia's detention centers is purposely enforced in order to prevent access to understanding how private businesses are exploiting detainees.

Based on the presented evidence on the levels of secret Australia Government operates its immigration detention sites specifically in the remote islands of Nauru and Manus Island, this has provided corporations and companies with revenues in profiting off the labor of detainees. The persuasive culture of secrecy fostered by the Australian government within detention centers has allowed the forced labor and labor exploitation to occur. Australia's immigration detention system is known to be one of the world's largest privatization networks of carceral sites.

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<sup>5</sup> *Secrecy and abuse in Australia's immigration detention systems*. (2019, November 25). Faculty of Arts.

<sup>6</sup> *Secrecy and abuse in Australia's immigration detention systems*. (2019, November 25). Faculty of Arts.

<sup>7</sup> *Secrecy and abuse in Australia's immigration detention systems*. (2019, November 25). Faculty of Arts.

Companies has been involved in Australia's offshore detention system since 2012. A few of these companies include Broadspectrum and Wilson Security<sup>8</sup>. The Australian government has operated formal contracts valued almost at \$1 Billion Australian dollars for these companies to run these detention centers<sup>9</sup>.

The offshore detention sites are located in Nauru and Manus Islands where companies such as Paladin have been operating. In 2018, Paladin faced major controversy as it was awarded a \$423 million contract by the Australian government to run detention centers however there is no known record of Paladin's experience and qualifications to operate these specific sites which raises a lot of concerns and questions<sup>10</sup>. These contracts protected by commercial in-confidence agreements between Australia companies provides flexibility for service providers in order to allow service delivery to run successfully. There have been several parliamentary inquiries and leaked files from Nauru detention sites which continues to build a case against the private business operations within these detention centers. The leaked files<sup>11</sup> include a number of incidents, reports and individual testimonies from detainees revealing the inhumane conditions. These testimonies even include detainees attempting self harm suggesting the mentally restraining environment. In 2015, an Australian Senate inquiry highlighted that offshore security officers destroyed and got rid of incident reports that documented the inhumane conditions experienced by detainees<sup>12</sup>.

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<sup>8</sup> *Secrecy and abuse in Australia's immigration detention systems*. (2019, November 25). Faculty of Arts.

<sup>9</sup> *Secrecy and abuse in Australia's immigration detention systems*. (2019, November 25). Faculty of Arts.

<sup>10</sup> *Paladin controversy prompts renewed scrutiny of \$591m Nauru deal*. (2019, February 18). The Guardian.

<sup>11</sup> *The Nauru files: The lives of asylum seekers in detention detailed in a unique database – interactive*. (2016, August 9). the Guardian

<sup>12</sup> *Final report*. (n.d.). Home – Parliament of Australia.

In addition, foreign companies and investment management companies are also operating in Australia's offshore detention facilities. One of these companies is the Spanish infrastructure company Ferrovial. Ferrovial bought Broadspectrum in 2016 which allowed the company to get involved with the operations in offshore detention systems<sup>13</sup>. Based on Amnesty International reports, Ferrovial has made over \$1 billion Australian dollars from Broadspectrum in 2017.<sup>14</sup> While Ferrovial did leave Australia's offshore detention system after facing major controversy from the public, this however displays that corporation involvement in the detention system should not be trusted and it's difficult to understand the scope of these corporation involvement due to the secrecy policy surrounding contracts.

Overall, Australia has a troubling secretive governance policy and operation that is allowing the abuses and labor exploitation to continue in the offshore detention system. A report called "Labour In Limbo: Bridging Visa E Holders and Modern Day Slavery Risk In Australia", specifically highlights the difficulties facing immigrants with a specific visa status and refugees transferred to offshore detention due to holding no visa<sup>15</sup>. These demographics of immigrants and refugees become victims to labor exploitation and modern day slavery especially the cruel offshore detention processing system. Recent court decisions from Australia legal system such as *NZYQ v. Minister for Immigration, Citizenship and Multicultural Affairs & Anor*, where Australia's high court ruled that indefinite detention is unlawful, provides encouragement that

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<sup>13</sup> Brynn O'Brien. (2016, November). *Companies and the Australian immigration detention system*. The Australian Institute.

<sup>14</sup> Brynn O'Brien. (2016, November). *Companies and the Australian immigration detention system*. The Australian Institute.

<sup>15</sup> *New research shows Australia's offshore detention policies increase modern slavery risks*. (2024, April 23). Human Rights Law Centre.

improvement can be achieved towards dismantling Australia's abusive detention system.<sup>16</sup> Legal journals such as "Challenges to Australia's Offshore Detention Regime and the Limits of Strategic Tort Litigation" published by the German Law Journal highlight the key ways strategic litigation can be utilized towards challenging Australia's offshore detention regimes despite the many barriers the government poses<sup>17</sup>.

## Libya

In 2015, a million refugees came to Europe from the Middle East and Africa. A common route for many of those crossing across the Mediterranean Sea to Italy is through Libya<sup>18</sup>. This has allowed Libya to become an appealing country for many however the European Union has relied on Libya to regulate the migration movement. Europe has attempted to build a close relationship with nations in Africa including Libya in exchange to implement anti-immigration programming throughout the continent. In 2015, the E.U had established the Emergency Trust Fund For Africa which has spent nearly \$6 billion dollars since<sup>19</sup>. One of the main components of this program is to influence African governments such as Niger to enforce harsh anti-immigration policies. In addition, the European Union has made an effort towards funding repressive state agencies such as in Sudan where intelligence data of Ethiopian Nationals is provided in exchange to the country's secret police force<sup>20</sup>. In 2017, Italy's former Prime Minister Marco Minniti struck deals

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<sup>16</sup> *Australia's high court rules indefinite detention unlawful*. (2023, November 16). Global Detention Project | Mapping immigration detention around the world.

<sup>17</sup> Gabrielle Holly. (2020, April 8). *Challenges to Australia's offshore detention regime and the limits of strategic tort litigation*. German Law Journal.

<sup>18</sup> Nast, C. (2021, November 28). *The secretive prisons that keep migrants out of Europe*. The New Yorker.

<sup>19</sup> Nast, C. (2021, November 28). *The secretive prisons that keep migrants out of Europe*. The New Yorker.

<sup>20</sup> Nast, C. (2021, November 28). *The secretive prisons that keep migrants out of Europe*. The New Yorker.

with the Libyan government with support from the E.U Trust Fund program. This deal which Libya signed a Memorandum of Understanding affirmed that “the resolute determination to cooperate in identifying urgent solutions to the issue of clandestine migrants crossing Libya to reach Europe by sea. The E.U trust fund has directed half a billion dollars towards Libya’s operation on regulating migrant crossings<sup>21</sup>.

Since this agreement with the European Union, particularly Italy, Libya has an estimate of more than fifth detention, with the vast majority of them near the coastlines of the country, according to the global detention project<sup>22</sup>. This is solely just an estimate as a report released by the United Nations Fact-Finding Missions included that there are several secret detention facilities. A report published by Amnesty International in 2020, found that Italy has been working with Libyan authorities by providing speedboats, training, and operational support to ensure that people trying to flee the country by boat are intercepted and returned to Libya. Over this period reported in 2020, around 60,000 individuals, including men, women, and children, have been captured at sea and brought back by the EU-backed Libyan Coast Guard (LCG), with 8,435 intercepted. Amnesty International’s research also found and indicated that refugees once detained were exploited by employers and subjected to forced labor by Libya’s militias as Libya has one of the most powerful militias in the world<sup>23</sup>. These detentions are often operated by official authorities such as the Department for Combating Illegal Immigration (DCIM) however the DCIM control is only nominal, as militias have large control of these detention centers. Non-state actors,

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<sup>21</sup> Nast, C. (2021, November 28). *The secretive prisons that keep migrants out of Europe*. The New Yorker.

<sup>22</sup> *Libya immigration detention data profile (2020)*. (2020, October 7). Global Detention Project | Mapping immigration detention around the world.

<sup>23</sup> *Libya: New evidence shows refugees and migrants trapped in horrific cycle of abuses*. (2022, August 8). Amnesty International.

including smugglers, traffickers, and armed groups, also effectively detain migrants in other makeshift places of detention that are not part of the official reporting system of the number of immigration detention centers in the country. The European Center for constitutional and human rights included the inhumane conditions within Libya detentions centers as there's reports on overcrowding, little to no access to water, sunlight, food and medical services<sup>24</sup>. Other reports published by human rights organizations such as the United Nations Independent Fact-Finding Mission in Libya<sup>25</sup> and Human Rights Watch along with independent journalists groups such as Aljazeera have reported individual cases of labor exploitation faced by detained migrants however due to Libya's secretive and restrictive policies such as the anti-cybercrime act<sup>26</sup> implemented by the Libyan government in 2021 has allowed the government to restrict independent reporting and investigations of detention centers, the exact number of detainees impacted by labor exploitation is impossible to find. According to the Human Rights watch, migrants have been detained in immigration detention by the GNU's Interior Ministry<sup>27</sup>. According to Aljazeera, they had interviewed a detained migrant named Malik who fled Syria in order to avoid serving in the military and to provide a better life for his family. After being detained, Malik reportedly was sold and moved at least five times around by different militias and armed groups<sup>28</sup>. Malik recalled one of his interactions "He said we owed him \$1,000 each and that we had to work our debt off. I stayed there for 17 days, working from four in the morning until we collapsed at

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<sup>24</sup> ECCHR: *Migrants and refugees in Libya face crimes against humanity*. (2021). ECCHR: European Center for Constitutional and Human Rights

<sup>25</sup> *Libya 2023 Human Rights Report*. (2023, March). UN Independent Fact-Finding Mission.

<sup>26</sup> *Fact-finding mission on Libya: human rights violations are impeding transition to peace, democracy and the rule of law*. (2022, March 28). United Nations Human Rights Office Of The High Commissioner.

<sup>27</sup> *World report 2023: Rights trends in Libya*. (2023, January 11). Human Rights Watch.

<sup>28</sup> Fares, N. A. (2024, March 24). 'never-ending humiliation': *Recalling horrors in Libya's migration centres*. Al Jazeera.

night.” He also included that tasks expected of him included construction work, cleaning houses or working on farms and refusing was not simply not an option<sup>29</sup>.

All in all, Libya has reportedly allow detained migrants and refugees be subjected to labor exploitation and torture. These forced labor abuses occur both in formally and informally established detention centers along with having militias and armed groups play a role in policing and abusing detained refugees and migrants. While the E.U Trust Fund spokesperson has openly condemned these human rights violations, the pact between Italy and Libya, stated the Italian government would assist with operating these detention centers. The E.U and especially the Italian should also be held accountable for its influence in shaping Libya’s current inhumane immigration detention system.

#### United Kingdom

The UK has one of the largest immigration detention systems in Europe. In September 2016, more than 29,700 immigrants were detained<sup>30</sup>. The UK has three major immigration reforms policies responsible for the country’s current immigration system which includes Immigration Act 1971, the Nationality, Immigration and Asylum Act 2002 and the UK Borders Act 2007<sup>31</sup>. These policies outline the purpose and usage of detention centers which are used to establish someone’s identity, issue removals, reason to believe that a person will fail to comply with the conditions attached to their grant of temporary admission or release and whether the Home

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<sup>29</sup> Fares, N. A. (2024, March 24). *‘never-ending humiliation’: Recalling horrors in Libya’s migration centres*. Al Jazeera.

<sup>30</sup> Bales, K., & Mayblin, L. (2018). Unfree labour in immigration detention: exploitation and coercion of a captive immigrant workforce. *Economy and Society*, 47(2), 191–213.

<sup>31</sup> Bales, K., & Mayblin, L. (2018). Unfree labour in immigration detention: exploitation and coercion of a captive immigrant workforce. *Economy and Society*, 47(2), 191–213.

Office officials are deciding to grant temporary admissions. In addition, there were several concerns raised on the duration of how long someone can be detained for, as the UK is the only country that does not have a maximum set limit of days on how long someone can be detained for. The conditions of these detention centers remain inhumane, which can be similarly seen across all four of the selected countries. Many detainees have reportedly been reported with mental health conditions such as depression or post-traumatic stress disorder. The conditions of these detention centers are following the rules and regulations set by “Detention Centres Rules 2001” and staff procedures are set by the Detention Service Orders and Chapter 55 of Enforcement Instructions and Order<sup>32</sup>.

With the majority of detainees being both asylum seekers and rejected asylum seekers, many become subjected to the exploitative nature of detention centers. There are currently 13 immigration removal detention centers across the U.K and with the vast majority run by private corporations through contracts similar to Australia. In 2013-2014, the average daily cost of detaining an individual was \$129.53 United States Dollar which is equivalent to \$47,278.69 United States Dollar a year. From September 2015 to 2016, data shows that out of 29,762 people detained that year, 6% had been held for over one or two years, 12% were detained for two to four months, 19% were held for 29 days to two months, and 63% were detained for less than 29 days<sup>33</sup>. In 2006, the Blair government introduced the concept of paid activities in immigration detention removal centers which the justification was to “prevent boredom and frustration amongst detainees”. A few examples of the corporations operating UK detention centers are

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<sup>32</sup> Bales, K., & Mayblin, L. (2018). Unfree labour in immigration detention: exploitation and coercion of a captive immigrant workforce. *Economy and Society*, 47(2), 191–213.

<sup>33</sup> Bales, K., & Mayblin, L. (2018). Unfree labour in immigration detention: exploitation and coercion of a captive immigrant workforce. *Economy and Society*, 47(2), 191–213.

G4S, Mitie, GEO and Serco and the management of HMPS. Similarly with Australia, there is secrecy built into the contracts between detention centers and corporations, the same is applied to detention centers in the UK. Therefore corporations such as GEO have the advantage to save money and gain cheap labor due to the non restrictive contracts allowing them to under pay and exploit detained immigrants. For example, it's found that GEO is saving \$1,968,523.50 United States Dollar by paying detained immigrants only \$1.31 United States Dollar as detainees are technically not considered under the minimum wage laws in the UK<sup>34</sup>. Another investigation report highlighted that the company G4S made \$5,905,570.50 United States Dollar in forced labor within two immigration detention centers<sup>35</sup>. A report was released revealing that detainees undertook jobs that required a total of 495,270 hours-worth of work in 2014, 923,154 hours-worth of work in 2015, and 537,160 hours-worth of work between January and July 2016<sup>36</sup>. These jobs vary across different detention centers as The Verne Immigration detention centers have tasks ranging from litter pickers to waste disposal. There are also adapted absences and sick pay policies enforced in detention centers such as Morton Hall where Detainees can't work more than 30 hours a week and if an absence is excused, they can be paid \$1.31 United States Dollar, which this policy is still extremely concerning and alarming. Although detained immigrants are not considered workers under UK laws, their wages in detention is concerning as detained immigrants are expected to purchase their own items that are necessities to surviving such as buying additional food<sup>37</sup>. This is referred to as commissary which is why many detainees

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<sup>34</sup> Bales, K., & Mayblin, L. (2018). Unfree labour in immigration detention: exploitation and coercion of a captive immigrant workforce. *Economy and Society*, 47(2), 191–213.

<sup>35</sup> *G4S may make more profit than allowed from removal centres, figures suggest*. (2017, September 13). the Guardian.

<sup>36</sup> *G4S may make more profit than allowed from removal centres, figures suggest*. (2017, September 13). the Guardian.

<sup>37</sup> Lewis, H., Dwyer, P., Hodkinson, S., & Waite, L. (2015). *Precarious lives: Forced labour, exploitation and asylum*. Policy Press.

chose to work to fund their commissary account or they would have to rely on external funding support<sup>38</sup>.

Overall, there is still an uphill battle that must be fought in order to end labor exploitation in the UK. The UK has implemented the Modern Slavery Act of 2015 however it excludes migrant workers including detained immigrants. In 2022, The court of appeals in England Wales in the case of *R (Badmus) v. Secretary of State for the Home Department [2020] EWCA Civ. 657* ruled that detainees being paid \$1.31 United States Dollar is lawful which is 85% lower than the national minimum wage standard<sup>39</sup>.

#### United States of America

The U.S. Department of Homeland Security (DHS) runs the largest detention and supervised release program in the U.S., surpassing the Department of Justice (DOJ). While the DOJ's Bureau of Prisons held around 200,000 people as of December 2015, DHS's immigration detention system detains roughly 400,000 individuals annually. DHS spends more on immigration enforcement than all other federal law enforcement agencies combined.<sup>40</sup> On the southern border, Customs and Border Protection (CBP) officers are often unprepared to handle the humanitarian crises caused by violence in Central America, resulting in many asylum seekers being sent back without due process. Inside the U.S., Immigration and Customs Enforcement

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<sup>38</sup> Faculty of Environment. (2023, April 27). *Exploitation of immigrants rife in detention centres run for profit*. Faculty of Environment | University of Leeds.

<sup>39</sup> *Labour exploitation or alleviating boredom? £1 an hour pay for immigration detainees ruled lawful by UK Court of Appeal — Human rights pulse.* (2022, January 12). Human Rights Pulse.

<sup>40</sup> Sharita Gruberg. (2015, December 18). *How For-Profit Companies Are Driving Immigration Detention Policies*. The Center for American Progress.

(ICE) works with local law enforcement, leading to racial profiling and distrust among immigrant communities year. There is over 200 private prison and ICE detention centers.<sup>41</sup>

Many immigrants held in ICE's supposedly civil detention system are confined in county and local jails that have contracts with ICE for this purpose. ICE, a division of the Department of Homeland Security (DHS) that enforces immigration laws within the U.S., operates the Voluntary Work Program without direct congressional oversight. ICE's Performance-Based National Detention Standards (PBNDS) provide guidelines for the program, outlining its purpose, standards, and goals<sup>42</sup>. The latest PBNDS states that detainees who are physically and mentally able should have the opportunity to join the work program. However, despite using mandatory language, these standards are not legally enforceable, and facilities can choose whether or not to follow them. The PBNDS distinguishes between voluntary work assignments and tasks required of all detainees, such as basic housekeeping, which includes making beds, organizing papers, and keeping the floors clean<sup>43</sup>. ICE clarifies that the work performed under the program goes beyond personal housekeeping and contributes to the facility's operations.

There are both public and private detention centers and regardless if it's run by a corporation or ICE, forced labor still occurs. For instance, according to the Freedom for Immigrant interactive data map, a government operated detention center located in Batavia, Buffalo has detainees

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<sup>41</sup> *Immigration detention & enforcement*. National Immigrant Justice Center.

<sup>42</sup> Seth H. Garfinkel. (2017). *The Voluntary Work Program: Expanding Labor Laws to Protect Detained Immigrant Workers*. Case Western Reserve University School of Law Scholarly Commons | Case Western Reserve University School of Law Research.

<sup>43</sup> Seth H. Garfinkel. (2017). *The Voluntary Work Program: Expanding Labor Laws to Protect Detained Immigrant Workers*. Case Western Reserve University School of Law Scholarly Commons | Case Western Reserve University School of Law Research.

working underpaid even though the government operates it<sup>44</sup>. At the Stewart Detention Center, an immigrant detention facility in Lumpkin, Georgia, operated by Corrections Corporation of America and housing up to 1,752 detainees, detainees reported performing tasks such as cleaning cells, working in the kitchen, and providing barber services. For many detainees similar to the UK needs to make money for their commissary account and many only making \$1 an hour<sup>45</sup>.

ICE contracts remain a major source of income for private prison companies such as the GEO Group and CoreCivic. In 2022, the GEO Group generated \$1.05 billion from ICE contracts, accounting for 43.9% of its total revenue of \$2.4 billion. This figure includes 17% (\$408 million) from programs focused on electronically monitoring immigrants.<sup>46</sup> In 2022, CoreCivic earned \$552.2 million from ICE detention contracts, making up 30% of its overall revenue. Despite advocacy efforts to reduce ICE detention funding, Congress allocated \$2.9 billion for the daily detention of 34,000 individuals in FY 2023. Both CoreCivic and GEO Group, the largest private prison companies in the U.S., are facing five federal class action lawsuits for allegedly violating the forced labor provision under 18 U.S.C. § 1589.<sup>47</sup> This provision imposes civil and criminal liability on anyone who knowingly secures or provides a person's labor or services through threats, force, physical restraint, serious harm, misuse of legal processes, or any strategy intended to make the person believe they or someone else would face significant harm or restraint if they refused to work.<sup>48</sup> In 2023, the Washington State Supreme Court ruled that immigrant detainees

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<sup>44</sup> *Immigration detention map — Freedom for immigrants*. Freedom for Immigrants.

<sup>45</sup> Faculty of Environment. (2023, April 27). *Exploitation of immigrants rife in detention centres run for profit*. Faculty of Environment | University of Leeds.

<sup>46</sup> Cho, E. (2023, August 8). *Unchecked growth: Private prison corporations and immigration detention, three years into the Biden administration* | ACLU. American Civil Liberties Union.

<sup>47</sup> Samantha Sherman. (2021). *Defining Forced Labor: The Legal Battle to Protect Detained Immigrants from Private Exploitation*. The University of Chicago Law Review.

<sup>48</sup> Samantha Sherman. (2021). *Defining Forced Labor: The Legal Battle to Protect Detained Immigrants from Private Exploitation*. The University of Chicago Law Review.

are entitled to minimum wages, one step toward achieving labor rights for detained immigrants in forced labor.<sup>49</sup>

## **Methods**

### (1) Non-governmental organizations (NGOs) and Independent Human Rights Observation Reports

The human rights reports released by non-governmental organizations such as Amnesty International, American Civil Liberties Union and the United Nations Human Rights Office of the High Commissioner. These reports were helpful in providing broad and brief research that broke down the detention centers and reported human rights violations. Libya has the least amount of reports specifying numbers and data on the exact labor exploitation faced by immigrants in detention due to the oppressive media policies. While in Australia, there are similar secretive policies, there is much more research and investigations that provide specific cases and data on the detention forced labor conditions. These reports also provide an avenue to investigating businesses operating immigration detention and exploiting immigrants for the means of their business.

### (2) Government Legislative and Detention Records

Government legislative documents and detention records provided insight into the detention cases, the number of detainees and provided context to the timeline when specific legislations were implemented and enforced. For instance the detention records on Australia's offshore detention system in 2015, provided all the reported incidents that occurred. Another example,

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<sup>49</sup> *Washington State Supreme Court rules immigration detainees entitled to minimum wage.* (2023, December 22). JURISTnews - law students reporting the rule of law in crisis.

both the statistics obtained from the U.K government immigration records or the United States Department of Homeland provided raw reported numbers of detention usage.

### (3) Detention Tracking

The global detention project provides an interactive map and country profiles that reports the estimated number of detentions in each country and provides brief updates from each country on its situation with detention. For instance, for Libya, the 55+ estimated officially reported detention was provided by the global detention project which also showed that these detention centers are located along the Libya coastline. For the United States, the Freedom For Immigrant interactive data maps provided the human rights situations in both public and private operated detention centers.

### (4) Law Reviews and Filed Cases

Published law reviews and filed cases from International organizations and legal experts provided an outline and legal analysis on the human rights violations and labor exploitation faced by detained immigrants. These law reviews provided a potential framework in addressing these issues by providing context and the legal loopholes that the government has complied with in order to continue this cycle of labor abuses to occur.

## **Findings and Discussion**

### (1) Government, Legal Loopholes and Private Corporations Involvement

Australia, the UK and the United States all have very similar ways the government operates detention centers and handles contracts with corporations. However in Australia and the UK the scale of how corporations are involved with detention sites is at a lower scale in comparison than

the United States. For Libya, the scale is very large and due to the extreme secretive policies it is difficult to monitor how labor exploitation is occurring. But similar to the United States, Libya has several detention sites including unofficial reported ones and armed groups and militias are involved with the exploitation of detained immigrants. Due to the large number of armed groups, it is difficult to monitor and track accordingly. Along the lines of secretive policies in Libya, Australia has also implemented these policies to make contracts with corporations easier. In addition, unlike the UK and the U.S it is difficult to track if Australia or Libya is providing any form of compensation for detained immigrants. In both the UK and Australia, their country's legal system and government has provided little pathways towards achieving labor rights for detained immigrants which pose many challenges. It is also difficult to hold Libya's government accountable as the European Union particularly Italy's government do not have an interest in getting involved as the E.U Trust Fund program was established to support Libya in exchange of regulating the migration movement to Europe. Therefore there are challenges to hold Libya accountable on an International level when the government does want to play a role in holding the government accountable.

## (2) International Law and International Institutions

Australia, UK and U.S<sup>50</sup> have all ratified the Abolition of Forced Labor Convention, the International Covenant on Civil and Political rights and the Convention against torture and other cruel, inhumane and degrading treatment or punishment with Libya has only ratified The International Covenant on Civil and Political Rights and The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. They have violated these by

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<sup>50</sup> Azadeh Shahshahani and Kyleen Burke. (2022). *Deploying international law to combat forced labor in immigration detention centers*. Georgetown Law.

operating forced labor through loopholes with detention systems and justifying them with government and national security interests. The EU government has backed the Libya immigration detention operation which has essentially bypassed international laws. In 2021, The European Center for constitutional and human rights filed a communication case to the International Criminal Court in which outlined the slavery crimes occurring towards detained migrants in Libya. The communication case included that the systematic subjugation and assertion of ownership over migrants and refugees which has occurred under the government operations and the militias and armed groups is a violation of Article 7(1)(c) of the Rome Statute. Although the European Center For Constitutional and Human Rights filed this case, Libya isn't a member of the Rome Statute either. Therefore international law has its barriers in holding countries such as Libya accountable<sup>51</sup>.

### (3) Brief recommendations

- 1) The International Labor Organization (ILO), an agency of the United Nations, should address forced labor and labor exploitation that occurs within immigration detention sites in order to encourage international accountability and set a legal framework in understanding these human rights violations.
- 2) Government should recognize the labor rights of detained immigrants and have them be paid at least a minimum wage. In addition, detained immigrants working in detention sites should also be obligated to worker rights such as fair access to contracts and access to basic living necessities.

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<sup>51</sup> *Submission For Policy Recommendations on Slavery Crimes Under The Rome Statute*. (2021). ECCHR: European Center for Constitutional and Human Rights.

- 3) The European Union Trust Fund program should be investigated by human rights organizations or institutions for influencing labor exploitative conditions in detention sites in Libya and anti-immigrant programs throughout Africa.
- 4) Business should comply with human rights standards and NGOs and human rights organizations should play a role in facilitating migration diplomacy that includes the interest and representation of detained immigrants facing forced labor into diplomatic conversations.

#### (4) Research Limitations

The first limitation is the lack of access to official publications on detention sites especially in Libya where data is rarely published by the government. The second limitation, the lack of research into forced labor into detention sites. While in the UK and the U.S there were specific tasks outlined, in countries such as Australia and Libya, it's difficult to indicate the tasks and the amount of workload expected for detained immigrants. The third limitation, this research heavily relied on previous reports and research as it's difficult to conduct independent investigations amongst these four countries especially with restrictive policies in place. Overall global forced labor in detention sites is a rare issue that isn't investigated closely enough by the ILO and international human rights groups.

## References

*Australia immigration detention profile*. (n.d.). Global Detention Project.

<https://www.globaldetentionproject.org/countries/asia-pacific/australia>

*Australia's high court rules indefinite detention unlawful*. (2023, November 16). Global

Detention Project | Mapping immigration detention around the world.

<https://www.globaldetentionproject.org/australias-high-court-rules-indefinite-detention-u>

nlawful

Azadeh Shahshahani and Kyleen Burke. (2022). *Deploying international law to combat*

*forced labor in immigration detention centers*. Georgetown Law.

<https://www.law.georgetown.edu/immigration-law-journal/in-print/volume-37-issue-1-fa>

ll-2022/deploying-international-law-to-combat-forced-labor-in-immigration-detention-ce

nters/

Brynn O'Brien. (2016, November). *Companies and the Australian immigration detention system*. The Australian Institute.

[https://media.business-humanrights.org/media/documents/files/documents/P292\\_Australian\\_offshore\\_detention\\_briefing\\_note\\_-\\_for\\_website.pdf](https://media.business-humanrights.org/media/documents/files/documents/P292_Australian_offshore_detention_briefing_note_-_for_website.pdf)

Cho, E. (2023, August 8). *Unchecked growth: Private prison corporations and immigration detention, three years into the Biden administration* | ACLU. American Civil Liberties Union.

<https://www.aclu.org/news/immigrants-rights/unchecked-growth-private-prison-corporations-and-immigration-detention-three-years-into-the-biden-administration>

*ECCHR: Migrants and refugees in Libya face crimes against humanity*. (2021).

ECCHR: European Center for Constitutional and Human Rights.

<https://www.ecchr.eu/en/case/migrants-and-refugees-in-libya-face-crimes-against-humanity-the-icc-must-investigate/>

*Fact-finding mission on Libya: human rights violations are impeding transition to peace, democracy and the rule of law*. (2022, March 28). United Nations Human Rights Office Of The High Commissioner.

<https://www.ohchr.org/en/press-releases/2022/03/fact-finding-mission-libya-human-rights-violations-are-impeding-transition>

Faculty of Environment. (2023, April 27). *Exploitation of immigrants rife in detention centres run for profit*. Faculty of Environment | University of Leeds.

<https://environment.leeds.ac.uk/faculty/news/article/5640/exploitation-of-immigrants-rife-in-detention-centres-run-for-profit#:~:text=Both%20are%20exploited%20for%20profit,per%20hour%20in%20the%20UK>

Fares, N. A. (2024, March 24). *'never-ending humiliation': Recalling horrors in Libya's migration centres*. Al Jazeera.

<https://www.aljazeera.com/features/2024/3/24/never-ending-humiliation-recalling-horrors-in-libyas-migration-centres>

*Final report*. (n.d.). Home – Parliament of Australia.

[https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Regional\\_processing\\_Nauru/Regional\\_processing\\_Nauru/Final\\_Report](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Regional_processing_Nauru/Regional_processing_Nauru/Final_Report)

*G4S may make more profit than allowed from removal centres, figures suggest*. (2017, September 13). the Guardian.

<https://www.theguardian.com/business/2017/sep/13/g4s-may-make-more-profit-than-allowed-from-removal-centres-figures-suggest>

Gabrielle Holly. (2020, April 8). *Challenges to Australia's offshore detention regime and the limits of strategic tort litigation*. German Law Journal.

<https://www.cambridge.org/core/journals/german-law-journal/article/challenges-to-austr>

alias-offshore-detention-regime-and-the-limits-of-strategic-tort-litigation/E76D7E0F032  
51A5465314297262EC301

*Immigration detention & enforcement.* (n.d.). National Immigrant Justice Center.

<https://immigrantjustice.org/issues/immigration-detention-enforcement>

*Immigration detention in the UK.* (2022, November 2). Migration Observatory.

<https://migrationobservatory.ox.ac.uk/resources/briefings/immigration-detention-in-the-uk/>

*Immigration detention map — Freedom for immigrants.* (n.d.). Freedom for Immigrants.

<https://www.freedomforimmigrants.org/map>

*Labour exploitation or alleviating boredom? £1 an hour pay for immigration detainees*

*ruled lawful by UK Court of Appeal — Human rights pulse.* (2022, January 12). Human Rights Pulse.

<https://www.humanrightspulse.com/mastercontentblog/labour-exploitation-or-alleviating-boredom-1-an-hour-pay-for-immigration-detainees-ruled-lawful-by-uk-court-of-appeal>

Lewis, H., Dwyer, P., Hodkinson, S., & Waite, L. (2015). *Precarious lives: Forced labour, exploitation and asylum.* Policy Press.

*Libya 2023 Human Rights Report.* (2023, March). UN Independent Fact-Finding Mission.

[https://www.state.gov/wp-content/uploads/2024/02/528267\\_LIBYA-2023-HUMAN-RIGHTS-REPORT.pdf](https://www.state.gov/wp-content/uploads/2024/02/528267_LIBYA-2023-HUMAN-RIGHTS-REPORT.pdf)

*Libya immigration detention data profile (2020)*. (2020, October 7). Global Detention Project | Mapping immigration detention around the world.

<https://www.globaldetentionproject.org/libya-immigration-detention-data-profile-2020>

*Libya: New evidence shows refugees and migrants trapped in horrific cycle of abuses*. (2022, August 8). Amnesty International.

<https://www.amnesty.org/en/latest/press-release/2020/09/libya-new-evidence-shows-refugees-and-migrants-trapped-in-horrific-cycle-of-abuses/>

Nast, C. (2021, November 28). *The secretive prisons that keep migrants out of Europe*. The New Yorker.

<https://www.newyorker.com/magazine/2021/12/06/the-secretive-libyan-prisons-that-keep-migrants-out-of-europe>

*The Nauru files: The lives of asylum seekers in detention detailed in a unique database – interactive*. (2016, August 9). the Guardian.

<https://www.theguardian.com/australia-news/ng-interactive/2016/aug/10/the-nauru-files-the-lives-of-asylum-seekers-in-detention-detailed-in-a-unique-database-interactive>

*New research shows Australia's offshore detention policies increase modern slavery risks.* (2024, April 23). Human Rights Law Centre.

<https://www.hrlc.org.au/news/2022/11/7/labour-in-limbo-release>

*Paladin controversy prompts renewed scrutiny of \$591m Nauru deal.* (2019, February 18). the Guardian.

<https://www.theguardian.com/australia-news/2019/feb/19/paladin-controversy-prompts-renewed-scrutiny-of-591m-nauru-deal>

Samantha Sherman. (2021). *Defining Forced Labor: The Legal Battle to Protect Detained Immigrants from Private Exploitation.* The University of Chicago Law Review.

[https://lawreview.uchicago.edu/sites/default/files/Sherman\\_Defining%20Forced%20Labor\\_88.5UCLR1201.pdf](https://lawreview.uchicago.edu/sites/default/files/Sherman_Defining%20Forced%20Labor_88.5UCLR1201.pdf)

*Secrecy and abuse in Australia's immigration detention systems.* (2019, November 25). Faculty of Arts.

<https://arts.unimelb.edu.au/school-of-social-and-political-sciences/our-research/comparative-network-on-refugee-externalisation-policies/blog/secrecy-and-abuse-in-australias-immigration-detention-systems>

Seth H. Garfinkel. (2017). *The Voluntary Work Program: Expanding Labor Laws to Protect Detained Immigrant Workers.* Case Western Reserve University School of Law

Scholarly Commons | Case Western Reserve University School of Law Research.

[https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=4726&&context=caselrev&&sei-redir=1&referer=https%253A%252F%252Fwww.google.com%252Furl%253Fq%253Dhttps%253A%252F%252Fscholarlycommons.law.case.edu%252Fcgi%252Fviewcontent.cgi%253Farticle%25253D4726%252526context%25253Dcaselrev%2526source%253Ddocs%2526ust%253D1718139127734069%2526usg%253DAOvVaw2PMqSkv\\_CnCZG8\\_Mykh8i7#search=%22https%3A%2F%2Fscholarlycommons.law.case.edu%2Fcgi%2Fviewcontent.cgi%3Farticle%3D4726%26context%3Dcaselrev%22](https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=4726&&context=caselrev&&sei-redir=1&referer=https%253A%252F%252Fwww.google.com%252Furl%253Fq%253Dhttps%253A%252F%252Fscholarlycommons.law.case.edu%252Fcgi%252Fviewcontent.cgi%253Farticle%25253D4726%252526context%25253Dcaselrev%2526source%253Ddocs%2526ust%253D1718139127734069%2526usg%253DAOvVaw2PMqSkv_CnCZG8_Mykh8i7#search=%22https%3A%2F%2Fscholarlycommons.law.case.edu%2Fcgi%2Fviewcontent.cgi%3Farticle%3D4726%26context%3Dcaselrev%22)

Sharita Gruberg. (2015, December 18). *How For-Profit Companies Are Driving Immigration Detention Policies*. The Center for American Progress.

<https://www.americanprogress.org/article/how-for-profit-companies-are-driving-immigration-detention-policies/>

*Submission For Policy Recommendations on Slavery Crimes Under The Rome Statue.*

(2021). ECCHR: European Center for Constitutional and Human Rights.

[https://www.ecchr.eu/fileadmin/ECCHR\\_Submission\\_for\\_OTP\\_Slavery\\_Crimes\\_Policy.pdf](https://www.ecchr.eu/fileadmin/ECCHR_Submission_for_OTP_Slavery_Crimes_Policy.pdf)

*Unfree labour in immigration detention: exploitation and coercion of a captive immigrant workforce.* (n.d.). Just a moment..

<https://www.tandfonline.com/doi/full/10.1080/03085147.2018.1484051>

*Washington State Supreme Court rules immigration detainees entitled to minimum wage.*

(2023, December 22). JURISTnews - law students reporting the rule of law in crisis.

<https://www.jurist.org/news/2023/12/washington-state-supreme-court-rules-immigration-detainees-entitled-to-minimum-wage/>

*World report 2023: Rights trends in Libya.* (2023, January 11). Human Rights Watch.

<https://www.hrw.org/world-report/2023/country-chapters/libya#1d4050>