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Abstract

This article draws on ethnographic research that I conducted in five British immigration removal centres from November 2009 to June 2011, and considers the challenges these institutions pose to our understanding of penal power. These centres contain a complex mix of foreign national citizens including former and current asylum seekers, those without visas, visa over-stayers and post-sentence foreign national prisoners. For many non-British offenders, a period of confinement in an immigration detention centre is now, effectively, part of their punishment. What are the implications of this dual confinement and (how) can we understand it within the intellectual framework of punishment and society?

Keywords

citizenship, identity, immigration detention, penal power, punishment

We advise against all travel to Baghdad and its surrounding area, and to the provinces of Basra, Maysan, Al Anbar, Salah Ad Din, Diyala, Wasit, Babil, Ninawa and At-Tamim ... We advise against all travel to within 100km of the entire Iran/Afghanistan border, and to within 10km of the entire Iran/Iraq border. The Pakistan border area is also insecure, and we advise against all travel east of the line running from Bam to Jask ... We advise against all travel to Peshawar ... and to Northern and Western Balochistan ... and to the Federally administered tribal areas ... and to Swat, Buner, and Lower Dir ... We advise against all travel to rural areas of Jammu and Kashmir other than Ladakh; all travel in the immediate vicinity of the border with Pakistan, other than at Wagah; and all travel in Manipur ...

(24 June 2011: <http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/>)

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Introduction

The UK, like all other liberal democracies, deports people daily to parts of the world that it explicitly advises its own citizens to avoid. To repatriate the citizens of these unsafe and poor countries, the UK relies on a series of legal structures and institutions under the rubric of immigration control. Until recently, and notwithstanding their growing intersection with the discourse and practice of criminal justice, such policies received limited criminological scrutiny. These days, however, researchers may refer to the field of 'the criminology of mobility', which includes studies of security, policing, detention, deportation and the law (Aas and Bosworth, 2013; see, for example, Aas, 2011; Bosworth, 2011a, 2011b; Brotherton and Barrios, 2011; Grewcock, 2010, 2011; Leerkes and Broeders, 2010; Pratt, 2005; Stumpf, 2006; Weber and Pickering, 2006; Welch and Schuster, 2005; Wilsher, 2012).¹ How curious it is, then, that, with some notable exceptions, scholars working on punishment and society have engaged so little with practices and experiences of border control (although see DiGiorgi, 2010; Malloch and Stanley, 2005 and the special issue of *Punishment & Society* in 2003, for example Asale, 2003; Melossi, 2003; Young, 2003).

This article draws on ethnographic research I conducted in five British immigration removal centres to consider the challenges that such places pose to our understanding of punishment and society. Because of their population and their institutional make-up, removal centres defy simple taxonomy. Ostensibly a destination for people en route to an airport, they increasingly house women and men for upwards of six months. Though deportation and the detention that precedes it are matters of administrative law, foreign offenders are now routinely given deportation orders by judges and magistrates as part of their criminal sentence.

Detention centres likewise pose multiple methodological demands. Most fundamentally, it is extremely difficult to gain research access to such places as governments have refused to allow rigorous academic study of these institutions or those who stay or work in them. Many detainees speak only limited English. They hail from countries with an array of cultural, religious and traditional norms and practices that may be difficult for researchers to understand. Some are held overnight, others for several years; it is not always clear how to capture the range of experiences under these circumstances.

How then, can we approach such places? Given their administrative rationale, should they even fall into the purview of criminology? Do they fit into existing theoretical frameworks within punishment and society, or might they open up new ways of thinking about punishment? Finally, what do such institutions suggest about 'doing' the sociology of punishment? An article of this length cannot answer all of these questions in equal depth, but I raise them here as part of an ongoing intellectual engagement with the criminology of mobility (see, for example, Aas and Bosworth, 2013; Bosworth, 2007, 2008, 2011a, 2011b; Bosworth and Guild, 2008; Bosworth and Kaufman, 2011).

Punishment and society in a global age

For several decades, the field of inquiry collectively known as 'punishment and society' has inspired, sheltered and encouraged rich intellectual debate within criminology. Yet, for

all its many strengths, the field has always contained a number of troubling blind spots. The priority given to grand narrative accounts and the focus on penal excess in the USA and England and Wales have come to dominate most of the literature, and in so doing has obscured important lines of thought. For the most part, scholars of punishment and society have rarely explored the conceptual relationships between gender, race or ethnicity, and punishment (although see Bosworth, 1999; Hannah-Moffat, 2001; Phillips, 2007; Sudbury, 2005; Tonry, 2011; Wacquant, 2001).² Instead, more applied studies have mapped out the over-representation of ethnic minorities or the particularity of women's needs in prison, with scholars in each case treating race and gender as distinct objects of inquiry (Owen, 1998; Tonry, 1996). This research is vital to clarify criminal justice practices, yet its separation from the theoretical literature has done little to generate new conceptual frames or methodologies for understanding penal power. As a result, many researchers in this field have also been slow to register the impact of globalization on structures, practices and experiences of punishment (although see Lacey, 2011; Nelken, 2011).

It is an important time to be revisiting the scholarship on, and practices of, punishment and penal power. Not only is the prison in rude health, despite the global economic crisis, but, as criminal justice agencies have increasingly been set the task of controlling mobility, the scope and nature of state punishment have changed and are continuing to shift. It makes little sense, if it ever did, to use terms like 'punishment', 'power' and 'control' collectively, when the impact and nature of punishment varies depending on citizenship. For a start, the reach of most state penal practices has lengthened. Police no longer simply 'walk the beat', but patrol the frontier, and sometimes operate across it (Bowling and Sheptycki, 2011). The 'carceral contract' (Sanchez, 2007), always subject to entrepreneurial expansion via the private sector, was vastly extended by the 'war on terror' and, these days, knows few bounds. Immigration law offers another example of the changing nature of state power, particularly in its growing intersection with criminal law (Stumpf, 2006), while immigration detention centres present a concrete site in which to explore the impact of these developments (Bosworth, 2007, 2011a). In liberal democracies, foreign nationals, no matter how long they have been resident, simply can no longer lay claim to the same kinds of legal protections as citizens (Zedner, 2010).

Under these circumstances, penal power has not only expanded but has changed, at least in part, in its justification and its effect. At the same time, older and more familiar problems remain: incarcerated individuals continue to come from the lowest socio-economic levels of society; men vastly outnumber women; and ethnic minorities, whatever their nationality, are disproportionately likely to be subject to custodial practices. Part of the challenge (and the promise) of studying border control lies in clarifying the connections between, and divergences from, these longer-term matters of inequality. In a system designed to ascertain those who may move freely, and to immobilize and eject those who may not (Weber and Bowling, 2008), matters of identity are central. To study border control, in other words, is to consider the relationship between identity and the State. In terms of immigration detention, this relationship narrows still further to one between identity and penal power.

In Britain, since the passage of the UK Border Act 2007, any foreign national from outside the European Economic Area (EEA)³ sentenced to 12 months or more in prison, or whose sentences over the past five years add up to 12 months, has been subject to mandatory deportation. EEA nationals are held to the same rules of expulsion if sentenced to 24 months. Any non-British national sentenced to prison may be considered for deportation. Some offenders have the deportation order included in their sentence by the judge or magistrate; others are given it while they are serving their criminal sentence when their case is considered by the UK Border Agency (Bosworth, 2008, 2011b; Vine, 2011). To manage the increasing caseload posed by this population, in 2009 the UK Border Agency and the National Offender Management Service (NOMS) agreed on a system known as 'Hubs and Spokes'. Under this arrangement, individual prisons became designated as hubs. 'Spoke' prisons would channel their foreign prisoners to these 'hubs', who incorporated a set of embedded UK Border Agency staff to process their paperwork (Bosworth, 2011b; Vine, 2011). This practice represented a significant new role for the prison, binding it to border control and in the process, altering its purpose and effect. In addition to offering a secure environment to punish, deter or reform, the prison now has effectively become actively involved in identifying and creating citizens (Bosworth and Kaufman, 2011). The discards from this system, the 'non-citizens', are the product and the target of immigration detention.

So far, most scholarship in the criminology of mobility has explained these sorts of developments in terms of state power, employing ideas of 'crimmigration' (Stumpf, 2006, 2009), sovereignty (Bosworth, 2008; Bosworth and Guild, 2008), 'state crime' (Grewcock, 2010) or exception (Aas, 2011). Partly due to the difficulties in gaining permission to conduct empirical research on border control practices, little information is available about the effects of such developments. Even the much larger interdisciplinary body of work on border control produced by anthropologists and geographers often presents a view from 'above' (e.g. De Genova, 2010; Fassin, 2011). Such accounts present a depressing picture of absolute state power that not only glosses over the difficulties inherent in enforcing border control under conditions of globalization, but also however unintentionally, occludes the lived experience of border control.⁴

Testimonies from those subject to immigration detention can shed light on the changing nature of penal power, while opening new lines of thought. They also reveal what is at stake. Notwithstanding their vulnerability, many detainees seek to resist; their accounts remind us that people even in the most abject of situations attempt to negotiate power relations (Bosworth, 1999; Bosworth and Carrabine, 2001). Detainees are in a particularly weak position, because their very identity renders them unable to make the claims they would assert. Their narratives demonstrate just how important identity is in a world of global mobility. Scholarship on surveillance and the new technologies of border control (Aas, 2011) have considered some aspects of this issue, but first-hand accounts from detainees can flesh out the burden of living without citizenship while appreciating how these individuals try to assert alternative, identity-based claims.

Immigration detention: the research context

Britain currently has 10 immigration removal centres (IRCs). From November 2009 to June 2011, I conducted research in five of them: IRCs Campsfield House; Colnbrook;

Yarl's Wood; Tinsley House; and Brook House. From August 2010 to June 2011, I worked in concert with a research officer, Dr Blerina Kellezi. Over 18 months, we spent an average of three days a week in detention, clocking up over 1300 hours of observation and interaction. We formally interviewed more than 200 detainees and 60 staff members using structured and unstructured techniques that included a 'quality of life' survey and life histories.

This national study was the first of its kind in terms of scope and the freedom of research access granted. Although others have written about immigration detention centres, particularly about short-term holding cells at the border (see, for example, Makaremi, 2009a, 2009b; Pratt, 2005), few researchers have been permitted to conduct overt ethnographic research within them.⁵ Most scholarship has been based on secondary analysis, usually of media accounts, legislation and parliamentary papers (Cornelisse, 2010; Fassin, 2011; Grewcock, 2010; Wilsher, 2012). If it includes detainee experiences, such information is usually gathered from interviews conducted post-detention or covertly in visit halls or legal corridors, sometimes while the researcher was working for an NGO.⁶ These strategies, and the ethical and practical questions they raise, are issues for another article, but they do provide an important framework for this project and its significance for investigating contemporary forms of penal power.

In Britain, immigration detention centres are run, on behalf of the UK Border Agency (UKBA), by HM Prison Service or one of four private security companies (currently GEO, Mitie, Serco and G4S). Most removal centres are concentrated in the south of the country, with a number surrounding the two main London airports (Gatwick and Heathrow). An additional short-term holding facility at the port in Calais, France, is designed specifically to hold immigrants seeking to enter Britain by ferry. Anyone subject to immigration detention in Britain can also be confined for up to five days in a police cell or for some hours in a UKBA processing centre. Nearly 800 individuals, having come to the end of their criminal sentence, are housed, post-sentence, under Immigration Act powers in prison.⁷

In 2001, British immigration detention centres were renamed immigration removal centres by the Labour government to signify more clearly their purpose. The new title suggested that these places were not meant to hold anyone for very long, but were to provide short-term secure housing prior to administrative removal or deportation.⁸ Somewhat confounding the logic of this appellation, a number of the centres built during the Labour government seemed designed to hold long-term occupants. Two in particular—IRC Colnbrook, near Heathrow airport, and IRC Brook House, adjacent to the runway at Gatwick airport—were built according to high security (Category B) prison architectural standards. Subsequent additions to IRC Harmondsworth, next door to Colnbrook, have followed the same design. In these institutions, men are housed in two-bed cells behind iron doors, in wings enclosed behind layers of razor wire. Their exercise is confined to concrete yards. The effect is not lost on them: 'it's like a prison actually. I believe I'm in the prison' (Ghana, BH).

Unlike other immigration systems, removal centres in Britain are meant to be the final point in someone's migration. Non-British citizens may be detained following a criminal conviction, for over-staying a visa, for failing to possess a visa of any sort or for working while on a holiday or student visa.⁹ Foreigners may be held 'whilst identity and basis of claim are established, where there is a risk of absconding, as part of fast-track asylum

procedures (in the case of straightforward asylum claims that can be decided quickly)' (Home Office, 2011: 26). Former asylum-seekers whose claims have been rejected may also be detained prior to their removal.

As with other countries, the UK is a signatory to various UN protocols that are meant to restrict the kinds of people who can be detained in this manner. In particular, countries should not detain unaccompanied minors, those who have been trafficked, victims of torture and those who have serious mental or physical health problems.¹⁰ In 2010 the coalition government pledged to end child detention, but a small number of children continue to be detained for up to 72 hours at IRC Tinsley House in family groups and in the 'Cedars Unit' which is labelled a 'pre-departure accommodation centre' for families.

Most detention centres house young men, the majority aged between 18–45 years. These individuals come from all over the world, but tend to originate from the global South, especially from countries with which the UK is currently in conflict or was in the past. Most are citizens of former British colonies (e.g. India, Pakistan, Jamaica and Bangladesh) with a consistent minority originating in recent war zones like Iraq and Afghanistan. There are exceptions to these generalizations: all detention centres hold a significant number of Chinese citizens and a smaller number of individuals from Vietnam, countries with which the UK has only had limited colonial involvement (apart from Hong Kong). Very few of the Commonwealth citizens were White: in the five detention centres over 18 months I met one White Zimbabwean, one White South African and one White Australian citizen. I saw no New Zealanders or Canadians at all.

The immigration removal system in Britain is not organized according to any official classification system. The centres vary considerably in terms of their material fabric, but they are not classified according to security level or regime. For detention purposes, immigration law does not categorize individuals nor does it place an upper limit on the time in detention. In practical terms, the only relevant legal status of a detainee is his or her lack of British citizenship. Citizenship, unlike a criminal sentence or conviction, is (meant to be) an absolute: you either have it and its attendant rights and obligations or you do not. There are no (legal) degrees of citizenship upon which decisions about where individuals could be detained or the length of their detention could be based.¹¹

In practice, however, the ex-foreign national prisoner is considered administratively and in popular discourse to be riskier than other non-citizens.¹² So, too, IRCs Colnbrook, Brook House, and Harmondsworth are viewed by staff members, detainees and the Detainee Escorting and Population Management Unit (DEPMU; the office within the UKBA that distributes the detained population) as high-security facilities. As a result, these three places tend to house a higher proportion of ex-foreign national prisoners than other facilities and, in the case of Colnbrook, with a higher number of individuals with known psychological problems who are placed in a small 'mental health suite'.¹³ They also hold more serious ex-offenders than elsewhere.

Neither Colnbrook nor Brook House boast much natural light, and detainees have access to no fresh air other than in the exercise yards. The living units are loud, stifling and climate-controlled, with frosted windows preventing views outside. Men sleep in

bunk beds locked behind metal doors in small, shared rooms that include a locker, a table and a built-in toilet. Again, the similarity to prison is evident to the residents:

It's not a room, it's a cell. Anything without a window and a ventilator, would you call that a room? Anything to do with you being locked up and you can't even see what is outside, somebody has to check from the outside on you with light on, to see if you're still alive, that's a cell. It qualifies as a cell.

(Barbados, BH)

Other centres, like Campsfield House and Tinsley House, allow greater internal freedom of movement and are built around a central courtyard. Men in these institutions are not usually locked in their rooms, and are able to walk freely around the facility from morning until night. Yarl's Wood, which houses women, lies somewhere in between the two designs, suggesting some ambivalence over the risk the women posed; not dangerous exactly, yet in need of control. Unlike the men in Tinsley and Campsfield House, the women's days are broken up in three periods: from 9 am–12 pm, 2–5 pm and 6–9 pm they may freely roam the 'activities' corridor, visiting the library, gym, craft room, hair-dresser and IT room. At all other times, however, the women must be on their residential unit and until November 2010, when the policy was eased, in their room.

In Colnbrook, Brook House and Yarl's Wood, detainees are not permitted to venture onto any residential landing other than the one in which their room is located. Living units in all three facilities are divided from the rest of the centre by heavy metal doors that can only be opened by staff members with keys. Detainees must show their ID card every time they return to their residence block, a controlling strategy that many resented:

Sometimes prisoners get to walk in Belmarsh¹⁴ without an officer behind them. You can't walk nowhere here. You have to show ID 24 hours of the day to move, to go to the shop, to come back in. You know, so there is no level of treatment here for a man as I say, you know, for a human being. You ain't treated fairly, you understand me?

(Jamaica, CB)

Wherever they are housed, and no matter how long they are allowed out of their rooms or away from their residential block, detainees have little to do. In contrast to the prisons they resemble, immigration removal centres are only contractually obligated to offer a limited amount of arts and crafts, English language training and IT support. They offer no courses in anger management or drug treatment, and provide no sentence planning, very little paid work other than cleaning and no preparation for release.

In recent years, energetic management and staff members at Colnbrook have sought to develop paid work options, employing some men to build a garden and others to paint detailed murals in bright poster paints all over the anonymous corridors, but most detainees there, as in other IRCs, pass their time watching television in their rooms or sleeping. Some centres, including Yarl's Wood and Campsfield House, have encouraged local charities to develop and run additional courses like knitting, music and yoga. Others, like Brook House, offer little more than their contract stipulates.

Understanding immigration detention: legitimacy and citizenship

In sociological terms, detention centres operate with a significant legitimacy deficit (Sparks and Bottoms, 1995). Notwithstanding the polarized debate that surrounds them in the media and in parliamentary debates, many people are ambivalent about the institutions. Detainees are, not unexpectedly, usually highly critical of them, as are human rights organizations (see, for example, HMIP, 2010; Phelps, 2009). ‘They treat us worse than their own criminals’, one man from Togo complained in Colnbrook. ‘This is like mental torture’, claimed a Sri Lankan housed in Campsfield House, ‘They do not beat us or hurt us but they wear us down.’

Perhaps less predictably, staff members are also sometimes troubled. For some, the issue is utilitarian, reflecting their doubts about the impact of detention on border control. As one detention custody officer (DCO)¹⁵ at Tinsley House put it, ‘I’d like to say that detention maybe eases society of a bit of cost, but then I think there’s more people that shouldn’t be in this country that are on the outside than they are detained’ (DCO, TH). Others are more cynical, ‘I don’t know, I don’t know [what the purpose of Yarl’s Wood is]. Does it appease the right wing press to think that they’re locked up those foreigners? It’s a political thing isn’t it?’ (DCM, YW).

Many others commented on the wider purpose of such places, suggesting that, in contrast to claims by Leerkes and Broders (2010), British immigration removal centres fall short of the familiar justifications of custody, namely rehabilitation, deterrence or punishment. Because the centres only hold around 3000 people per day, while hundreds of thousands of undocumented migrants live freely in the community (and more are en route), it is difficult to argue that such places deter. A border control system under such circumstances functions haphazardly at best, undermining claims of punishment as well: ‘They [the UKBA] were not looking for me. They were looking for someone else. But when they came to the door they found me. That is why I am here’ (Pakistan, CH).

Perhaps most importantly, the identity of a detainee cannot be changed by the threat of detention, or by the institution’s regime. Citizenship or the right to remain cannot be earned or learned in detention. The centres can only produce what has already been made: non-citizens.

For many, matters felt bleak. ‘We are animals’, an Eritrean told me: ‘Nobody cares about us’ (Eritrea, CH). Detention had stripped this man of that most important aspect of his identity: his humanity. To him, non-citizenship was no position at all. Yet, others resisted this pessimism, claiming instead an affective British citizenship. ‘I am a British citizen. I just don’t have a passport. I did primary school, middle school, high school. I am British’ (Jamaica, CB). Some detainees, particularly those who were not entirely averse to returning to their country of origin, resisted the stigma of non-citizenship by asserting national pride, extolling their country’s cuisine, weather and culture, especially in contrast to the UK. ‘In my country,’ one Iranian claimed proudly,

people will give you anything you ask for, no questions asked, not like here in England. In my country if you went there and called out on a street ‘I need help’, all the people they would rush down and see what you needed. Not like here.

(Iran, BH)

Others found fault with Britain and its citizens: 'British people,' one Jamaican informed me bitterly, 'are like the weather. A mess' (Jamaica, BH).

Women often struggled in unique ways, reflecting the gendered nature of their original migration story, and, in particular, the central importance of sexual violence and (other forms of) domestic abuse: 'My problem is my father and that's it. Hitting ... all the time hitting, all the time like you're a bitch, in my country, what my father does is normal, the police won't help' (Turkmenistan, YW). For these women, their identity as women was the reason for their departure and lay behind the difficulties they had in persuading the British state to allow them to stay: 'I was told I didn't have proper ties here, because I have no children, because I am not married. But there are some things I cannot do because of what happened to me' (Uganda, YW).

In a manoeuvre, that despite its legal impotence caused considerable consternation, a woman in Yarl's Wood insisted on using her time during arts and crafts to paint a t-shirt emblazoned with the slogan '100% British!' Fearful of possible repercussions, the detention custody officer in charge of the room sought permission from the Centre Manager before allowing the woman to do this. When interviewed, the detainee—who also used the pseudonym 'British' in the centre—explained her actions as aspirational. It was not that she was being unlawfully detained as a British national;¹⁶ what she wanted above all was to become a British citizen, and so she channelled all her energies towards this regardless of their instrumental effect.

That her actions needed the highest level of permission was revealing, particularly given their practical futility; t-shirts rarely affect the decisions of bureaucrats and judges. Still, the custodial staff members at Yarl's Wood were clearly uneasy about publically acknowledging either the relationship between identity and penal power, embodied in her actual citizenship, or her desire for matters to be otherwise. Indeed, what makes this example so powerful is the link it reveals between these two facets: citizenship, though a legal category is also an affective one. While the State can control the former, they cannot insist on the latter, all they can do is try to manage it. In detention, hopes and dreams like hers were not to be vocalized, but rather directed to formal routes of paperwork and immigration interviews. In so doing, the affective is denied and brought under control. Those resisting deportation file endless requests to immigration solicitors and caseworkers whom they rarely, if ever, meet. Custody officers have no role in the immigration case, while even UKBA staff in the centres act simply as 'middlemen', passing forms and information between detainees and their offsite caseworkers. All forms are in English and require levels of literacy and English-language ability that many detainees simply do not possess.

Under these circumstances, detainees are clearly at a disadvantage. However, such barriers and bureaucracy do not stop (all of) them from trying various strategies to carve out an identity from which claims could be made. Most obviously, many apply for asylum, even when their case fails to meet the legal requirements for international refugee protection.¹⁷ Others claim an equivalent citizenship status based on long-term British residence, family ties and their employment (and taxation) record, thereby creating a moral hierarchy among 'non-citizens' that belies its unitary effect:

Some people, okay, they've been working with the papers that haven't been given to them, but at the same time they've been paying taxes for 10 years. So, you know, their physical labour that has been paying the tax for 10 years.

(Somalia, BH)

In avowing they are 'as good as' (in both the sense of equivalent to and as deserving as) British citizens, detainees were often careful to point out that their country of origin was as foreign to them as they assumed (rightly) it was to me: 'I have lived here since I was five ... I can't go to the Sudan. It's third world, mosquitoes, people dying every day on TV' (Sudan, CH). For this man, his country of birth simply existed on television, as it would for most British citizens. As his testimony suggests, his homeland was an unreal and foreign place where bad things happened. Deportation there would wipe out his sense of self, leaving him literally in unknown territory with no recourse to aid or assistance: 'My whole life is going to be erased. Just imagine that! You know, when you erase old numbers from your mobile phone? Just imagine your whole life was erased just like that' (Sudan, CH). For this man, the 'otherness' of the foreigner was no longer merely metaphorical: it would become absolute.

Legally, foreign ex-prisoners face the most difficult battles in persuading the UKBA not to deport them, because their claims to protection or family ties are 'balanced' against the risk they pose to the community as ex-offenders. However, many of these individuals have also lived in the UK for a long time and have a number of personal ties here. They commonly speak with regional accents, reflecting their long-term residence in parts of London or large northern cities like Birmingham or Manchester. In a multicultural country like Britain, they are in all ways, other than their legal documents, indistinguishable from citizens.

In trying to manage the challenge of his legally and socially stigmatized identity, one Pakistani national inverted the usual dynamics of 'responsibilization', claiming that because his problems were created in the UK, then they were partly Britain's responsibility. Starting with the familiar claim of being 'as good as' British this young man said:

I've lived here since I was a kid. I did my GCSEs here. My family lives here. All them crimes, I did them here. All those drugs, I got into them here. My English friends, they did their time and now they're out. But I'm in here. It's not right.

(Pakistan 3, BH)

Although in court such rhetoric may be as legally ineffective as the woman's t-shirt,¹⁸ it raises important questions about the relationship between penal power and identity and about the role and responsibility of the State towards long-term residents. Why does the absence of citizenship justify differential treatment of offenders?

Staff members were often particularly troubled by these kinds of cases, expressing considerable ambivalence about deporting longer-term UK residents:

Today, I was speaking to one gentleman, he's been detained here for over two years and he's been living in England since he was six and he's a Somali national. Now, the reason why he has

been detained for so long is that he has more than 35 offences; but I think he said that 20 of those offences are from when he was under 18. But to me, I feel like he's a product of this society because when he came here when he was six, what did he know?

(DCO, CB)

Unlike activist organizations and most critics of detention practices, who have prioritized the (deserving) figure of the asylum-seeker, staff members could be quite sympathetic to ex-prisoners. Although some ex-prisoners, particularly those convicted of drugs, were considered by staff to be security risks (mainly for importing drugs into the establishments), others were well liked. They were 'experienced' in confinement and thus potentially easier to manage,¹⁹ because they had already served a prison sentence, and also, as one particularly cynical staff member told me, 'Ex-fnps [foreign national prisoners] are not the ones to worry about. We know about them. It's the other ones, who come off the street that we don't know anything about' (DCM, CH). To this staff member, ex-prisoners were effectively less 'foreign' than the rest, because they arrived with some paperwork and a record from prison.²⁰

Generally, staff members appeared to struggle with what one centre manager referred to as the 'hyper-diversity' of the detention population:

There are always a lot of people coming in and going out. After a time you get used to the old faces and then suddenly they are all gone. And then you have to start again from the bottom to know them, but you never manage to do it, because there are always loads of different faces every day. So you never get used to them.

(DCO, CH)

Under such circumstances, custodial and UKBA employees tended to generalize. They were always careful not to express any overt racism to me, but staff members in all centres differentiated between nationalities. Chinese were frequently singled out as 'difficult to manage' because of communication barriers and their perceived unwillingness to learn English, while Nigerians and Jamaicans were 'more troublesome' than others, and Afghanis and Iraqis were 'volatile'. 'A nationality doesn't deem how aggressive they are,' one detention custody officer claimed, 'but there's definite traits inside that come across ... So for example Nigerians are really, really loud guys. That's how they talk, argue, shout, whatever. But ... a Malaysian ... is quite chilled out, relaxed, quite, you know, passive' (DCO, CH).

National identity was also an important means by which detainees managed their experience. In most centres they grouped according to their nationality, typically sharing bedrooms with co-nationals and passing most of their day with them. While primarily a coping mechanism, and one that made sense linguistically and culturally,²¹ this mode of organization was criticized by some detainees, particularly by those who had been in prison, as divisive. 'When you're in prison,' a Polish woman claimed in Yarl's Wood, 'you all know you're in prison together. Even though here, theoretically everyone knows we're going through the same thing, people feel like some people are going through less than them.' She felt that the lack of prison identity minimized solidarity among the women; indeed, Yarl's Wood was more divided into national groups than the

men's institutions and operated with more hostility between certain nationalities than elsewhere. Fights between Jamaican and Chinese nationals were not uncommon, with both groups prone to hurling racial epithets at each other.

A Palestinian man in Brook House claimed that the issue was wider still. In his opinion, 'prison is much better ... Because [there] are English people there ... While you are in prison you get the same right, you get the same access for everything. The officers speak to you the same.' For this man, the identity of a 'prisoner' was not just unifying, but significantly prisoners were accorded the equivalence of citizens—'English people'.

It is important not to overstate the positives of life in prison for foreign offenders, especially because considerable evidence indicates that, in England and Wales they are not treated the same as British citizens (Bhui, 2004, 2007). Also, some detainees preferred detention to prison, pointing out, 'we have mobile phones. We're not locked in our cells all day. It's much better than prison' (Pakistan, BH). Yet, as the Palestinian man observed, prisoners can claim not just international human rights, but also most of the same legal protections accorded to citizens. This is because prisons have traditionally been conceptualized as places to reclaim errant citizens, so, at least for the duration of the criminal sentence, the goals of punishment accord citizenship to the offender. For prisoners who are not British, however, once their sentence is over, this goal and its attendant protections no longer apply. As a Ghanaian man bitterly commented, promises of equality in prison have been hollowed out by its new role in border control:

When I was in prison they told me, 'look, do these courses. It will help you to not re-offend.' Yeah, I done them, and when I was out 10 months, I didn't commit no crime. I didn't do nothing wrong. Know what I'm saying? But now I'm sitting here doing extra time.

(Ghana, BH)

Identified in prison as foreign nationals, such people emerge as 'non-citizens', subject to a new expansive form of penal power in immigration removal centres that is not bound by the familiar goals of punishment but exists purely as a means to an end: deportation.

Conclusions: globalizing punishment and society

As the selection of staff and detainee testimonies above reveals, the pains of detention are dictated by the absence of citizenship. Non-citizenship emerges in this analysis as both a legal and an affective category. It is an identity through which the State governs individuals without recognizing them as subjects. It is also a subject position against which individuals struggle: 'It's embarrassing being in detention. I don't want to tell my friends. When I called them and told them where I was, they were like "really man? With all those immigrants!"' (Pause) I guess I'm an immigrant' (Uganda, CB). As such citizenship, or more accurately non-citizenship, captures the interplay between agency and structure inherent in penal power. In this relationship, detainees are clearly at a disadvantage since their lack of citizenship is both the cause and the effect of their detention.

In an inverse of the usual justifications of penal confinement, a period of detention neither changes the detainees nor prepares them for eventual return. Rather, detention merely confirms their identity. They are always, already non-citizens, excludable and

deportable. Detainees seek to resist their legal banishment and their affective exclusion. Yet, their resources are limited and their task is broad: 'To get a passport,' the Indian woman in Yarl's Wood appreciated, 'I have to change my self.'

Matters of identity such as those I have discussed in this article are, in many respects, the central question of our time, not separate to, but closely linked with global and local inequalities. Given the number of Commonwealth citizens in detention, it is tempting to argue at this point that certain communities have always been excluded from British national identity (Gilroy, 2002). Yet, within a multicultural society like the UK, such pessimism seems overstated and paternalistic. The State can and does wield considerable power over foreigners, particularly those without documents or who have served a criminal sentence. However, for every such individual, restricted and controlled by the State, far more live among us as part of our community. What seems clear, instead, particularly as the numbers of foreigners in prison and detention grows, is that identity matters.

Under conditions of mass mobility and globalization, wealthy, neo-liberal states in the EU and elsewhere spend considerable energy trying to identify and record people, goods and information as they move around the world. The growth in immigration detention and deportation reveals the scale of the power the State is able and willing to use. At the same time, however, as global capitalism, entrenched inequality and, latterly, climate change force (and enable) people to relocate, subjective issues of belonging are becoming part of many people's everyday experiences.

Notwithstanding tough talk and tougher policies, Britain continues to attract (and welcome) thousands of immigrants every year. The point is that just as mobility is influencing our social world, so too it is shaping penal practices and their effects. In some instances fears about foreigners and social cohesion seem to be generating alarming new visions and practices of state power. In other places—for example in global urban cities like London, New York and Paris—there is far more to celebrate. For many, with whom we identify, and where we live are fluid matters. The rise of multiculturalism and the removal of internal borders within Europe jostle against resurgent nationalism and localism. We are all always located somewhere. Yet many of us have affective and historical ties elsewhere as well. The challenge for criminology remains how to incorporate such matters into their understanding of crime, punishment and social control.

Notes

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1. This body of work grows considerably if we look beyond the boundaries of criminology and legal studies to scholars working in anthropology, geography, migration and refugee studies (see, for example, De Genova and Peultz, 2010; Fassin, 2011; Gibney, 2008; Hall, 2010, 2012; Makaremi, 2009a, 2009b). An extensive, though separate, interdisciplinary body of literature also focuses on human trafficking (Lee, 2007).
2. For more detail on this division of labour, particularly in terms of research about gender, see Bosworth and Kaufman (2012).

3. The EEA includes all 27 member-states of the European Union (EU) plus Norway, Iceland and Lichtenstein. In UK immigration law it includes Switzerland.
4. A recent and important exception to this approach can be found in Dave Brotherton and Luis Barrios' (2009, 2011) seven-year ethnographic study of the lived experience of deportation from New York City to the Dominican Republic. Part of the 2011 book includes interviews conducted with deportees in prison in the USA and in the Dominican Republic.
5. One exception is Alexandra Hall (2010, 2012), who was given access in the UK to one immigration removal centre run by the Prison Service when she was a doctoral student in 2002–2003. Although she was not allowed to speak to the detainees, she was permitted to shadow staff members and talk with them.
6. See, for instance, Chowdra Makaremi's (2009a) account of conducting research in France while working as a legal assistant for detainees in a short-term holding facility.
7. The UKBA does not routinely publish figures of ex-prisoners held in prison under Immigration Act powers. In 2011 the number stood at 760 (Vine, 2011: 19). This figure is considerably higher than the 2009 service level agreement between NOMS and the UKBA which committed to reducing the number of post-sentence detainees to 250 (Bosworth, 2011b).
8. Although the effect of these two methods of ejection is the same—the person is expelled from the UK and denied re-entry for a certain period of time, they usually signify a specific reason why a migrant is being held. That is to say, those who are held in detention for over-staying their visa or following a failed bid for asylum are usually 'removed', whereas those with a criminal record are 'deported'.
9. Most students are entitled to work a limited number of hours per week while studying, although, like much of British immigration law, this arrangement is currently under review.
10. Although bureaucratic systems exist to weed out all these populations, they are not always successful. All the centres I visited included 'age-disputed' minors; that is, individuals who claimed to be younger than 18, as well as some who said they had been trafficked and/or tortured. Many appeared to be suffering from severe mental health problems, and some were clearly physically unwell. While we were conducting research in IRC Yarl's Wood, for example, one of the detainees had a (non-fatal) heart attack. After my research finished in Colnbrook, a man there died of a heart attack in his room.
11. Although as Lucia Zedner (2010) observed, the Labour government in one of its final policy initiatives in this area created a new category of 'active citizenship' for non-British permanent residents seeking a fast track to British citizenship. This appellation requires those seeking citizenship to engage in volunteer work and to avoid a criminal record. Actual citizens, of course, cannot be enjoined upon to be active.
12. According to Chapter 55 of the UKBA Enforcement Instructions and Guidance the risk posed by ex-prisoners to the public if they were to abscond or be given temporary admission should be provided by NOMS (National Offender Management Service), usually based on their pre-sentence report or the Offender Assessment System (OASYS) (see 55.3.2.6). In general terms, once anyone has been identified for detention 'consideration should be given as to what, if any, level of risk that person may present whilst in detention' (55.6.1). The risk assessment information should be entered into form IS91R and communicated to DEPMU who will 'decide on the detention location appropriate for someone presenting those risks and/or needs'.
13. Despite its name, this collection of rooms is staffed by detention custody officers (DCOs), rather than psychiatric nurses. Regular nurses are on site at Colnbrook 24 hours a day and a doctor visits daily. Detainees with particularly serious mental health problems can be removed to secure NHS facilities, 'sectioned' under the Mental Health Act. This happened at least twice while I was conducting my research in Colnbrook. Once placed in an NHS facility, immigration detainees fall outside of UKBA recording systems and so no published material or statistics are available about them.

14. A notorious high-security prison in London.
15. There are two uniform grades of officers in IRCs, detention custody officers (DCOs) and detention custody managers (DCMs). The members of Senior Management Teams, who are each responsible for a particular aspect of detention (e.g. security, regimes, health) do not wear uniforms and spend a lot of each day in meetings away from the landings.
16. This is a possibility, given examples elsewhere. Australia, for instance, detained and then deported an Australian national Cornelia Rao—who suffered serious mental health problems—to the Philippines from where, once the error was noticed, they had to retrieve her. US citizens have also mistakenly been deported by the Department of Homeland Security to Mexico (Bosworth, 2010; Grewcock, 2010).
17. Rather than simply casting the high proportion of ‘failed’ asylum seekers in detention as evidence of the Government’s desire to lock up refugees (Silverman, 2010), it is more helpful to consider the limited legal options available to those in detention. From this perspective, more consideration should be given to establishing new and different legal identities from which claims could be made.
18. In fact, foreign ex-prisoners with family members in the UK may be eligible for protection from deportation under Article 8 of the European Human Rights Act: the right to family life. This right is not, however, absolute and may be ‘balanced against’ the risk they pose as ex-offenders to the community.
19. In contrast, ex-prisoners as a group were usually more critical of detention than those who had not been in prison. The longer the sentence an individual had served before being detained, the greater their dissatisfaction with life in detention (Bosworth and Kellezi, 2011).
20. See also Hall (2010) who observed similar attitudes from IRC staff members.
21. Although some nationalities differ by religion and culture, and not all citizens of the same country share a language. Some Nigerians, for instance, are Christian, while others are Muslim; some speak English and others do not. In both Nigeria and immigration detention, such differences can lead to conflict.

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