

SURVEILLANCE AND CONTROL



Facing deportation implies the establishment, or reinforcement, of a relationship between the migrant (and his family) and the host state. How that relationship develops and the resulting consequences are addressed in this book. The previous chapter dealt with the Asylum and Immigration Tribunal (AIT) and the experience of legally challenging one's deportation. Immigration tribunals however are but one theatre in which the state exercises power (Bhartia 2010) over migrants' bodies. When foreign nationals are subject to deportation or removal, they become subjects to be placed under surveillance, monitored and detained – Immigration Removal Centres and reporting centres thus become stages of state control. This chapter focuses on how these institutions become part of migrants' daily lives and how these encounters are experienced. I did not interview immigration detainees. Rather, the narratives presented here are retrospective accounts of the experience of detention by foreign nationals that had been granted bail from immigration detention. These narratives work to reveal how the memory of detention affects experiences of deportability.

Forms of state surveillance over deportable foreign nationals in the UK, and elsewhere, are conceived legally as administrative practices necessary for the enforcement of the removal process. For my research participants, however, these forms of state surveillance are understood as punishment and a strategy for rendering their lives in the UK impossible to the point at which they will acquiesce to deportation. This chapter focuses on the punitive and coercive effects of state surveillance on deportable foreign nationals, and their own understandings of such practices. Although other forms of migrant surveillance are being tested and used in the UK, such as biometric

resident permits (Warren and Mavroudi 2011), in this chapter attention focuses on immigration detention and reporting, the two forms of state surveillance most commonly applied to those facing deportation from the UK.

Migrant Surveillance in the UK

At the time of field research, the UK Border Agency (UKBA) had thirteen Immigration Removal Centres (IRCs) with an overall capacity for 3,000 foreign nationals on any given day. Some were managed by Her Majesty's Prison Service (HMPS), others by private contractors. According to the Independent Chief Inspector of Borders and Immigration (ICIBI 2011) in February 2007 there were 1,300 foreign-national offenders detained under immigration powers either in IRCs or in prisons. By January 2011 the number had risen to 1,667. In February 2010, the average time spent by foreign-national offenders in IRCs awaiting deportation (not removal) was 142 days (over four months), and by January 2012 this had risen to 190 days (over six months). By 2011, 27 per cent had been in detention for more than twelve months. The high numbers of foreign-national offenders in detention are a reflection of the informal operational policy of treating a deportation order as an order to detain (see Chapter 1).

The grounds to detain foreign nationals were established in the Immigration Act 1971 and developed in subsequent legislation. A migrant facing deportation from the UK may be detained at any point of the process if there is reason to believe the migrant will abscond, or if the migrant, having exhausted all appeal rights, is about to be deported. Only one of the deportable migrants that I came across during fieldwork was not under any form of state-controlled surveillance. All others had been through at least one period of detention and were reporting as part of their conditions of bail. In addition, two were electronically monitored.

When in detention, a migrant may apply for bail every four weeks. Bail hearings, however, were considered by research participants to be very arbitrary, and most believed that it was really up to the personal and political inclinations of the judge considering the application, rather than the merits of it. More than a perception, this is a tendency that has since been documented in different studies (BID 2010; CCC 2011; White 2012). Reporting is usually required as a condition of bail from detention.¹ It consists of the allocation of a regular appointment at a pre-determined reporting centre or police station.

Every week during a given time slot, foreign nationals must go to the reporting centre so that their presence can be checked. Although in certain cases this is a monthly or daily appointment, depending on the level of risk of the migrant absconding, all but one of my research participants were reporting weekly. There were fourteen UKBA reporting centres at the time of research, four of which were located in London. Reporting centres are run by private security companies and many have short-term holding facilities, consisting of one or more secure cells where foreign nationals apprehended upon reporting await transfer to an IRC.

Another form of migrant surveillance is electronic monitoring (which also goes by the name of home detention curfew), and is used as a condition of bail. In these cases, an electronic ankle tag is attached to the migrant who, at pre-determined hours of the day, must be in range of the transmitter that has been placed in their home, thus enforcing curfew times. Only two informants were under electronic monitoring. They felt extremely uncomfortable about it. Samuel was not only was ashamed of it, but also strongly felt the pressure of the electronic curfew, worrying every time he left his place whether he would be able to get back in time.

Surveillance and Control

Under the heading 'Immigration Removal Centres', the UKBA's web site read:

Our removal centres are used for temporary detention, in situations where people have no legal right to be in the UK but have refused to leave voluntarily. Those detained in any of our centres can leave at any time to return to their home country. Some detainees are foreign national prisoners who have completed prison terms for serious crimes, but who then refuse to comply with the law by leaving the UK. If detainees refuse to comply with the law and leave the UK, we will move to enforce their return. (UKBA n.d.b)

Overall, these few sentences are successful in presenting detention as an administrative practice necessary to remove from the territory those who not only have no right to be in the country but also refuse to comply with their obligation to leave.² The text is in fact geared to present detainees as deviants: people actively and intentionally failing to comply with the law, whose action – refusing to leave – justifies their incarceration much like a criminal conviction may justify imprisonment. The portrayal of detainees as a risk and

danger that must be contained is well developed elsewhere (Feldman 2011; Malloch and Stanley 2005) and will not be dealt with here. Of concern in this chapter is what the UKBA text above fails to convey: that the power to detain reaches not only those who have been denied entry or leave to remain but also others whose 'legal right to be in the UK' is still to be adjudicated, as is the case with asylum seekers and foreign nationals with ongoing appeals at the AIT. The text also fails to convey the indefinite nature of detention in the UK. Whereas the EU maximum limit for detention is eighteen months, there is no such limit in Britain, a fact that adds to detainees' distress. The text presents an alternative to detention: voluntary departure. In fact, the Home Office often faces serious obstacles when attempting to remove foreign nationals, either because it cannot identify their origin or the relevant consulates are not cooperative in issuing travel documents, or simply because the country of origin will not take them back – what Leerkes and Broeders call the 'undeportable deportable migrant' (Leerkes and Broeders 2010: 831) and Paoletti (2010) 'non-deportability'.

Legally, detention and reporting are administrative practices designed and practised to expedite the removal process. Their aim is thus not to punish nor to rehabilitate, but to facilitate the removal of foreign nationals who have no legal right to stay in the UK, to use UKBA's words. In practice, however, the forms of surveillance discussed here are experienced by foreign nationals as punishment and coercion to leave.

Leerkes and Broeders (2010), discussing the Netherlands, question if the administrative rationale for immigration detention is sufficient to explain actual current practices of detention. The authors argue that immigration detention serves three informal functions in addition to its official purpose as an administrative practice aiding the removal of unwanted foreign-nationals: deterrence; control of poverty (detention acting as a temporary relief from street poverty); and the symbolic assertion of state power. These informal functions are not necessarily unintended, even if they are not ratified in law. By keeping detention under administrative law, policy makers have a 'flexible instrument of control' (Leerkes and Broeders 2010: 846). Deterrence would then work not just to coerce those detained to leave or assist in their removal, but more broadly to prevent foreign nationals from violating immigration policies and the law in general.

The extent to which such methods actually work as a deterrent more generally are difficult to ascertain but, as it will be seen here, research participants did feel very strongly the coercive element of

this form of surveillance, often wondering whether they would be able to endure another period in detention. Detention also works by symbolically asserting state power and managing popular anxieties over immigration control because 'the increase in immigration detention communicates the message that the state is still in control over the geographical (and social) borders that citizens want to maintain' (Leerkes and Broeders 2010: 843). In other words, the government recognises that there is a problem and that that problem is being addressed.³

Foucault (1991), in his examination of Jeremy Bentham's Panopticon, takes surveillance as a disciplinary practice. In the Panopticon, power is exercised through making visible those who are to be disciplined and making invisible those who discipline. The dyad between the one who sees and the one who is seen is thus not established for both actors, as the eye sees all but is never seen. The Panopticon acts as a disciplinary practice precisely because the subjects of surveillance know that they are visible but do not know when they are being watched. Surveillance in that setting thus seeks to discipline by coercion, forcing a change of behaviour.

Whyte (2011) reveals how Foucault's Panopticon does not fully reflect the reality of open immigration detention camps in Denmark, for the gaze is not fully fixed and the dyad between the seeing eye and being seen is in fact established. Because there is no all-seeing eye, and the seeing is partial and inconstant, 'applicants worried about what it was the central gaze saw when it did observe them' (Whyte 2011: 20). In the UK, IRCs are not open camps as in Denmark, where detainees are free to spend the day outside and need only to return for the night. British IRCs are more like prison facilities, and some in fact were used as prison or military establishments before being converted into IRCs. They are high-security facilities with barred windows, locked doors, security checks for visitors (and detainees) and countless CCTV cameras spread throughout the facilities. Even so, IRCs do not function as a Panopticon, and research participants did not feel constantly the gaze of power on them, not in the sense of feeling observed. In IRCs, as in Whyte's case, the gaze of the guards is not permanent but rather uneven in its application, and is motivated not so much by disciplinary concerns but rather by control and security concerns (Hall 2012).

When the potential deportee has to report, after being granted bail from immigration detention, the gaze is established in much the same way as in Danish open camps: it is limited to the reporting appointment and the dyad between the one who sees and the one who

is seen is established. Deleuze (1992) argues that the will to discipline is being replaced by the will to control. In the present context, this would translate into surveillance being applied not to punish or rehabilitate offenders, but to prevent or anticipate crime or unwanted behaviour; should control fail in its preventive role, it will nevertheless facilitate accountability and punishment (Frois 2011: 17). In fact, immigration detention and reporting do not have the disciplining aim of the Panopticon. They are concerned with removability and control, not with discipline in the Foucauldian sense (Whyte 2011). Yet, their power is nevertheless exerted intensely over foreign nationals' lives constantly. Foreign nationals experience the power of the state through state technologies of surveillance even if the gaze is not permanently on them. This is so not only when in detention, but also when out on bail through tagging and reporting, which as this and the following chapters seek to show, heavily restrict and impact upon foreign nationals' lives and sense of self.

In the present context, Agamben's work is useful for examining migrant detention because the biopolitics of his 'state of exception' and 'the camp' (Agamben 1998, 2005) resonates with the reality of detention centres. In a state of exception, power is centralised, with the state holding extra-judicial powers to address perceived threats to its authority, conferring on it near absolute authority to rule – that is, unrestrained by the law, the state can operate outside it. In this context whatever is done to individuals is not considered a crime, as they have been stripped of their rights and their political status – they are thus reduced to 'bare life' (Agamben 2005). Yet, as many authors have argued recently, Agamben does not leave much space for socio-political action in this context (Hall 2010; McGregor 2011; Nyers 2008). Furthermore, despite the many parallels that can be drawn, IRCs do have a legal status and allow detainees to have legal representation, the right to appear before a judge and to apply for bail, which hardly coincides with Agamben's conception of spaces of exception (Richard and Fischer 2008). Furthermore, as noted above, liberal states face many constraints when pursuing such avenues of policy (Ellermann 2010; Freedman 2011), often leading to non-deportability (Leerkes and Broeders 2010; Paoletti 2010).

Isin and Rygiel (2007) conceptualise the camp as an abject space in the sense that, in the camp, people are neither disciplined, nor eliminated, but just left without a presence, invisible and inaudible. However, the camp, may also be a space of resistance. McGregor's work on religious revival manifested within immigration detention centres in the UK not only brought religion into the discussion of

borders, but successfully argued that IRCs cannot be seen solely as zones of exclusion but must be seen also as ‘socio-political spaces in themselves’ (McGregor 2012: 236). There is a growing body of literature on immigrant detention. Although some have examined detention from the perspective of immigration officers (Hall 2012; Sutton and Vigneswaran 2011), most tend to focus on the experiences of detainees. In the UK, this body of research has mostly centred on the lived experience of detention by asylum seekers, and tends to limit the analysis to experiences of detention while foreign nationals are detained (BID 2009; LDSG 2009). McGregor’s (2009) work is a valuable contribution as it explores the legacies of detention among Zimbabwean asylum seekers in the UK long after release. Although asylum seekers’ experiences of detention vary in some important ways from those of foreign-national offenders, many of her findings on the impact of detention both while detained and after release, such as attitudes towards Britain and ways of coping, are echoed here.

The practice of reporting has been largely overlooked in academic literature, with the work of Klein and Williams (2012) a remarkable exception. Migrant support groups provide some information on reporting, mostly alerting foreign nationals to the risk of detention when reporting and how to be prepared for it. Some migrant support groups have even established groups that control each other’s reporting appointments so that if one should be detained when reporting the others can immediately contact their legal representative, family and other advocacy groups (see NDADC 2012). Reporting to the UKBA as part of the conditions of bail from detention is a practice that has a great impact on migrants’ lives and perceptions of safety. In including it in this book I show how it is also part and parcel of the experience of deportation and deportability from the UK.

Narratives of Immigration Detention and Reporting

Narratives of detention and surveillance were remarkably similar, showing very little variation between the accounts of different research participants. The following excerpt from George’s detention narrative will be used to ground many of the issues dealt with in this section. George and his wife arrived in the UK twenty years ago. He has four children, three of which were born in the UK, and held indefinite leave to remain until he was convicted of possession of false documents with intent. We always met at the hospital where his premature son was in recovery at the time:

I went in September to sign, it was on Monday. I went to sign it and one woman come to me and said, 'I'm really sorry but you have exhausted all appeals'. I said, 'Excuse me, I haven't got any appeal yet', she said to me, 'Well sorry, its Croydon [a UKBA office], they give me order to detain you' and they send me for one week to detention! Oh my, I couldn't believe! [...] It was the first day of school for my children. It was 3.30 P.M. and I called my wife saying, 'Look, they are detaining me, I have with me the money to pay the lawyer for the appeal' because I was going there afterwards and if I don't give him the money there is no appeal. She started crying. It was terrible, it was like recalling the experience of when they treated you like a criminal, but after so many bitter experiences ... And my son, he was so small, in hospital ... The only advantage is that you can have a mobile phone there, so I could speak with them at any time and that gave me the peace of mind to cope with it all. Of all that I could see there, it is the psychological damage that it makes you ... because all the time you are hearing the planes go by [many detention facilities are located close to international airports]. They are very clever, this country. You're thinking, 'I'm one step away from being sent away' and the planes go by and by. It was a shock to find myself detained. I am never violent. I couldn't eat, I was too stressed. Hunger? What hunger? I couldn't eat, I felt like eating nothing. I lost three kilos in eight days. Once this torment was over, my appetite was back immediately. When I arrived home I eat so much. Then I went to the hospital to see my son. My innocent son who was unaware of my pain. But they don't care about any of that, and that is what hurts. There were many who wanted to go, thinking, 'If I am here to be locked up, I rather go home'. There are a few still fighting to stay, most want to go, they are tired. Even this Colombian friend of mine, he called me yesterday, saying he lost in court, and his representative told him she would charge £3,000 to appeal, and he said no. He has been here for twenty years, has children, all British. His problem is his record, he has an extensive record, he was in jail for about four or five times. He says he wants to go, he said, 'I am happy because my family will stay here, but I am tired of all this'. Oh well ... And I don't understand why they detained me, I have my kids, where would I go? How would I endanger my kids and my family, they are my life. [...] I have suffered a lot here, and if they send me to detention again I can't take it, I'll say, 'Deport me, deport me now'.

George had been reporting to the Home Office for over a year by the time he was detained. This was not his first time in detention, nor his last. At this point though, he was not expecting to be detained. He had been granted bail a year before, had not violated its conditions and was about to start another appeal with the AIT. He had no way of seeing it coming and, like many others, was detained with what he had on him that day. He didn't have any spare clothes with him, toiletries, his medicines or any other things he might need while in detention. Of more concern in George's particular case was what he did have on him: the money to pay his solicitor so that he would start

working on the appeal. Given the short time granted to file the appeal, this situation was particularly troublesome and illustrates how being apprehended can scupper all the plans that foreign nationals might have for the day and the immediate future – their time is interrupted.

Deportees interviewed for this study were detained either straight out of prison upon completing their sentences or, like George, when reporting to the Home Office as part of the terms of bail. Detention was always unexpected, and all reported feeling confused, shocked and scared. Some were held at the reporting facilities for a few hours before being informed that they were going to be transferred to an IRC, exacerbating their anxiety.

Phoning home to break the news of their detention is a key moment of the detention process for foreign nationals – as George says, it is a reminder of their criminal status and of what the family had to go through while they served their criminal sentence. On top of everything else, detainees feel guilty for putting their families through another ordeal. The phone call is always described as a terrible experience: migrants are well aware of how difficult receiving this news can be. For their families this means yet another period of separation, an added fear that detention will jeopardise the appeal or that deportation might be imminent, and requires adapting to the logistics of having a spouse or child in detention.

Whereas George was sent to Brook House, next to Gatwick airport and fairly close to London, others are sent to IRCs a considerable distance from their places of residence. David, for instance, was sent to Dover, hampering family and legal visits because of the distance between the detention centre and his place of residence, and the cost of travelling there. Family members also often described themselves as feeling publicly ‘shamed’ by the IRC staff. Claire, for example, as an English woman visiting her husband in detention, felt the judgmental gaze of IRC staff on her: ‘When I visit my husband in detention, the guards know that I am English, they can tell, and they don’t understand what I’m doing there’. Families also have to adjust to the gap left behind by the migrant’s detention: it might mean one less breadwinner, but also that someone has to cover for the detainee’s daily tasks, such as taking children to school, which may require great logistical effort. In addition, whatever documentation might be needed to prepare the appeal must now be gathered and provided to solicitors by family members.

Unlike many other detainees, foreign nationals facing deportation from the UK following criminal conviction had experienced penal incarceration in the UK prior to their detention. Unlike IRCs, prisons

have the dual purpose of punishment and rehabilitation, and research participants felt the importance of both. Prison time is always narrated as time used to rethink one's life, a time of rehabilitation whether from drugs, deviant behaviour or simply from oneself. It is a time when research participants learned to appreciate the good things they have in life. It was also described as an experience that made them realise the potential they had to succeed in life and be happy. Like George, most took courses in prison both for education purposes and for their personal development:

Being locked up in a place, the first few days were terrible. In the first days you spend twenty-three hours locked up. Today I cannot hear the sound of keys. It's psychological torture. At the beginning everything hurts. Then once you get your time worked up it's okay. I was very friendly and the guards and the chief of prison all liked me. What the prison taught me was that it made me develop as a person. I was mediocre, I thought about things but I never finish them. And now, whatever I want to do, I do it till the end. It made me a better person and a better father. The only sin I committed in this country was working too much.

A similar experience was recounted by Andre:

I think that it was kind of good that I went to jail, I think God gave me that opportunity to be arrested and think about what I want from my life and to see that I have a lot of chances, a lot of good things to do, that I have a future. And that the people who are close to me, they are good people and that I lose people because I was not thinking straight. [...] I don't know what happened to me. The answer that I get is that I changed, I really changed a lot. I look at myself and it's like, 'Shit Andre, is that really you?' [...] I think before I wanted everything at the same time and I couldn't get nothing and then I would get out of control. Now I want one thing at a time, I'm focused in taking care of my mum, and getting in the gym [he was training to be a personal trainer] which is something that I like and won't pull me back to evil or dirty business.

This is not to say that prison was a pleasant experience or that migrants' imprisonment was easy and agreeable. It was not. Much like detention, imprisonment meant the deprivation of freedom and the absence from both family life and society more generally, and the punitive element of it was strongly felt. The point here is that, unlike detention, research participants found positive outcomes from imprisonment, and it was mostly on these that they focused their prison narratives, reinforcing the rehabilitation element of penal incarceration. Most importantly, for them detention was always experienced in comparison to imprisonment. In this sense, and although conditions vary between different IRCs, facilities and provisions in

detention were always deemed better than in prison.⁴ They spent less time locked up in a cell, were permitted use of a mobile phone, had more freedom to walk around the facilities as they pleased, more visiting time and so on. Tony spent over two years in several detention centres:

In prison you are not allowed to have a mobile phone, in prison you are more limited to coming out of your room, you are criminal so you know you are going to do what they tell you. If you go to detention in Dover is like run by a private company, you know, they run prisons and is like they have the same uniforms as in prison, is a prison building and the food was the same, the only difference is that in detention you come off your room more often and you got mobile phone and also there are other things you can have, like DVD player, and stuff, but roughly ... in Harmondsworth it was more secure, and Colnbrook, there was not a lot of movement, but other detention centres you can walk around all day and come back in when it's like closing time.

Having a mobile phone was considered of utmost importance to detainees. For George, having a mobile in detention was crucial in helping him cope with confinement and maintaining contact with his family and solicitor. The advantages were clearly stated by Tony:

You can phone but the phone cannot have a camera. You get more freedom, you can talk to your family, to your friends, if you feeling depressed you can call other people, you can call your solicitor, he can call you. Its more easy access.

This does not mean, however, that by and large the experience of detention was better than that of imprisonment. Quite the contrary. For all research participants, even if daily life in detention was more agreeable than that in prison, the overall experience was far worse. The first thing to bear in mind is that, in IRCs, the element of rehabilitation, so appreciated in imprisonment, is absent: immigration detainees are not being rehabilitated and prepared for life 'outside', they are just awaiting removal, which is tantamount to full exclusion from life 'outside'. Two other elements were stated as contributing to detention being experienced more negatively than prison. First, in prison, foreign nationals were 'doing time' for the offence for which they were convicted, and that is accepted. It is the expected outcome of committing an offence and being convicted. In detention, however, they felt they were being deprived of time and freedom for what seemed to be no reason other than punishing them again. It felt unreasonable and unfair, and deportees carry with them the sense that wrong is being done to them. They are being again subjected to a state practice that deprives them of their freedom, family and

professional development, only this time they see no justification for it. Family members also felt this way, as expressed here by Jamal in relation to his son:

Well, it's a step up from prison, because he can write letters and make phone call, he has a mobile phone and we give him pay-as-you-go. He is ok, but it's too long, and they are doing nothing. He is in prison (detention) for six months and he did nothing. If it takes weeks or one month I understand, but six months it's too long. So I say what is wrong with them? Why everything is like this?

Second, in detention there is no release date. Foreign nationals have no way of knowing how long they will be detained and, given that Britain does not subscribe to the EU's limit of eighteen months maximum in detention, detainees do not even have the 'maximum' time as a frame of reference for their release date. They can only apply for bail every four weeks, and hope for the best. As Tony put it:

That is the real issue people face [not having a release date]. That is what makes people feel depressed. They were angry and bitter towards the UK government. In prison I used to see people come and go, and in detention you could be there for months, you could be there for years, and that is the difference. It makes it hard for people in there. People see it as their liberty being taken, human rights abuse, because there are some people who already say, 'Take me back to my country', but they take longer because they can't get travel documents or because they are just taking the piss. You don't know when you gonna go. [...] And then bail it's like a lottery ticket, if it's your day it's your day and you go and if not you stay. I went for bail six times. The sixth one I got out.

Detainees do not know if they will be released at all, as deportation has become an ever more real occurrence during detention. As Coutin has argued in the context of the US, 'removed from their communities ... detainees are to a large degree already "elsewhere", therefore deportation is the seemingly inevitable realisation of the illegality experienced in detention' (Coutin 2010: 205). Detainees see others being deported, and as George puts it, hearing the planes coming and going was a constant reminder that he was about to leave. In that sense the IRC is already a transitional space where foreign nationals, although physically in the UK, are compelled to feel themselves closer to their country of origin. They also experience constant pressure to agree to deportation. Hamid spent one week in detention:

As a prisoner you have a law to follow so you okay, so in prison that is different but in detention you haven't got nothing to say. Everyday they come, 'Do you wanna sign this paper to go to your country? Huh'. Everyday come.

'We give you 3,500 if you go to your country'. They come again, 'Ah ... This application for you'. Everyday they trying with you, everyday they put you in stress, everyday, everyday, everyday, the same story ... In detention you are, like they used to say, you are in your country, you are in Algeria, Jamaica or whatever it is your country. Definitely. There's the airport, you are here, they gonna take you back. So that pressure is very difficult. That's the thing.

When added to worrying about such things as appeals and solicitor's fees, these elements combined – no release date, no justifiable reason for detention and a feeling that deportation is imminent – are nerve racking, unsettling and intense to the point of turning the experience of detention into one far worse than that of prison, even if the conditions of the former are far better than those of the latter. This is well captured in George's comments. He talks approvingly about his room in detention, with plasma TV and the advantage of being allowed a mobile phone, he compliments the gym facilities and detention schedules, after which he states without hesitation, 'It was horrible'. What George is reinforcing is that no facilities will ever be good enough to make up for wrongful incarceration. He could not eat while he was detained, and he was hurt by the lack of attention to his personal circumstances. Fear of removal, concern over family, isolation, stress, anxiety, panic attacks, depression, weight loss, appetite loss, inability to sleep, inability to focus and crying all formed part of the experience of detention for George and others.

Finding in detention some of the people he first met there a year before added to the unrest George already felt about being detained. This is an issue many research participants mentioned. Even for those detained for the first time, encountering people who have been detained for years brought the realisation that there was little to protect them from indefinite detention. It exacerbated their feelings of vulnerability and disquiet. George details the hatred many detainees developed towards the UK:

When you talk to people there, people ask you how things are out in the street. And the hate detainees have to this country. If I didn't have my children here I would hate the British too. The hate is strong, from detainees ... Guards were heavily bullied, I actually felt sorry for the guards. They were treated like servants or dogs. The hate you generate among detainees in the detention centres is brutal. There was this one Jamaican guy who used to tell the guards, 'You're sending me to Jamaica and when I am there I am going to find an Englishman and I am going to kill him, I'm going to kill him'. He would say that to the guards [...] But I met many people in detention who want to go back to their countries. The problem is they won't allow them to go; that is why this is so disgusting. Because of documents, the system is ... For instance, there was this guy from Albania, every day he would go to the

reception to say that he wanted to leave to his country, and he yell at them, and this guy from India too would say, 'I no longer want to stay here. Deport me!'

George went on to state how he understood such feelings:

I don't share their ideas, but I understand them. They have been detained for long, nobody listens to them, they are ignored, left there, no one cares for them, or helps them. They are just there. It's amazing!

When narrating their experiences of detention and reporting, research participants constantly reasserted the humanity of detainees. The human factor needed reinforcement for them because the elements that make up a human being are trimmed down in detention: no respect, no care, no voice and no notion of human rights. Detainees are no longer people, 'they are just there'. In this sense, for research participants, detainees encapsulate Agamben's notion of 'bare life' (Agamben 1998, 2005) in the sense that they are stripped of all protection and exist outside the legal and political order. Their sense of vulnerability, and of existing in detention as someone not worthy of human treatment, reflect this.

The experience of detention, as narrated by George and other research participants, is an experience that breaks one down. Present in all the narratives I collected is shock at detention practices and events like those narrated here by David, such as seeing others being deported and bullied, denied medical attention or committing suicide:

Over there, in detention, you have to see it to believe it. The way people suffer. When I was there two people died Ines ... They throw themselves down the stairs. But they would not allow anyone to see it. The ambulance came and took them right away. One died one day and then the other the next day. That's what happened. It is really shocking what goes on over there, what the British government is doing and all that. A person cannot, a person is always ... you are sleeping but you are always thinking about the problem.

Because in detention foreign-nationals find many others facing deportation there is a lot of comparing of cases. Take, for instance, Samuel's words:

In detention I knew people getting deported and knew people that was there for like three years, that's got kids, that they trying to deport. I met a lot of people with strong cases. [...] If they got their minds to try and deport them, that is being here more than twice my age, that has got families here, so think of what they will try to do to me, you know what I'm saying? So then again these people have less case than you, not quite as strong cases and win and

some people got a stronger case than you and they go, so it really depends on how the judge's feeling.

What Samuel is describing echoes the narratives of other research participants. They often detailed how scared they were to find people with stronger cases than them who were deported and others with weaker cases who were allowed to remain. Of course it can be said that foreign nationals, as lay people, are not qualified to fully understand the merits of particular cases. As mentioned in the previous chapter, often what those facing deportation perceive to be strong elements (a close-knit family, or innocence of the crime for which they were convicted) may in fact not work in their favour. What they are left with is the realisation that there is a strong element of arbitrariness to bail and the appeals system, again reinforcing their sense of vulnerability.

Reporting (signing-in or signing-on in foreign nationals' current language), although in theory a very quick event, entails more often than not a few hours of queuing outside the reporting centre, waiting one's turn to enter the building and presenting one's papers. For research participants, standing in line outside the reporting centre is a reassertion of their lack of status, a public display of their condition as someone who is not deemed worthy of residing in the UK and who needs to be monitored, as expressed below first by Tony and then by David:

Now I have to do it every Monday, in Hounslow, between 9 and 4 [o'clock]. It's just awful. Even though I'm out, which is better, but sometimes I feel I'm being controlled you know because ... the people I see, we are all humans, I don't judge no one so when I go there people look at me differently, they look at me like, 'Why is he here', you know? But no one knows so. People who are there are people who come from other countries.

But look, over there, signing-in, you have old people, sick people, people who can't even walk ... the human rights! There are other ways of controlling people. This is a humiliation too. Last week it was raining and the queue was long. We are not animals, we are human beings.

This control is strongly felt, not only when actually going to report, but also in migrants' daily life. For Andre this meant missing a day of classes:

It's shit, you are stuck, they are controlling you, you can't go anywhere. You have a leash, you can go and go but come Monday and they'll pull you back in. You have to go back there. And they won't give a chance to arrive late, passed the hour or go there next day. So I'm there. But at the same time I miss my classes. I'm studying and I can't go to college on Mondays.

Basem strongly felt this control too:

They are making me suffer – sign-in every day. But I can't move anywhere, not even for a week. They'll ask, 'Why did you left?' For two years I have been signing-in. They keep you in control. You're on bail condition, they hold on responsibility. They are taking your freedom away. It's like a little dog and put a chain on the neck. [...] At Communications House you wait hours! Two hours in the rain! It's the whole morning. You don't sign nothing. You just give the letter and they check and tick and that's it. Even babies have to wait outside. [...] Every time I go with the hope they say I don't need to get back.

Reporting involves spending time and money. Research participants mentioned the travel costs of reporting as a strain on their already fragile budget, and the time needed to report as hindering their educational or professional activities. In fact, research participants who were not employed, like David, often cited reporting as the reason for their lack of work:

Look at their stupidity. I have family; I have a house, where am I going to go? I have responsibilities. Sign-in? Why spend my money every week to come here? I can't work full-time because of that day, Wednesday. Imagine you work for a company and every Wednesday you have to skip work because you have to come here. You get unbalanced, it's a pain. You have work but you can't work ... For instance I became self-employed because of it. When I was doing my course I told them, 'Listen, I won't be able to come and sign-in on these days'. 'Why?' And I replied, 'Because I am taking a course, I paid my course and I am not going to miss the course because of signing-in. You have to get me a day on weekend'. They looked at my timetable and said, 'No, you can come at 9 A.M.'. 'But how can I come at 9 A.M.? My college is in Luton, this is a waste of my time and I am losing money, why can you not put me on a Saturday?' 'Oh no, it has to be Wednesday'.

Louise's husband managed to get around this problem by working night shifts in a factory. He also had the advantage of reporting monthly, as opposed to weekly like all other research participants. Even so, reporting meant that once a month he would go without sleep for a day. Reporting restricts migrants' liberty not just by jeopardising their access to employment but also by reducing or even nullifying their travel opportunities. Foreign nationals cannot leave their residence area for more than a few days as they cannot miss their weekly appointment. Even for those who could afford holidays, like David, this meant no holidays with their families:

I know what I am going through. At this point I can't even travel. My family goes away on holiday, they go, on the summer and everything and I can't join my family. This is, how they say, a double punishment ... More than double.

As well as having an impact upon a migrant's budget, time and professional and educational options, the weekly visit to the reporting centre is also a source of fear and stress, for foreign nationals and families alike, especially after the first time they are detained while reporting. David, who had also been taken to detention upon reporting, told me:

Even today I went to report and my wife called me, she always calls me, 'Are you okay? Is everything okay?' 'Cause she is scared! Because it has happened before. I went to sign up and they detained me.

The memory of detention informs the way foreign nationals experience reporting. They become aware that being on bail does not protect them from detention, and consequently feel even more insecure. Moreover, although none of my research participants was ever apprehended at home, home raids as portrayed in the media are a fear that many expressed, both the appellants and their families, which prevents them from being relaxed and feeling safe, even at home, as Tania, whose partner is facing deportation, explains:

It's awful! Because you know, being in the house, what it's really awful, because we would be sitting around, it was Christmas, [...] we had pictures taken, we were sitting around at the table having dinner together and I just ... you know, I don't really know what he's feeling, because he doesn't say it to me, but all I think about is that there could be a knock on the door and they've come to take him. It's always at the back of my mind, it's always there, it makes me feel very uncomfortable, all the time. I think with him, I think he just tries to blank it out. Maybe I'm older, I'm more experienced, I've seen on the television, I've seen it on the newspaper how many people they are getting deported so you know what is frightening it's when you hear of instances when people get hurt in the process and in a way I'm happy that it happened [he was taken to detention] when he was outdoors because it just scares me coming here knocking on the door, people running around my house.

Chronic uncertainty arising from facing deportation and having been in detention will be further explored in Chapter 4, as will the strategies that foreign nationals deploy to cope with it. Here, the point is that the impact of detention for both detainees and their families, goes well beyond the actual time the migrant was detained, while reporting and tagging, which allow a greater degree of freedom, are not simple protocols to be followed, they heavily restrict migrants' choices and movement.

Detention and reporting thus impact greatly on foreign nationals' lives both directly and indirectly. Being under this kind of surveillance also has an impact on migrants' sense of self: many described feeling untrustworthy, infantilised and dehumanised. It is also significant

that, even though most research participants agreed with policies of deportation in general – contesting only those that were being applied to them in particular – none could conceive of a legitimate reason to hold people in detention, whatever their lack of entitlement to being in the UK.

George ended his narrative by questioning the rationale for his detention. Other research participants didn't understand why they had to report. Why would they run away from their families if they were fighting to stay in the UK precisely so they could be with them? Moreover, if they do wish to run away, reporting weekly will not prevent them from doing so, although David did recognise that it would make the Home Office aware that they had absconded after a week or less:

Because I'm out on bail, right, I have to sign-in every week. And I really don't need to do it, because I have been here for longer than I can remember, I have family, have a house, have a place to live, have children. Where am I going to run away to? I have a car, I have my life here. Where am I going to go? Wherever I go the Home Office will find me. So why do I have to go and sign-in? I always have to spend £8 on the tube, to have to go one day. It is stressful, really stressful. I have already paid for my crime, I did the time I had to do.

For research participants the rationale for detention and conditions of bail are not justifiable. For them there can be only one explanation: the Home Office is punishing them again in the hope that they will agree to deportation.

To Punish and Compel

In 2009 a London Magistrate agreed to be tagged for a week as part of an initiative by the London Criminal Justice Board to assess the impact of tagging on daily life. Her one page description of the experience, included in a guidebook on electronic monitoring, ends with the following:

I am really grateful to have had the experience and when I am considering tagging as a requirement of a community order or as a condition of bail, I shall do so with greater confidence and awareness that it can be a severe restriction on liberty and act as a real punishment. (Powell, in SERCO n.d.: 2)

This reinforces the idea that, in practice, these forms of state surveillance do act as punishment. The experience of deportation cannot be separated from the experience of state surveillance of deportable migrants – they are intertwined and embedded in each other. Migrants

find themselves in detention or in queues to report due to their deportability. Foreign-national offenders are thus not just imprisoned and deported. Between one and the other they are often stripped of their right to work (and support their families), to travel and even of their freedom of movement when placed under detention. Between imprisonment and deportation, migrants and their families live in limbo. Their lives are unsettled, ungrounded and uncertain, as expressed here in the words of Samuel:

I meant to be out of prison on the 13th February, one day before Valentine's Day, and I came out in October at the 29th so I was eight months in detention so all in all I done like fifteen months, I spent more time in detention then I did from my actual crime. [...] And it's not fair 'cause it is like, I want to see my family, I have done my crime now, what am I doing here? That is how you feel isn't it? But they are going to try ... they lie, they do a lot of things, they gonna try and say that if they give you bail you gonna re-offend, obviously, that is the way they gonna try to make it seem, so as soon as I done my time I thought they are punishing me. I just did my time, I rehabilitated my life, and all.

Samuel's view of things was largely shared by Tony:

What I'm experiencing now? It is a punishment. I don't really know how these people got power, this is my whole life really, this is my future that they got in their hands so it is a punishment. I don't know what I'm going to do with it.

Research participants felt that they were being punished consecutively: they had served their time in prison but rather than moving on with their lives as a British national would, they find themselves facing expulsion from their country of residence which in the meanwhile subjects them to constant restrictions and surveillance. This perception is mentioned in many ethnographies of detention and deportation (e.g. Bosworth 2012; Moniz 2004; Peutz 2006; Zilberg 2004). Bhabha calls it 'double jeopardy', which, she argues, 'violates human rights norms of non-discrimination and presumptions of equality of treatment before the law' and 'negates the historical and psychological reality of third country nationals' (Bhabha 1998: 615). Dow, however, argues that, more than double jeopardy, deportation and related forms of state surveillance, such as detention and reporting, constitute a double punishment as 'double jeopardy implies being tried twice for the same crime. The immigrants have been tried only once – and punished twice' (Dow 2007: 544). Furthermore, removal 'is often not an end at all, but the start of a new and ongoing punishment' (Dow 2007: 544).

Present in many of the narratives presented here is the frequent assertion that forms of state surveillance, and in particular detention, break one down to the point of agreeing to deportation. Surveillance is thus conceptualised by foreign-national offenders and their families as a form of coercive action, not in the Foucauldian sense of enforcing a given behaviour, but in the sense of compelling one single action: agreement to leave. As George said, 'I have suffered a lot here, and if they send me to detention again I can't take it, I'll say "Deport me. Deport me now"'.

But even though foreign nationals perceive these strategies as measures to force them to leave, these are also strategies that work to discipline them. The threat of detention and the imposition of reporting appointments act as strategies of control. For those participating in this study, defiance of reporting, for instance, was seldom enacted and often short-lived. In Chapter 5 I discuss in more detail the production of disciplined bodies. Of importance here is that the overall lived experience of surveillance and deportation examined in this chapter highlights the punitive effect of such practices. Whether or not this is intentional, this effect must be acknowledged and should be challenged. Punishment should only be inflicted through a judicial process, not in the form of an 'unaccountable' administrative practice (Fekete and Webber 2009; Webber 2012). As others have argued, deportation and related practices of surveillance are a straightforward consequence of a criminal conviction. They are too closely linked to the criminal justice system, and too punitive in practice to continue to be exercised as an administrative action (e.g. Dow 2007; Pratt 2005). Ironically, but perhaps not unintentionally, those who are deemed a risk and hence are subjected to surveillance and banishment are the ones who constantly feel vulnerable and in need of protection. Because they do not consider themselves a risk to society, they understand surveillance over them not as a measure of control, but rather as punishment for wanting to stay – it is, in their eyes, a technique designed to coerce them to leave.

Notes

1. Other conditions of bail from detention tend to require that the detainee live at a particular address and that the detainee and/or one or more sureties volunteer an amount of money adequate to their financial means that is retained by the tribunal should the detainee abscond. At times, electronic monitoring is also part of conditions of bail.
2. It should be noted here that the composition of the government changed between 2009 (the time of my fieldwork) and the time of this UKBA post, which might have

implications if I were trying to examine the Home Office's legitimisation of detention. Here, however, I am merely seeking to illustrate how detention is officially conceptualised as an administrative practice necessary to law enforcement.

3. This is true of other forms of surveillance and state practices. Frois (2011), for instance, has examined the intention of the Portuguese government in installing CCTV in public open spaces. This is justified by its preventive role, so in that sense it is disciplining as it is aiming at a change in behaviour. However, it is not rehabilitating because it is not addressing the causes that led to a need for surveillance. Frois contends that as a line of action it is effective because it reveals that a problem has been identified and that it is being acted upon, even if the action is centred on the intention and not necessarily on practice (Frois 2011: 125).
4. Although this was not the case with any of the migrants I came across, many foreign-national prisoners are detained post-sentence in prison before removal, immigration bail or transfer to an IRC. See Bosworth (2011) for a detailed discussion of the issues.