

Introduction

AN ETHNOGRAPHY OF DEPORTATION FROM THE UK



The word *banish* rhymes with *vanish*. Through banishment or deportation there is the literal threat of invisibility. Not only when the event is concretized, but in the anguish and uncertainty leading to that.

— Margaret Randall, 'Threatened with Deportation'

Over the last few decades, immigration procedures and policies have been increasingly refined worldwide to broaden eligibility to deportation and allow the easier removal of unwanted foreign nationals. Deportation today is not an exception but rather a normalised and distinct form of state power. Yet, as the e-mail from Jen reproduced in the Preface attests, deportation is not an event but a process that begins long before a migrant is forcibly removed from one country and sent to another. Two years after Jen first e-mailed me, her circumstances had not changed. Her partner remained in the UK under immigration detention, they were fighting his case and their lives were on hold.

What effect do British policies of deportation have on those facing deportation and their families? What strategies are devised to cope with and react to deportation? In what ways does deportability influence one's sense of justice, security and self, and how does that translate into everyday life? In this book I address these questions through an examination of the deportation and deportability of foreign nationals convicted of one or more criminal offences in the UK.¹ Taking London as the site of my field research, I explore the way foreign nationals' deportability is felt, understood and experienced, as well as the strategies they deploy to cope with and react to their own deportation, or that of a close relative. Facing deportation implies the

establishment or reinforcement of a relationship between the migrant and the host state. How that relationship develops and the resulting consequences are addressed here from the perspective of deportable migrants and their close relatives.

I am not seeking to assess whether deportation and related practices of state surveillance, such as detention and reporting, are adequate responses to the perceived risk posed by foreign-national offenders.² To do so would mean accepting that there is a problem that needs to be addressed and that the problem can be addressed through immigration policy. Whilst I do not accept either of these points, this book does not seek to justify this position. Rather, it examines how the deportability of foreign-national offenders is lived and understood by those experiencing it, revealing the (un)intended effects that these policies have on those who are affected by them (Dow 2007). This is significant whether or not the policy itself is justified. In a scenario where foreign-national offenders are increasingly subjected to deportation and related practices of state surveillance at the end of their sentence, it becomes relevant to examine the impact that these policies have on the ground. How people respond to a given set of policies cannot be fully anticipated, and looking at the ways people interpret, understand and experience policies allows for a better understanding of how they work in practice (Wight 2004; see also Shore and Wright 1997, 2011).

Foreign nationals convicted of criminal offences draw little sympathy from the public at large, and they are seldom the focus of scholarly attention in the UK,³ which is surprising given the amount of research conducted among refugees, asylum seekers and undocumented migrants in the country. Their situation differs, however, from other populations of removable foreign nationals in that most had leave to remain, do not fear for their lives if returned to their countries of origin, and have a strong sense of entitlement to remain in the UK. Further, the stigma associated with their criminal conviction, compounded by their foreignness, limits their scope for open and collective political action, as examined in Chapter 5. Their deportability is not enacted in anticipation nor translated into active invisibility and evasion strategies as emphasised in most illegality studies (Castañeda 2010; Lucht 2012; Talavera, Nunez-Mchiri and Heyman 2010; Wicker 2010; Willen 2007). Rather, it is experienced only once deportation proceedings against them are initiated (see also Achermann 2012).

British immigration legislation distinguishes administrative removal from deportation.⁴ They both entail the expulsion – or

intention to expel – foreign nationals from the UK, but the grounds for and protections against each differ in significant ways. Administrative removal refers to foreign nationals who have overstayed, breached a condition of leave to enter or remain, sought or obtained leave to remain by deception, had their indefinite leave revoked because they have ceased to be a refugee, or are family members of the above (UKBA n.d.a). Deportations, on the other hand, refer to individuals whose expulsion from the UK is deemed to be conducive to the public good by the Secretary of State, whether or not they hold leave to remain – in the UK this generally means those who have been sentenced to twelve months imprisonment or more for a criminal offence.

Deportation thus is one form of forced removal of a person from British soil. It cancels leave to remain and, unlike administrative removal, has an enduring legal effect, meaning that it entails a ban on return – it prohibits the deportee from re-entering the country as long as the order is in force, a period between three to ten years. This is of particular importance to foreign nationals who are thus prevented from returning to the UK to visit family and friends after deportation takes place. A notice to deport (or a deportation order under automatic deportation provisions) authorises the detention of the migrant. At the time of research, deportation could be appealed in-country if there was a human rights claim under Article 3 and Article 8 of European Convention on Human Rights (ECHR) and the Refugee Convention. While an appeal on human rights was ongoing, the migrant could not be removed from the country. (However, following the passing of the new Immigration Act 2014, the Home Office may require that any appeal against deportation be filed only from abroad.) As explored in Chapter 4, this was an extended period that marked migrants' lives with chronic waiting and uncertainty over their future.

Legally speaking, deportation is not a sentence, although it can be recommended by the sentencing judge. Ultimately the decision lies with the Secretary of State. Anyone who is not a British citizen is liable to deportation. Exceptions are made with regards to diplomats and their families, and some groups such as European Economic Area (EEA) nationals exercising treaty rights are afforded more protection. A foreign national may be served with a deportation order on the following grounds:

- The secretary of state considers deportation conducive to the public good. This happens mostly following a criminal conviction. Before the UK Borders Act 2007 this demanded a

consideration of the seriousness of the offence, the likelihood of re-offending and the extent of any deterrent effect. Under the UK Borders Act 2007, provisions for automatic deportations mean that sentencing time is currently the only criteria: any foreign national sentenced to twelve months or more of imprisonment is automatically served with a deportation order. For EEA citizens exercising treaty rights, automatic deportation ensues only from either a custodial sentence of twelve months or more for drug, violent or sex crimes, or twenty-four months for other offences. It is assumed that the length of custodial sentence reflects the seriousness of the crime, as well as the likelihood of re-offending. National security grounds are also in this category, but these cases are treated differently.⁵

- A family member is being deported: in these circumstances the spouse and children will also be subject to deportation, unless they are divorced or their residency is not dependent on the deported relative.
- The sentencing judge recommends deportation upon criminal conviction.

Exception is made when deportation is contrary to the ECHR or Refugee Convention, or if the person was a minor at the time of conviction.

The automatic deportation provisions came into force in August 2008, just a few months prior to my fieldwork in 2009. Therefore, this project includes both 'older' cases where either the sentencing judge recommended deportation or the secretary of state considered it conducive to the public good, and 'newer' cases of automatic deportations.

Statistics on deportations (that is, excluding administrative removals) from the UK are not readily available. The Home Office quarterly and annual statistics distinguish only between asylum and non-asylum cases, reflecting the prevalence of asylum in the political agenda. Similarly, there is no readily available data on the number of deportation orders issued or deportation appeals filed. The most reliable, yet rather limited, source of data regarding deportation is the report of the Independent Chief Inspector of Borders and Immigration (ICIBI 2011). A freedom of information request for such statistics revealed that between 2007 and 2010 the UK Border Agency (UKBA) deported over 20,000 people, averaging 5,000 a year.⁶ Of these, a considerable percentage (49 per cent in 2010; 30 per cent in 2009) has been deported under the Facilitated Returns Scheme (FRS) and Early Removal Scheme (ERS).⁷ Appeals against deportation have decreased

in the same period, from 2,253 in 2007, to 1,727 in 2010, while the percentage of appeals allowed has increased significantly, from 15 per cent in 2007 to 38 per cent in 2010. Whereas there is not enough data to adequately analyse these numbers, it is likely that the decrease in appeals and related increase in the proportion of allowed appeals is due partly to the success of ERS and FRS in encouraging departure, and increasing limitations in legal aid available to foreign nationals which has forced legal-aid caseworkers to only take on cases that have a good chance of success (see James and Killick 2010).

Migration and Transnationalism

This study is located within the disciplinary field of anthropology. The anthropological gaze and allied ethnographic methods are important in perceiving deportees and their relatives as active agents that are not just being deported but are reacting to their banishment, developing their own strategies, (re)formulating their own aspirations and carrying their own cultural agency and identity. This book is intended as a contribution to an interdisciplinary field of studies that can benefit much from anthropologists' engagement. Anthropologists are well situated to introduce ground-breaking perspectives into this field by following the trajectories of deportees and narrating experiences of deportation while also critically examining the socio-cultural and political implications of all involved (De Genova 2002; Moniz 2004; Peutz 2006).

Even if, for the state that deports, the removal of undesirables ends when they leave their territory, for deportable migrants, their families and communities, deportation exerts its power long before and long after removal (Peutz 2006). As such, a study that reveals the continuum of this removal 'would at the very least resist the removal of these individuals from academic spaces, if not from physical ones' (Peutz 2006: 220). It is important that the practice of deportation does not go unnoticed. It is also vital to understand how deportation practices impact on the lives of deportees, the communities they leave behind and the ones they are being returned to.

In a world undergoing globalisation, we are today witnessing the rapid development and mobility of means of exchange and communication, such as goods, people, ideas, finance, and so on. 'Us' and 'them', 'home' and 'abroad' are increasingly difficult to distinguish – the 'other' is among 'us' and the difference is not grounded in geographical location (Eriksen 2001; Gupta and Fergusson 1992).

Recognising that cultures are no longer territorialised has led to the development of new paradigms – transnationalism among them – that have found their place among the main theoretical approaches in anthropology and migration studies. Where this book is concerned, a transnational approach is relevant (cf. Basch, Glick Schiller and Szanton Blanc 1994), as deportation is in itself a form of ‘forced transnationality’ where ‘home’ and ‘away’ become unsettled locations (Peutz 2006; Yngvesson and Coutin 2006; Zilberg 2004).

The existence of transnational ties (supposedly with one’s own place of origin) may ease the experience of deportation, both for the migrant who returns and for the family left behind. It may also be vital when considering departures alternative to deportation, or following deportation.⁸ Onward migration is in fact an option for many sustaining transnational ties elsewhere (as explored in Chapter 4), emphasising how deportation may be conceived primarily as a departure from the UK, and not as a return home. Moreover, deportation almost inevitably leads to the development of transnational households (Zilberg 2004), where it is not only the mobility of the person deported that is restrained (if not cancelled) but also the mobility of those who remain that is reshaped. This is illustrated by the words of the mother of a Salvadoran deportee from the US: ‘He can never come back, and now, I cannot go back to El Salvador to retire as I had planned, because I must work to support him there’ (quoted in Zilberg 2004: 775). As Malkki argues, postcolonial and transnational perspectives have much to offer in that they ‘insist on the analytical linkage between displacement and emplacement’ (Malkki 1995: 515–16).

Deportation seriously hinders and reshapes the mobility of those involved. Malkki (1995) and to a certain extent Wilding (2007) question the tendency of looking solely at the displaced. What of those who stay, Malkki asks? ‘What does it mean to be, or to remain, emplaced?’ (Malkki 1995: 515). Those who stay are still connected to those forced to leave, and ‘cultural knowledge and social interactions do not always require face-to-face contact in order to have significance or impact on everyday lives’ (Wilding 2007: 344). Deportation studies have, for the most part, concentrated on the displaced, following the trajectories of those who are deported, paying little attention to those who are not. Yet, as explored in Chapter 4, in the context examined here, deportation means family separation and not family relocation, and the experiences of those deported cannot be examined in isolation – they are intrinsically connected to the experiences of their close relatives who remain in the host country.

It is not assumed here that uprooting equals a loss of identity and exclusion from one's own national community. Transnational studies have revealed that people can be more flexible than this. Places are not only located – they are constructed. However, it is argued here that deportation, by forcibly removing people from their place of residence, may influence their perceptions of justice and entitlement (see also Bhui 2007; Burman 2006; Willen 2007).

Categorising a researcher's targeted population is both a necessary and an indispensable component of research design. It is a practical issue, as one needs to establish and delimit a unit of analysis, but it is also a conceptual one as the development of analytical categories labelling people – in this case migrants – is not neutral; on the contrary, it is fraught with assumptions, whatever the chosen criteria of inclusion and exclusion. Initially I intended to focus on what I termed in my research outline as 'long-term migrants', a category I defined much in the same vein as Coutin's 'resident non-citizens' (Coutin 2011). The advantage of Coutin's approach over other sociological and political definitions like 'denizens' (Hammar 1990; Bauböck et al. 2006) or 'quasi-nationals' (Dembour 2003) is that it includes all foreign nationals residing in the country independently of their legal status. For even undocumented migrants, failed asylum seekers and other unauthorised migrants enjoy certain rights due to the fact that they are within a given territory (Coutin 2010).⁹ Underlying this choice was the assumption that the impact and experience of deportation (and administrative removal) of such individuals, no matter what their legal status, would be tantamount to an interruption of their lives in the UK and their absence would be felt. Yet, fieldwork quickly revealed that foreign nationals in deportation proceedings faced a different reality from those in administrative removal, which impacted on both their coping strategies and reactions to expulsion from the UK.

Deportation entails a ban on returning, which means that foreign nationals with a deportation order cannot apply to re-enter the country for a determined period of time, ranging between three to ten years. This was particularly distressing for research participants, as it turned their exit from the country into a somewhat permanent, and not temporary, event. For instance, I once observed at the Asylum and Immigration Tribunal (AIT) a self-represented appellant pleading to the panel of judges not against his deportation but that he be allowed to return to the UK for family visits while his deportation order remained active. He made the case that he was ready to move to his country of origin – he had indeed

provided the AIT with evidence that he had already obtained a job and made lodging arrangements. He stated that he understood that his criminal conviction made him unworthy of residing in the UK. His only contestation was his right to return to visit his children, whose mother (the appellant's ex-wife) would not allow them to visit him for safety reasons. Although this was not a common approach, the ban to return was a particularly troublesome element of deportation.

Second, foreign nationals face deportation because they have been convicted of one or more criminal offences. This, as will be made clear throughout this book, contributed to their isolation, as foreign-national offenders have little or no public support, and it limited their scope for political action. Further, unlike many asylum seekers, foreign-national offenders participating in this study seldom feared for their personal safety if returned to their country of origin. As such, from the very early stages of my fieldwork, this research project focused on the experiences of foreign-national offenders and, unless stated otherwise, does not concern the experiences of administrative removal.

Labels such as refugees, second-generation migrants, internally displaced people and so on have become commonly accepted in academic and policy jargon. Yet many have questioned their development and use (Couper and Santamaria 1984; Kunz 1981; Malkki 1995; Richmond 1988; Shacknove 1985; Zetter 1991). Of particular relevance here is Malkki's (1995) questioning of the deployment of 'the refugee' as a self-limiting field of anthropological knowledge: the refugee as a legal status encompasses a variety of people with different ethnic, social, political backgrounds and different personal histories. Her argument points to numerous pitfalls of delimiting fields of knowledge that are relevant not only to the study of refugees, but to other fields of research too, as De Genova (2002) has pointed out regarding the 'undocumented'.

Malkki argues that there has been a tendency in anthropological studies of refugees to take a functionalist approach, with a strong sedentarist bias. This is particularly clear in the assumption made by many authors that being uprooted is tantamount to a loss of culture and identity (Malkki 1995). Underlying this is the assumption of 'home' as a territorialised place, 'the ideal habitat for any person' (Malkki 1995: 509). Such assumptions often lead to essentialised notions of 'the refugee' and 'the refugee experience'. While this book focuses not on asylum but on another aspect of forced migration – deportation – these issues still apply. Under the rubric

of foreign-national offender, one finds a variety of situations, and people of very different backgrounds. What connects them all is that they faced, or are facing, the possibility of deportation.

The people participating in this research project were all settled migrants, even if some did not possess leave to remain. Yet this does not necessarily mean that they form a group or a community, or that they identify with each other on the basis of their deportability. This raises quite a few challenges where methodology is concerned – an issue that is further explored below.

When I say research participants were ‘settled’ migrants I mean that they had all lived in the UK, with or without legal status, for at least five (or three) years prior to receiving the notice of deportation.¹⁰ They all felt their lives were, at the time of conviction, grounded in the UK, independently of any plans to return to their countries of origin in the long term. The importance of long-term (legal) residence is in fact increasingly acknowledged through ever more protection and the expansion of rights under EU law for long-term residents. In the UK, while it does grant settled status, it will no longer protect foreign nationals from deportation (Clayton 2008: 570). Yet, the recognition of long-term residents is countered by rising restricted immigration policies. Coutin (2011) argues that the distinction between citizens and resident non-citizens in the US is being made more pertinent by increasing enforcement of immigration policies. This is the case through the convergence of immigration and criminal law – or ‘crimmigration’ (Stumpf 2006), the securitisation of immigration, where foreign nationals are increasingly perceived as a risk and, perhaps more specific to the US, entails a rescaling of immigration policy from national to local level (Coutin 2011).

This book is located precisely in the intersection between the rights enjoyed by long-term residents and the restricted immigration policies that remove them after criminal conviction.

Book Overview

The book is divided into seven chapters. The remainder of the Introduction will address the methodological and ethical concerns inherent to this research project. Chapter 1 is concerned with providing the socio-political, theoretical and conceptual background to the issues explored. Concurring with De Genova (2002), I recognise that an examination the socio-political processes that historically produce

migrant illegality and deportability is of importance, especially in a context where up until 2006 foreign-national offenders were not systematically considered for deportation. In Chapter 1, following a review of recent scholarship on deportation studies, I thus also provide a sketch of the major political and legal developments that placed the deportation of foreign-national offenders on the public and political agenda, and culminated in the introduction of automatic deportation from the UK.

How migrant deportability stands in relation to official bodies, social relations and political action is addressed in the four empirical chapters of the book. The first two of these look at the encounter between foreign nationals and official institutions. In Chapter 2 I examine the experiences of foreign nationals, as lay people, when appealing against deportation at the Asylum and Immigration Tribunal (AIT) in London. Appealing against a deportation order is one of the few options available to a person attempting to remain in the UK. In this particular setting the host state takes the form of the Home Office, as the respondent, and the AIT as the adjudicator of the dispute. The AIT is also a site of negotiation whose procedure, setting and language are not familiar to most lay people. Appellants are thus not fighting on their own terms – their lives are shaped to fit the parameters of a good legal case and discussed in a legal language that is not readily accessible to them. I review first the appeals process and what Achermann has termed the ‘struggle over exclusion’ (Achermann 2012: 93), that is, the decision-making process during which foreign-national offenders and their host state dispute whether the former ought to be excluded or not from the latter’s territory. I then examine appellants’ efforts to make their case and their experiences of being in court.

Immigration tribunals are but one theatre of state power over migrant bodies (Bhartia 2010). When foreign nationals are subject to deportation or removal, they become subjects who are kept under surveillance, controlled and detained. Immigration Removal Centres (IRCs) and reporting centres thus become arenas of state control. In Chapter 3, drawing on retrospective accounts of detention by foreign nationals that had been granted bail from detention, I explore the ways these institutions become part of foreign nationals’ daily lives and how these encounters take shape, revealing how the experiences of such forms of surveillance highlight the punitive and coercive effect of detention and deportation.

In Chapter 4, I move the focus away from state institutions, to examine how deportability is embedded in migrants’ daily lives,

social relations and sense of self. First I address the embodiment of long-term uncertainty and chronic anxiety. I then turn to examining the coping strategies that foreign nationals deploy to deal with their own deportability or that of a close relative; these include enduring uncertainty, withdrawal and refraining from showing concern, constantly assessing one's circumstances, and re-imagining possible futures. All but the latter are observed in another example of chronic anxiety, the intensive care unit (Ågård and Harder 2007).

In Chapter 5 I focus on protest and resistance. First I address the lack of collective political action and engagement in protests and anti-deportation campaigns (ADCs) on the part of foreign-national offenders facing deportation from the UK. Taking ADC guidelines from migrant support groups, I argue that the circumstances of foreign-national offenders, and in particular their own understandings of their deportation, are incompatible with open political action and with the broader work of ADC support groups. I then examine what research participants perceive to be their strategies of resistance. Here compliance with state orders is discussed and conceptualised as a form of resistance to a set of policies whose application research participants do not consider legitimate.

The last chapter concludes the book, bringing together the arguments set forth in the previous empirical chapters and reflecting on the wider significance of this anthropological study of removal.

Finding the Field

The study of non-spatially bounded social phenomena is being increasingly better addressed within anthropology, and other disciplinary fields. Yet ethnographies of deportation and removal present a methodological and epistemological challenge to anthropology. Experiencing deportability often renders foreign nationals immobile and invisible. On the one hand, deportable migrants might develop strategies of active invisibility (see Talavera, Nunez-Mchiri and Heyman 2010; Willen 2007) in an effort to avoid the authorities. On the other, the increasing use of administrative detention and the criminalisation of immigration offences results in an ever-growing number of foreign nationals under penal or administrative incarceration – sites that are difficult for researchers to access. Further, not only are deportees hard to locate and deportation sites difficult to access, but the nature of this phenomenon means that often there is little available to observe and participate in.

Identifying and accessing informants was predictably a major challenge for my research. My research participants would be the people currently facing deportation, their families and the families of migrants who had been deported. Research participants fell under the category of a 'hard-to-reach' population because, first, they were not identifiable or accessed through any available databases or institutions; second, they were geographically scattered, and third, their circumstances were highly stigmatised. Where, then, could I conduct research when the population to be studied was not only geographically scattered but could also hardly be described as a group, let alone a community? Whereas it is obvious that people tend to empathise with others going through the same difficulties, this alone does not necessarily establish them as a group. How could I carry out field research in a setting where there was nothing immediately available to observe and no one identifiable to talk to? This question raises issues concerning the assumptions and expectations regarding 'the field' in an anthropological research project. These issues are connected with issues of professional and disciplinary authority; of distancing and otherness and, of course, to the development of a workable field site (Gupta and Ferguson 1997).

Research on hard-to-reach populations tends to rely on gatekeepers and snowballing (Atkinson and Flint 2001; Singer 1999). In this project neither approach was successful, although tremendous efforts were put into building trust. There was a general unwillingness to establish contact with potential research participants on the part of trusted (and trusting) gatekeepers, be they legal representatives, staff from migrant support groups or my own informants. Perhaps more surprisingly, such hesitation was also present among my friends and colleagues who hearing about this project would volunteer the names of one or two acquaintances who would be 'perfect' for the project, but in the end they never did approach these individuals on my behalf.

Given the sensitive nature of the subject this project deals with, the difficulty in accessing and identifying informants was compounded by the suspicion that an outsider, like myself, faced when approaching gatekeepers. In fact, issues of trust are often cited as the reason for the reluctance of gatekeepers to open the gates or facilitate snowballing (Bilger and Van Liempt 2009; Burgess 1991; Rossman and Rallis 1998; Singer 1999). After all, deportation is a very sensitive matter entailing issues of legal convictions, legal status and family relations. Moreover, the increasing securitisation of borders and the criminalisation of migrants (Peutz and De Genova 2010, see also Chapter 1

below) may lead to higher levels of stigmatisation (Dahinden and Efionayi-Mader 2009), exacerbating migrants' mistrust of strangers (Bilger and Van Liempt 2009). Yet some gatekeepers and informants became my close acquaintances and trusted my judgment and work conduct. Trust (or lack thereof) cannot in itself account for their disinclination to introduce people to me after demonstrating such enthusiasm for my work.

The vulnerability of informants might better explain this reluctance. Most people participating in this project, whether deportees or those close to them, had been thoroughly interrogated several times, by the Home Office, solicitors, barristers and immigration judges. For gatekeepers, to facilitate contact with me meant submitting them to further questioning, retelling their stories yet another time. This, understandably, may be too much to ask of an acquaintance, even a close one. Snowballing from research participants themselves failed for the same reason, and possibly because of the added concern that I would accidentally leak information about their own cases to their acquaintances, despite my reassurance that confidentiality would not be breached (cf. Jacobsen and Landau 2003).

I have discussed elsewhere the failure of these approaches in more detail (Meissner and Hasselberg 2012). Of concern here is that the reluctance of gatekeepers to establish contact, and of research participants to facilitate snowballing, led me to broaden the spectrum of field locations where I could directly identify and access research participants, and to adopt different positionalities vis-à-vis deportable migrants. For what else can a researcher do when snowballing fails, gatekeepers refuse to grant access and the research population remains hidden, scattered and highly immobile?

Even though the failure of snowballing is now more commonly admitted in studies conducted among hard-to-reach populations (see e.g. Bilger and Van Liempt 2009; Staring 2009), there is still little work published on alternative approaches. The site-oriented approach (Singer 1999; Staring 2009) is a common alternative, consisting of identifying sites where the research population is expected to go and finding ways to access them. As Fran Meissner and myself have argued (Meissner and Hasselberg 2012), choosing field locations is a crucial part in the reflexive process of conducting fieldwork, and it impacts greatly on what constitutes the field, in the sense that the field is largely determined by who the researcher is able to talk to, observe and otherwise engage with. Here I will be focusing on the ethical considerations that affected the choice of field locations, and the ways in which research was carried out in those locations.

Expanding Research Locations, Diversifying Research Positionalities

When I realised a few months into my fieldwork that I could not rely on gatekeepers or snowballing, other strategies were devised in order to increase direct access to informants, who until then were restricted to those identified at the AIT. I had to spend more time in sites where possible informants were bound to go. Here I took guidance from Joanne Passaro's work with homeless people in the US, where she opted 'to choose sites that would afford ... positionalities at varying points along a participant-observer continuum' (Passaro 1997: 156). Adopting flexible and creative ethnographic approaches, Passaro volunteered and got involved in a series of different campaigns and organisations that allowed her to study homelessness from different perspectives. With her experience in mind, I sought additional sites for research.

Broadly speaking, in the UK, a foreign national with leave to remain is deportable if convicted to a twelve-month month sentence, or longer. After the sentence is served, the immigration services might detain the migrant at an Immigration Removal Centre (also known as Detention Centres) while the deportation file is processed. Deportation may be appealed at the AIT. The migrant, if detained, may also apply to the AIT for bail, which may be granted under certain conditions. Reporting to the Home Office (at designated reporting centres) monthly or weekly is usually part of the terms of bail. The terms of bail remain in place until the migrant is either detained again for removal, or has the deportation appeal granted. Thus prisons, detention centres, reporting centres and AITs – sites that Barthia (2010) calls the theatres of state power over foreign-nationals' bodies – are all locations where one is likely to find people facing deportation, as are migrant support centres run by various NGOs. The problem with seeking out such 'likely' locations concerns those who remain outside them, and are thus excluded from the research (Singer 1999; Staring 2009; Wimmer 2008). This research therefore does not include those who did not appeal their deportation – this is a bias in the sample that is acknowledged and was dealt with during data analysis.

Access to some of these locations is restricted, which led me to devise alternative strategies of access often involving adopting the role of a volunteer and juggling that with my research work. Overall I adopted three different positionalities: researcher, volunteer and both combined.

The Researcher

The AIT is open to the public, and conducting research there was possible. In fact, the majority of research participants were first approached there, and it was there that I engaged with other stakeholders such as solicitors, barristers and judges. It was also a site where rich data was obtained from observation. I attended forty-nine full deportation hearings at Taylor House, Field House and the Court of Appeal in London.¹¹

Access to reporting centres is limited to those reporting and their legal representatives, but because the queues and the long times spent waiting in them I was able to 'hang out' by the entrance door of Communications House, in north London, and observe foreign nationals queuing to report, occasionally chatting with them. Although only two of these were subsequently interviewed for the project, the one-off informal chats with many other foreign-nationals that I had at this location were very informative. I visited these locations in my capacity as a researcher, and informed consent was achieved. At other locations, where I adopted the role of either volunteer or researcher-and-volunteer combined, concerns regarding informed consent and other ethical issues were more significant.

The Volunteer

Permission to conduct research in detention centres and prisons may be granted, but the process is long and the time allocated for field research was limited. In detention centres, detainees are allowed to have mobile phones. I was told by two migrant rights activists, on different occasions, that I could easily get around official authorities by conducting phone interviews with inmates, a strategy often used by migrant NGOs to compile data for their own reports on detention (see e.g. LDSG 2009). When I argued that the Ethics Review Committee at my university was unlikely to allow me to do this, due to the difficulties in achieving informed consent over the phone with incarcerated individuals, they replied that it would be immoral to leave them out of the research.

In fact, balancing the right to participate in research with the right of informants to consent or not is not new to research projects, and the Belmont Report (NCPHSBBR 1979) discusses this dilemma. The Ethical Guidelines of the Social Research Association (SRA 2003) also state that researchers should make efforts in order to avoid excluding certain groups. Yet, interviewing immigration detainees

over the phone presented other challenges with regards to identifying participants without the help of gatekeepers, in establishing trust and rapport, and in ensuring the interview would not cause additional stress to detainees. The experiences of prison and detention were not excluded from my project, as my informants, out on bail, discussed them with me. So, in the end, no interviews were conducted with people detained or imprisoned at the time of field research.

Having said that, I did feel uneasy about excluding these institutional settings and practices from my field, as they are part and parcel of the experience of deportation. I believed that even if I could not interview inmates for the purposes of this study, visiting the facilities and observing some of its practices could be productive. In the end, I was able to access foreign nationals in detention centres and prisons by volunteering with different organisations. In these instances my role as a volunteer was that of a befriender. A befriender is a volunteer that visits one particular individual in prison or detention at regular intervals: once a week, or once a month, depending on the organisation. The aim is to provide support and develop a relationship with an inmate who does not have any visiting relatives or friends. The befriender visits the inmate, checks everything is going well and chats for one hour or so about whatever the inmate wants to talk about. I visited prisons and detention centres in my capacity as a volunteer only. Whatever information I received from the individuals I engaged with is confidential and it is not used for the purposes of this research. It is hence deemed unusable. I will come back to this issue below.

The Researcher-Volunteer

Accessing people in these theatres of state power can be very intimidating. People are often very distressed and suspicious of the official presence. In order to counterbalance this and to diversify the sample I volunteered with two other organisations that work with migrants to provide support and services (legal advice, benefits advice and so on). Neither organisation has a state or official presence, and each offered a very welcoming and relaxed setting. My tasks included answering phones, reception duties, welcoming migrants new to the group, setting up and tidying up the rooms and so forth. At these centres I was able to interact with people who, although facing administrative removal, were no longer in the appeals process or under any official form of surveillance such as reporting.

Juggling Different Positionalities

Researchers today may very well combine their role with that of activist, social worker, legal advisor and so on. Whereas the multiple roles of the researcher might present further ethical dilemmas, they may also favour ethical opportunities, as explored for instance by Empez (2009). The most pressing ethical dilemmas at stake in these situations concern on the one hand issues of confidentiality and informed consent, and on the other, issues regarding informant's expectations and free will.

Managing informants' expectations was an ongoing process. There was a constant need to clearly inform my subjects about what I could and could not do for them in order not to raise false hopes. For instance, informants often presumed at the start that I could help their cases or give them legal advice – I could do neither. In fact, informants would often call me for advice when things went wrong, and again I would have to reiterate that I was not qualified to give them legal advice. There were a few occasions where I could be of assistance, and whenever these came up I did my best to be of use. When Tania's partner's appeal was denied she called me in distress. He was to be deported but had no one back home, no place to go, no one to contact there. Further, she had no money to give him. I helped her to locate a few NGOs back home that provided support to newly arrived deportees, and together we contacted them. She felt reassured that there was some institutional support to receive deportees.

Managing expectations becomes of even greater importance when the researcher accumulates different roles, as it may interfere with informants' free will. For instance, is the informant aware that they are speaking to both their social worker and a researcher? Are they aware that the information they are divulging will be used for the purposes of this or that? Or, is the informant participating in the research only because they believe the researcher, being a legal worker for instance, might give them a hand with their case? Does the informant feel that their legal representative will do less for them should they not agree to participate in the research?

In the case at hand, the ethical slippery slope was navigated by carefully choosing which roles to adopt at the different locations in which I conducted research. At migrant support centres I wore the two hats at the same time. The people I engaged with were fully aware both of my role as a volunteer and my work as a researcher, and what it implied for them: issues of consent and confidentiality were dealt with consistently. Informed consent here, as in other cases,

was discussed not just when contacts were first established but also as the relationship between informant and researcher developed. So, when chatting informally with migrants, if something particularly interesting for my project came up, I would again reinforce the issue of informed consent at the end of the conversation, to make sure people were reminded of my other role as researcher. In fact, many of the usual visitors to the NGOs got to know me well, and often they would come up to me as researcher and not as a volunteer: 'Ines you have to hear this', or 'I just heard this great story for your project'.

At prisons and detention centres I wore my volunteer hat alone. I never pushed my research agenda, nor consulted inmates about my project or interests. In fact, few were aware of my research work. Inmates in prisons and detention centres were not participants in the research – it is in this sense that the information derived from my volunteer work there is deemed unusable. The people I visited, their stories, their anxieties, hopes and concerns did not form part of my analysis, or the writing-up of the results. But of course, while one can change hats, the person wearing them remains the same, and the knowledge I gathered wearing one hat was hardly erased when I put on a different one. The volunteering experience did inform my knowledge of detention and imprisonment, and this knowledge allowed me to better formulate questions that I posed to my actual informants about the role of prison and detention in their experience of deportation. It led me to formulate questions that I put to my informants that otherwise I would not have known to ask. However, this by no means infringed on the rights of the inmates I visited in prison and detention, nor did it compromise my work as a volunteer, which I took very seriously.

Fieldwork Details

Fieldwork was conducted in London for a period of twelve months in 2009. In addition to volunteering at different sites involved in the deportation process, I conducted semi-structured interviews with key stakeholders and a focus group with migrants facing deportation, and carried out observation of deportation appeals at the AIT in London.

In total, I followed eighteen deportation cases, eleven from the perspective of the appellant (ten male and one female) and seven from the perspective of a family member, whether spouse or parent (five female and two male). The home country in these cases varied

and never overlapped. There were seven African appellants, three European, two Latin American, two Caribbean, two South-East Asians, a North American and a person from the Middle East. All were facing deportation following criminal conviction over drug-related charges (eight cases), assault (three cases), fraud (two cases), robbery (one case) and immigration related offences (four cases), such as the use of false documents or working without a license.

Research participants did not form a homogeneous group. They came from different countries, and varied greatly in cultural and religious background and in terms of age, ranging from eighteen years old to their late sixties. Whereas most research participants were struggling financially at the time of my field research, mostly due to their deportability, prior to conviction their financial situations varied considerably, ranging from some relying on benefits to others being clearly located in the middle class. Some arrived at a young age, most of the others in their early adulthood, and they had been resident in the UK from between four and fifty years.

In the midst of all this variation, the obvious link between them was their relationship to the state. Yet, they shared other features. First, they were all well established in the UK. They felt their lives and families were settled and none foresaw moving out of the country in the short term. Second, and related, in all cases but one (that of an EEA national exercising treaty rights), the appellant was the only member of the immediate family not holding British citizenship at the time of field research.¹² Third, they all agreed to participate in the research, mostly because they felt both angry and lonely.

Following these cases entailed attending or accompanying participants to related deportation proceedings such as appeal hearings, bail applications and reporting appointments, and I conducted at least two semi-structured interviews per informant. Interviewing over time was of utmost importance here. For one thing, during the second and subsequent interviews research participants had already met with me a few times and were much more at ease, and consequently more open to discussing their cases and their lives. Furthermore, peoples' feelings and perceptions of events change over time and are shaped by new experiences and emotions. This was particularly evident in interviews with Tania, where she went from feeling betrayed and angry with her partner to expressing a greater understanding of why he ran away following his final (denied) appeal.

Interviews were carried out at places identified by the respondent: their homes, the gym, a quiet café, the park, the hospital where a premature son was born, in a car while the respondent drove around

doing errands and so on. These locations, where informants felt comfortable, formed part of their daily lives and gave me a further insight into how deportability is experienced. In most cases, I was introduced to other members of the family and close friends. Most interviews were carried out in English, but some were in Spanish and Portuguese.¹³

I also conducted semi-structured interviews with legal caseworkers, NGO staff and other removable migrants (such as asylum seekers, undocumented people, overstayers). Additionally I had one-off conversations with many others facing deportation, as well as with solicitors, caseworkers, judges and non-legal members at the AIT, court clerks and other stakeholders. Over the course of field research I also attended forty-nine deportation hearings. Most of these took place at Taylor House in London. Others were heard at Field House (another AIT in central London) and the Royal Courts of Justice. I also attended numerous bail hearings and other immigration appeals at Taylor House.

As has been shown above, in this particular research project, adopting the role of volunteer in several different organisations was instrumental in gathering data and accessing informants. Yet many stakeholders were left out: those who had not appealed their deportation, and were hence not identifiable; those who I thought were too distressed to be approached; Home Office Presenting Officers (HOPOs), who I failed to get to talk to me despite my many efforts;¹⁴ and others who, when approached, did not wish to participate in the project – for instance, no one convicted of a very serious offence in the eyes of the public, such as murder or rape, agreed to participate.¹⁵

In short, I have detailed here some of the challenges and opportunities that arose during fieldwork and how I responded to them. In particular, adopting the role of volunteer in several different organisations was instrumental in gathering data and accessing informants. I am not claiming to have constructed a holistic field reflecting the experience of deportation from the UK. Instead, I am arguing that my field emerged from the locations I was able to access bound by the ethical imperatives that guided me as a researcher and a volunteer. My field consists not just of the places I visited, the data I can use and the data I cannot use, but has become a combination of all the places, practices, experiences and ideas that were advanced by the people I engaged with. By expanding and diversifying my field locations and my positionalities I gained an understanding of deportability from different perspectives, and I was able to obtain the necessary data to pursue the project.

As mentioned above, foreign nationals are increasingly immobile through restrictive immigration policies, whether as the direct result of these policies (as when incarcerated under penal or administrative powers) or as a response to them (as when developing their own evasion strategies). In such contexts, in order to reach the kind of insights that participant observation traditionally offered, ethnographic research demands a creative use of a combination of different methods and positionalities to identify and access both the research population and the institutional sites that form part of their experiences.

Notes

1. Whereas I refer to deportation and deportability in the UK, the findings here regard deportation policies and procedures as they are exercised in England and Wales, and may differ in some respects from those of Scotland and Northern Ireland.
2. I choose here to use the term 'foreign-national offender' as it is the official designation used at policy level for migrants convicted of criminal offences. Yet I do recognise that the term is not unproblematic: it places emphasis on one's actions as permanent and continuous, one who is an offender as opposed to one who has offended, and downplays the legal process that migrants facing deportation from the UK have already gone through, that of criminal conviction and incarceration, which is of importance in how their deportability is experienced.
3. The work of Bhui (2007) and Bosworth (2008, 2011) are notable exceptions (see Chapter 1).
4. Immigration policy and legislation has changed in many significant ways since the time of my fieldwork in 2009, and more changes are likely to come about with the new Immigration Bill. These changes have sought to both curtail appeal rights (and access to legal aid) and increase state powers regarding deporting people. This book discusses policy and law as enforced at the time of the field research.
5. Appeals against decisions to deport on national security grounds are heard at the Special Immigration Appeals Commission (SIAC), which also hears appeals against decisions to deprive Britons of their citizenship. The operational procedures of SIAC, where evidence put forward by the Secretary of State can be heard in closed sessions, and thus be undisclosed to appellants and their representatives, have been highly contested. See e.g. Crowther (2010), Justice (2009) and Liberty (2011).
6. The freedom of information request I put in, and its answer, are available at: http://www.whatdotheyknow.com/request/deportation_of_fnp_since_2005#incoming-297565, last accessed 28 September 2015.
7. Under the ERS, foreign-national prisoners may be deported up to 270 days before the end of their sentence. The FRS provides financial support to foreign-national prisoners (accessible only after they have left the UK) to aid their reintegration upon return. Both schemes are intended to reduce the cost of imprisonment and encourage foreign-national prisoners to leave the UK as soon as possible.
8. Schuster and Majidi (2013) also found when examining the post-deportation experiences of Afghans that onward migration is often the outcome of deportation, made possible by transnational social networks.
9. In the UK, for example, unauthorised migrants are entitled to legal aid.

10. Over the past decades there have been several European and international conventions on citizenship legislation, reflecting various principles, among them ‘the principle that the attribution of nationality to a person should be based on a genuine link with the state whose nationality is acquired’ (Bauböck et al. 2006: 6). Different countries measure this link according to different principles and scales and, although the tendency is to establish a minimum time period of regular residency, the assumption is that this is the time considered necessary for foreign nationals to establish roots and social ties that link them to the country of residence. In order to be eligible for British citizenship, foreign nationals must have resided legally in the country for at least five years, or three years if married to a British citizen, be of good character and have a basic understanding of the English language and the British way of life. I am not here equating long-term residence with the arguably feeble concepts of ‘integration’ or even ‘belonging’. Rather, I am taking the period of time the British government considers it necessary for a foreign national to have established an existence in the country. This approach has allowed me to define my research population in a way that was relatively fixed, tangible and used at the policy level. To be clear, I am not seeking here to present ‘the experience of deportation’, but rather to examine the different ways people cope with and react to their own deportability or that of a close relative.
11. This figure includes only those hearings I attended in full. I also attended a smaller number of hearings that were either adjourned or prolonged far into the afternoon on days on which I had other research commitments (hence causing me to leave the hearing before its end).
12. Some were married to British citizens. In other cases relatives obtained citizenship after the appellant faced deportation, although none ever attributed their naturalisation efforts to fear of deportation.
13. Although all were fluent in English, speaking in a foreign language allowed more privacy in interviews conducted in public spaces. The choice of language (only available for Portuguese and Spanish speakers) was always left to the interviewee. The Spanish and Portuguese narratives quoted in the book have been translated into English by me.
14. The difficulties in accessing the Home Office for research purposes, as well as of formally interviewing judges and others at AITs is documented by White (2012).
15. I was open to including all those who wished to participate no matter how ‘shocking’ their crimes might appear in the eyes of the public. More often than not, at the time I approached appellants regarding participation in this research project I was not yet aware of the crime they had been convicted of. This means that I cannot say if I have actually approached someone who committed these kinds of offences, as the stories of those who refused to participate remained closed to me. I can only say that those who did agree to participate were not convicted of offences deemed serious by the public (although several were convicted of drug-related offences that are considered serious at policy level).