

Expulsion policies in Curaçao - Overview 2019-2026

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1. Situation around 2019: migration treatment, detention practices, expulsions, access to asylum in Curaçao

- Migrants were held in immigration “barracks” and sometimes regular prisons alongside criminal detainees ¹
- Overcrowding in the detention centers (40 men in space for 20); no recreational or leisure activities; prolonged confinement, poor ventilation ^{1;3}
- In a court case from 2022, Curaçao must release Venezuelans after unlawful incarceration à here it was reported that Venezuelans must spend 18 hours a day in stuffy and dark cells along with convicted prisoners, without meaningful daytime activities and hardly any recreational opportunities ⁷
- A report from 2020 by “Response for Venezuelans – Coordination Platform for Refugees and Migrants from Venezuela” showed the situation in 2019: lack of legal status prevents them from accessing essential services such as health care and restricts their access to livelihood opportunities, which makes them particularly vulnerable to exploitation and abuse ¹²
- Other challenges to access services include transportation and private insurance costs, lack of information, discrimination and language barriers ¹²
- The lack of a regular status also heightens risks of detention and deportation and increase the risk of statelessness of newborn children ¹²
- Another Report: “Hidden and Afraid: Venezuelans without status or protection on the Dutch Caribbean Island of Curaçao” by Refugees International shows that the government of Curaçao has enforced an “active removal strategy” by arresting, detaining, and deporting Venezuelans with irregular status. – in response to crisis in Venezuela since 2017 ¹³
- The report by Refugees International highlights that rights are inaccessible and that the „fate of Venezuelans seeking refuge on the small island of Curaçao, only 40 miles from the coast of Venezuela, could very well be the worst in the Americas” ¹³
- Migrants and Refugees on Curaçao cannot apply for asylum and end up in detention ⁵

2. Evolution of practices and policies up to now – potential improvement after interim ruling

- Interim measures: On 23 April 2019, the European Court granted applicants an interim measure under Rule 39 of the Rules of Court to prevent their removal to Venezuela ¹⁴
 - o This measure was lifted on 25 June 2019 as all the applicants had been able to make requests under the domestic procedure and were no longer at risk of removal¹⁴
 - o 19 July 2019, the court indicated another interim measure under rule 39 to the government that it had to ensure that the applicants’ conditions of detention were compatible with article 3 ECHR¹⁴
- In June 2019, the Ministry of Justice of Curaçao published new policy guidelines for the processing of asylum applications based on Article 3 of the ECHR. The guidelines replaced the policy adopted in July 2017 by the Council of Ministers of Curaçao, under which Curaçao had taken over status determination from the UNHCR ² The Government of Curaçao published the procedure to analyze requests for protection based on the principle of non-refoulement under Article 3 of the European Convention on Human Rights⁴

- The new 2019 Procedure improved interviews to assess international protection needs ⁹
 - Since 2019, Residence permits were typically issued for one year and had to be renewed annually, resulting in a repetitive and time-consuming process ¹⁵
 - It is criticized that the procedure from 2019 still does not meet international human rights standards, as children were separated from parents, forced expulsions took place and asylum seekers were locked up in prison ⁸
 - The policy rules do not mention access to legal aid, and people were not informed about their rights – lawyers often also did not have access to detainees ³
- **In 2021**, a report by Amnesty International (called “Still not Safe”) found that “The procedure and admission conditions are not laid down in a law, but in policy rules, making it unclear to what extent asylum seekers can derive any rights from it”³
 - This report from 2021 also highlighted that after the arrival by boat, Venezuelans were immediately detained ³
 - It is also reported that “voluntary” expulsions to Venezuela took place ⁸
- **Since 15 January 2021**, Venezuelans have been required to apply for a short-stay tourist visa in advance of travelling to the Dutch Caribbean, which allows them to stay in the country for a maximum of 90 days, with the possibility of extension. These visas do not include the ability to work legally ⁴
 - Undocumented immigrants still did not have access to public health systems or work permits in 2021⁴
- **In 2023**, Amnesty International reported in their report “Curacao: Little Improvement in Protection of Venezuelans” that authorities still detained Venezuelans and denied them protection ⁶
 - Amnesty International found that the situation of Venezuelans seeking protection in Curaçao has not substantially improved since it published the report in 2021: they continue denying protection to Venezuelans and detaining them automatically, under inhuman conditions, including children ⁹
 - The 2019 procedure was found to bring little change, because it remained difficult to access as the Curaçaoan authorities do not guarantee access to information and legal assistance, especially for people in immigration detention ⁹
 - The 2023 Amnesty International Report argued that not a single person has received protection since the introduction of the Protection Procedure of 2019 as authorities do not consider Venezuelans to have protection needs nor to be at risk if returned to their country. “The Protection Procedure is used, in practice, as a vehicle to reject protection claims, which defeats its purpose” ⁹
 - There are still no open reception centres for people seeking protection ⁹
- **In 2025**, reports show that Migrants and refugees on Curaçao cannot apply for asylum and often end up in detention; Asylum applications are still not accepted, and there are no reception centers. Anyone who arrives on the island by boat without papers is automatically placed in detention ⁵
- **In March 2025**, two new policies aimed to improve refugees’ and migrants’ rights including by allowing undocumented individuals to apply for a residence permit on humanitarian and economic grounds. “The practical impact of these improvement remained unclear at the years end” according to a report by Amnesty International ¹¹
- **In August 2025**, the Joint Court of Justice issued a landmark ruling in a case brought by HRDC: the government may no longer automatically detain everyone arriving on Curaçao without papers. From now on, each case must be assessed individually to determine whether

less stringent alternatives are possible, such as reporting regularly to a designated authority
5;11

- **April 2026:** the Curaçao government introduced Immigration Changes replacing the system that had been in place since 2019. These changes are officially intended to reduce administrative burdens and improve efficiency for both applicants and the authorities¹⁵
 - o In principle, all applicants—regardless of the purpose of their stay—can now apply for a **residence permit** valid for up to three (3) years. This does not apply to short stays (up to six months), remote workers, or extensions of tourist stays.¹⁵
 - o For migrant workers, multi-year residence permits were previously tied to the duration of the work permit. As of April 1, 2026, this restriction has been removed¹⁵
 - o **ALSO: stricter requirements** for submission of applications: applications must be complete at the time of submission and include all required documentation - must be submitted in writing using the official application form, include a clear justification, and be accompanied by proof of payment of all applicable government fees. Applicants must also provide valid identification at all times such as through a passport à this means that there are stricter procedures¹⁵
- Timeline not really identifiable, but in an article it says that " **Between 2019 and 2025, several measures have been implemented, including the construction of a new detention facility, enhanced staff training on human rights** and the application of Article 3, and the introduction of a hostmanship program focused on respectful and humane treatment" And that "Additional steps have been taken to improve legal protections, such as refining procedures, expanding access to legal expertise, and making information more accessible through digitalization and translation of documents"¹⁶

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<https://www.echrcaselaw.com/en/echr-decisions/y-f-c-and-others-v-the-netherlands-rubber-bullets-in-immigration-detention-ineffective-investigation-and-practical-inability-to-access-judicial-review-of-detention-violations-of-articles-3-and-5>

2 <https://www.commissie-meijers.nl/nl/comment/notitie-aangaande-de-asielprocedure-op-curaçao/>

3 Amnesty International. (2021, October). *The Netherlands: Submission to the UN Committee against Torture – 72nd session, 8 November–3 December 2021, list of issues prior to reporting* - 4. Curaçao and 5. Migration detention in Curaçao

4 Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela
<https://www.r4v.info/sites/g/files/tmzbdl2426/files/2023-12/Legal%20Framework%20%20Factsheet%20-%20Caribbean%202023.pdf>

5

<https://www.vluchtelingenwerk.nl/en/news-and-frequently-asked-questions/articles/asylum-seekers-on-curaçao-fled-and-imprisoned>

6 <https://www.amnesty.org/en/latest/news/2023/02/curacao-authorities-still-detaining-venezuelans/>

7

<https://www.vluchtelingenwerk.nl/nieuws-en-kennis/artikelen/kort-geding-succesvol-curaçao-moet-venezolanen-vrijlaten-na>

8

<https://www.vluchtelingenwerk.nl/nieuws-en-kennis/artikelen/mensenrechten-nog-steeds-geschonden-op-curacao>

9 <https://www.amnesty.org/en/latest/news/2023/02/curacao-authorities-still-detaining-venezuelans/>

10 Report Amnesty International: “[Curaçao: Little improvement in Protection of Venezuelans](https://www.amnesty.org/en/documents/amr05/6404/2023/en/)”
<https://www.amnesty.org/en/documents/amr05/6404/2023/en/>

11 Amnesty International. (2026). *Amnesty International report 2025/26: The state of the world's human rights*. Amnesty International Ltd. ISBN: 978-0-86210-512-9; p. 271

12 <https://reliefweb.int/report/cura-ao-netherlands/rmrp-2020-cura-ao-january-2020>

13 Hidden and Afraid: Venezuelans without status or protection on the Dutch Caribbean Island of Curaçao – April 2019, Report by Refugees International
<https://reliefweb.int/report/cura-ao-netherlands/hidden-and-afraid-venezuelans-without-status-or-protection-dutch>

14 European Court of Human Rights. (2026, April 21). *European Court partly grants and partly rejects complaints brought by Venezuelans detained in Curaçao* (Press Release ECHR 100).

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<https://hbnlawtax.com/law-instant-news/curacao-introduces-major-immigration-changes-as-of-april-1-2026/>

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<https://www.curacaochronicle.com/post/main-news/european-court-upholds-legality-of-immigration-detention-but-condemns-2019-practices-in-curacao>