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The detention of asylum seekers in the UK

Representing risk, managing the dangerous

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Abstract

Media and political representations of asylum seekers and refugees have been infused with language denoting images of 'danger', 'criminality' and 'risk'. Despite attempts to provide for those seeking asylum in the UK, those in need have frequently been stigmatized and criminalized. Policies and practices, intended to respond to those fleeing economic hardship or political persecution, have been guided by such depictions. This article illustrates the use of detention as a mechanism for purportedly securing the containment and removal of 'illegals'. While the use of detention may be seen as an attempt to deter 'undeserving' asylum seekers from seeking sanctuary in the UK, this article argues that this practice is, in effect, a fundamentally punitive method to assuage public fears concerning supposed 'risk' and potential dangers to 'security'.

Key Words

asylum seekers • danger • detention • risk

INTRODUCTION

The 'asylum issue' is a subject which has attracted considerable media attention and which has become a major concern for governments throughout the world. While the plight of individuals desperately seeking safety is acknowledged as a very real matter, government policy and public attitudes have been focused on the much broader group of people who arrive in the United Kingdom on a daily basis. The issue of 'asylum' has become enveloped in concerns about economic migrants, illegal immigrants and the spectre of terrorist activists.

In the UK, as in other countries, attempts to respond to asylum seekers have focused on the differentiation of the 'deserving' from the 'undeserving', classifying those eligible

for asylum protection. This broad issue, of determining which individuals or groups are eligible for state assistance, is not a new one. Distinguishing between the 'deserving' and 'undeserving' has been applied to different groups (including prisoners, victims and welfare claimants) throughout history. In this context, the protection of rights has been linked to the political management and public understanding of group identities.

In the UK, public concerns have been heightened by media coverage that portrays those seeking asylum as a problematic, homogenous group. Media coverage of the numbers of foreign nationals entering the country illegally is juxtaposed with suppositions of the burden 'they' will undoubtedly incur on 'our' health and welfare services. Such representations, meted out to the public on a daily basis, suggest that few of those seeking asylum are 'genuine', while the broader influx of 'claimants' have the potential to pose a very real risk to liberal democratic states. This article illustrates the way in which policy and public responses to asylum seekers are continually underpinned by distinctions between the 'deserving' and 'undeserving' claimant. Specifically, it examines the role of detention in the management and containment of asylum seekers, indicating the legitimization of incarceration within a context of punitive and often contradictory political discourse.

GOVERNING 'RISKS', MANAGING 'DANGER'

Asylum seekers defy calculations of risk as, at first glance, they are 'unknowable', 'ungovernable' and thereby 'dangerous'. Travelling to the UK by circuitous and difficult routes, they often lack documentation. Many do not identify themselves to the authorities on arrival. At a time when travel is increasingly monitored (through information network systems at airports and ports; by CCTV in cities and towns; by in-car tracking) and identities and individual actions are continually tracked (from the growth in formal employment, medical, housing and benefit records through to police surveillance at protests), asylum seekers represent a 'self-selected', paperless, rootless and shifting force. The lack of official information and documentation on asylum seekers makes them a group confirmed as implicitly dangerous (Pratt, 2000), their unknown attributes and backgrounds suggest a risk, a liability that has to be secured.

The depiction of asylum seekers in terms of liabilities, a risky group that needs to be prevented, contained and, preferably, repatriated is one that permeates liberal democracies. It has underpinned the move to introduce and consolidate practices of surveillance, monitoring of applicants and containment across Europe, North American states, Australia and New Zealand (Joly, Kelly and Nettleton, 1997; Hayter, 2000; Greenberg and Hier, 2001; Pickering and Lambert, 2001; Human Rights Foundation of Aotearoa New Zealand (HRFANZ) and Refugee Council of New Zealand (RCNZ), 2002).

In this 'politicised reading of danger' (Douglas, 1992: 8), risk is something to 'tame and bring under control' (Brown and Pratt, 2000: 2). Attempts to contain the 'problem' have led to a succession of legislation and policies aimed at achieving tighter border security and internal control. This has been the focus of ongoing policies and practices within the UK. While such legislation will provide a context for this article, its focus will be specifically targeted on the use of detention as a means of responding to asylum seekers.¹ Furthermore, this article will examine the shift towards the use of different forms of detention to underpin the process of distinguishing between the 'genuine' and

the 'bogus'; the 'deserving' and 'undeserving'. The use of detention (as punishment in the form of the prison, and as welfare in the form of the workhouse and the asylum) has historical legacies in this distinguishing role (Foucault, 1979). Prisons, detention centres, refugee camps, converted hotels and even anchored ships have been used throughout Europe as 'houses of detention' for those seeking asylum.² Such policies of containment are not new. Cohen (1994) notes the tradition of detention by successive British governments in times of war or threats to the security of the state, notably the widespread use of detention and internment in Northern Ireland, a practice that has been evident in the USA following September 11. This control of movement is referred to by Zygmunt Bauman (1998: 69) as the 'global hierarchy of mobility' where freedom of movement is an attribute of the 'dominant', while the 'strictest possible constraints' are employed on the dominated.

Although, in reality, there is often little to distinguish those fleeing persecution and those fleeing poverty (often directly related to civil war and political turmoil), this dual imagery, between the persecuted and the 'bogus', has impacted on the way in which concepts of danger and risk have been applied to all asylum seekers attempting to reach a place of safety. The 'organizing dynamic' of the risks that asylum seekers are presumed to pose has brought a response in which 'the legal rights of individuals' have been 'overridden by the assumed qualities' that are attributed to asylum seekers as a group (Brown and Pratt, 2000: 3). Their implied dangerousness, detailed further later, means that asylum seekers effectively lose their eligibility for human rights protection, social resources and aid.

These responses, characteristic of immigration policy, reflect the wider expectations that the state will manage risk (Sparks, 2000). This can be seen in policy interventions regarding crime and the arena of 'law and order' in which the state has attempted to control threats from those deemed to be 'dangerous' through the use of 'indefinite imprisonment' until they are 'no longer assessed as "risky"' (Pratt, 2000: 40). The use of continuous surveillance and monitoring of criminal groups within society continues with the release of offenders into local communities. Further, the nature of public intervention and vigilantism towards certain 'dangerous' groups, on the precept that the risks they pose have not been effectively managed by the government, are well documented.

Like 'dangerous' offenders, 'bogus' asylum seekers in the UK are identified as posing a very real threat. The representation of asylum seekers within the popular media and through political discourse is one that depicts them as harmful to the British people. Of particular resonance, however, has been the idea that many asylum seekers are quite simply 'illegal', attempting to enter the United Kingdom in order to secure an improved standard of life rather than escaping from persecution (Home Office, 2002a; *The Express*, 2002). Further, even those escaping from states such as Afghanistan and Iraq, are frequently denied refugee status and have been threatened with forced removal (Fleming, 2003). While their domestic situations may be viewed as intolerable (so much so that they invoke military action), such individuals become implicitly associated with the dangerousness of the regimes they flee. Their treatment is consistent with the contemporary political management of risk in which those designated as 'other' are met with suspicion.

The impact of such responses has been to expose new and different kinds of risk

(Douglas, 1992). Significantly, the dominant representations of asylum seekers as 'dangerous' have influenced their treatment, to the extent that they have arguably become 'one of the most silenced and at risk groups' within society (Pickering and Lambert, 2001: 219).

SCROUNGERS AND CRIMINALS: THE CONSTRUCTION OF DANGER

The imagery of 'otherness' has been a continual feature in the exclusion and marginalization of individuals and social groups. Often based on behaviour (such as criminality) and/or attributes (such as gender, 'race'/ethnicity) (Douglas, 1992; Cohen, 1994; Joffe, 1999; Lupton, 1999), fear of 'the other' results in demands for action and efforts to increase protective mechanisms against the risks 'they' pose.

Asylum seekers have been represented as being different from 'us' for many years. Almost a century ago, the 'Aliens Act' of 1905 illustrated the British political view of those seeking protection and refuge in the UK. However, while individuals arrived as 'different', the dominant ethos was that 'they' could be successfully integrated to become one of 'us'. This situation, backed by ideological, policy and political initiatives has, arguably, changed. While asylum seekers are shown to be different from 'us' in contemporary representations, a new perception is that 'they' cannot be changed (Young, 1999). They are commonly viewed as non-integrationist, opposed to assimilation: 'they' are irredeemably 'othered'. As Kundnani (2001) details, with regard to asylum seekers:

... we no longer hear of their different values, their alien religion, their strange language. Rather, the image of asylum seekers is defined not by what they are, but simply by the fact that they are 'not one of us', and are, therefore, a threat to 'our way of life'. (p. 52)

The construction of asylum seekers as threats to UK life has emphasized policies of both exclusion and protection. Representations that link asylum directly to 'danger', risk and security issues have permeated popular media, political discourse and policy statements (Oxfam, 2000; Scottish Refugee Integration Forum, 2002). These threats have been wide-ranging but, in the first instance, asylum seekers are viewed as problematic by the fact of their growing number.

The number of individuals making asylum applications has been a standard issue of media reporting and political debate for a number of years. More recently, the UK has seen an increase in the number of asylum seeker applications, with official statistics for October to December 2002 being the 'highest quarterly on record' (Home Office, 2003b). This situation has led some commentators to propose that asylum is 'out of control' and that Britain is 'still a soft touch' (Butler, 2003). The frequent representation put forward is that the UK is being over-run by individuals making asylum applications and that, despite pledges and asylum law overhaul, the government has failed to effectively manage the risks of increasing applications. This sense of political mismanagement on asylum is intensified by depictions that asylum seekers will take ever-scarce social, medical and economic resources (Holland, 2002; *The Herald*, 2002; *The Times*, 2002). Social tolerance to asylum seekers has, in these reports, reached its limits; asylum seekers are too much of a risk to local opportunities, community cohesion and safety. This situation is in contrast to that of Canada, for example, where immigration levels are seen in many quarters as an important contribution to the country's economy.

Indeed the current decrease in the number of 'immigrants' has led to public criticism of the federal government (Ibbitson, 2003).

Asylum seekers are regularly associated with 'illegality, racketeering and disregard for sovereign borders' (Harding, 2000: 57). Populist media attention has emphasized the supposed 'swamping' of the UK together with the exploitative, scrounging and 'bogus' nature of new arrivals (Kushner and Knox, 1999). As such, representations of asylum seekers have emphasized that among their midst are 'conmen' (Laville, 2003), that some employ 'alias', changing identities across borders (Keeley, 2003), and that some engage in 'benefit shopping' (Home Office, 2003a).

Such representations underpin a more extensive association between asylum and criminality. Asylum seekers are commonly characterized as criminals or deviants, threats to the moral and legal order of liberal democracies (Poynting, 2002). With regard to 'recently arrived immigrants': 'every instance of criminality is . . . highlighted in the mass media . . . and the very fact of their illegal nature is seen as a criminal "master status" which quite falsely indicates their guilt of all other types of crime as obvious and tautologous' (Young, 1999: 112).

Mass media attempts to detail every instance of criminality has been such that police forces are repeatedly requested for information on 'examples of crimes committed by asylum seekers' to underpin their copy (Morris, 2003). The latest reports on criminality have associated asylum seekers with 'gang warfare', drug trafficking, kidnapping, corruption, as well as the trafficking of people for the sex industry (Ahmed, 2003).

Illustrations of asylum seekers, as being threats to 'security . . . stability and social peace' (European Commission against Racism and Intolerance (ECRI), 2001: 18) have reinforced public intolerance to asylum seekers over a sustained period. These depictions have, however, been further sustained in the wake of the September 11 attacks on the US as, more recently, asylum seekers have been linked directly to terrorist activity and threats to national security. In these new developments, asylum seekers in the UK have been associated with: the manufacture of ricin (Jones, 2003); the murder of Stephen Oake, the Special Branch police officer in Manchester (*The Herald*, 2003; Jones, 2003); the planning of terrorist attacks in India and Pakistan (Hencke, 2003); activities as terrorist hijackers (Brown and Elliott, 2003); and, membership of the Taliban regime (Govan, 2003). According to the *News of the World* (2003): 'Britain is now a Trojan Horse for Terrorism'. Oliver Letwin, Conservative Shadow Home Secretary, picked up this idea of the danger within, stating that a significant number of asylum seekers are just 'intent on blowing us up' (Jones, 2003) while the *Daily Express* (Morris, 2003) heralds the 'nightmare scenario . . . is here'.

Such concerns underpin the way fear can often result in the depiction of 'folk devils' for the allocation of blame (Hall et al., 1978; Goode and Ben-Yehuda, 1994; Joffe, 1999; Ungar, 2001). That is, asylum seekers are deemed to have only themselves to blame for their treatment. They are considered guilty until they can prove otherwise (Joly, 1999). While local communities, agencies and organizations have attempted to welcome and support asylum seekers in their locales, the broader representations of 'danger' are continually meted out by the media. The media reinforce the need to identify the 'deserving' from the 'undeserving', suggesting that 'genuine' asylum seekers should receive support without diluting this by enabling the 'disingenuous' similar access. The need to make this distinction has become an increasing priority for state

agencies who are faced with the complex situation of responding to public concerns, while at the same time harnessing existing good will and resources to ensure support is available. In this framework, even those with pressing evidence of persecution can find themselves subject to the same level of scrutiny and control as those who are assumed to be 'bogus'.

The continued emphasis that economic migrants make up the vast majority of those claiming asylum and those entering the UK illegally has created a tense political and social scenario. This demonizing agenda is set against an asylum policy that is continually determined as inadequate, overly-liberal and ineffective in keeping 'them' out. Such a stance has been deepened by the tensions of increased security around UK borders (Joly, 1999).

SECURITY AND CLAMPDOWN: THE WIDER CONTEXT

Sivanandan (2001) details that wider contemporary asylum policy is about class not just skin colour. 'Xeno-racist' immigration policies, intensifying hatred towards 'outsiders' are 'not just directed at those with darker skins, from the former colonial countries, but at the newer categories of the displaced and dispossessed whites' (Cohen, 1994: 2).

This xeno-racist approach has at its heart an agenda of both capitalism and neo-colonialism. In European terms, this has been consolidated by the impetus of a free European market. From the early 1990s, 'it became clear that it was well nigh impossible to detach the low politics of market-making from the high politics of immigration and asylum' (Geddes, 2000: 67). For, while European economic borders needed to be open and free, the control of population movement (particularly for those individuals with a perceived low-economic or production value) was a central concern. The free movement of people was, within Europe, tightly constrained by the imperatives of strengthening 'services, goods and capital within a single market' (p. 67); the liberal, free-flowing market was juxtaposed with an authoritarian and 'security-conscious' controlled approach to population movement.

Issues of asylum and immigration have underpinned the recent prominence of far-right parties in a number of European states. From the election of Jorg Haider in Austria, to the electoral approval of the late Pim Fortuyn in the Netherlands and the more recent success of Jean-Marie Le Pen's National Front party in France, racist rhetoric together with increasingly draconian policies towards immigrants and asylum seekers has been a vote-winner across Europe (Osborn, 2002). In the local elections in England in May 2003, the BNP saw a significant rise in elected candidates. Invariably, in such situations, asylum seekers are represented as a threat: to the moral social fabric of society, law and order, employment opportunities, housing and education. Indeed, just days after the French election which gave the far right 17 percent of national votes, the UK Home Secretary, David Blunkett, stated that he did not want 'swamping' of British schools by asylum seekers (Tempest, 2002). Instead, it was proposed that these children should be taught separately in accommodation centres. The shift from policies of dispersal (accommodating asylum seekers in local communities throughout the UK) has not been seen as a particularly successful approach. The focus is now turning to the development of 'accommodation centres' and detention centres, a practice which signifies a shift

'... from a regime implementing a selective but integrative policy of access and full recognition paired with full social rights and long-term settlement, to one which maximises exclusion, undermines status and rights, and emphasises short-term stay for refugees' (Joly, 1999: 336).

While measures to contain and accommodate asylum seekers within international borders continue, there is also an increasing emphasis on the protection of borders, to keep all asylum seekers out as far as possible. This protectionist agenda can be shown in a gamut of new developments. For example, the depiction of the Sangatte Red Cross Centre, near Calais, as a haven for 'illegals' attempting to enter the UK through the Channel Tunnel, led to the recent closure of the camp. In January 2003, seven vessels from Spain, Britain, Portugal, France and Italy began to patrol the southern Mediterranean to stop 'boat people' reaching European shores (*The Economist*, 2003).

European states, together with Iceland and Norway, have also launched EURODAC, a system to fingerprint all asylum-claimants and share information through subscribers. This system, the Home Office hopes, will ensure that asylum seekers will not 'shop around' for the best package, helping the UK to deport those who have instigated claims elsewhere. More recently, David Blunkett, UK Home Secretary, has discussed the possibility of implementing 'transit processing centres' at the border of the European Union, so that asylum seekers do not access Europe at all until their claims have been substantiated and accepted (Johnston, 2003a). Taken together, alongside the introduction of new heartbeat and biometric technologies, the European clampdown has embodied deterrence at all costs.

THE NEW (LABOUR) RESPONSE

While European initiatives to deter asylum seekers have been bolstered over recent months, domestic policies have changed over time. Indeed, in an effort to tighten and enforce practices, there have been four major UK asylum legislative developments in the space of nine years.³ Moreover, policies are continually being overridden by new sets of proposals that promise 'better' and 'more radical' changes.

While asylum is acknowledged as both a humanitarian and human rights concern, most of the rhetoric on asylum has been substantially influenced by notions of 'danger' and 'risk' to the social, moral and economic well-being of the United Kingdom. As a result, in terms of policy and practice, the overarching aim has been firmly connected to deterrence. David Blunkett, the Home Secretary, detailed this point, commenting:

We are an open, trading nation, and we will continue to meet our obligations . . . to provide a safe haven . . . But we will not be seen as a soft touch . . . we are tightening our rules and deploying every possible measure to deter and to detect [illegal immigrants]. (Home Office, 2002b)

The principal means by which asylum seekers have been deterred from the UK has been through the denial of claims. Such restrictive operational procedures have ensured that it has become increasingly difficult for individuals to 'prove' their persecution particularly as asylum seekers have limited access to counselling and support services, interpreters and legal personnel (Davis and Heneghan, 2000; Ferguson and Barclay, 2002; Weber, 2002). The Home Office (2002b: 346), on a number of occasions, has been

forced to admit 'illegally preventing entry' of asylum seekers on this basis. The difficulty of securing asylum status is epitomized by the ex-Home Secretary, Jack Straw's, admission that 'there is effectively, no legal route for an asylum seeker to travel to and enter Britain' (Davis and Heneghan, 2000: 8). The policy attempt to control and manage the asylum 'crisis' has led to a situation in which the rights of asylum seekers are eroded.

With over 20 percent of asylum applications successful on appeal, it could also be argued that primary decision making is not sufficiently adequate or thorough (Immigration Law Practitioners' Association (ILPA), 2002). Decision making, at this level, is said to 'still frequently display an unacceptable level of insensitivity, bias and ignorance' (Asylum Aid, 2002: 14). Similarly, decision makers, operating in a culture of suspicion towards claimants, continue to receive inadequate training and limited supervision (Asylum Aid, 2002; Weber, 2002). This has culminated in a situation in which the European Commission against Racism and Intolerance (ECRI, 2001: 20) identified that 'there have been reports of discriminatory behaviour among officials responsible for immigration control at borders and within the country' (p. 20). Despite such behaviour, the formal procedures of accountability and complaint against immigration officers are far from appropriate (ILPA, 2002). The practice of claiming asylum in the UK is, then, strongly tied to a policy of deterrence, employed to discourage supposed 'bogus' or dangerous individuals from making asylum applications.

This stance has also been introduced into accommodation provision. In an apparent bid for administrative speed (Human Rights Watch, 2002), the new legislation has also introduced a three-tiered system to hold asylum seekers; namely induction centres,⁴ accommodation centres⁵ and removal (formerly detention) centres. Underpinning all these developments is the ever-present spectre of privatization and the expansion of private companies to run centres (Green, 1990).

In the social, economic and political context, described here, it could be argued that the move to asylum centres is based on ensuring asylum seeker exclusion from 'flooded' local communities. For those offered a place in a newly introduced accommodation centre, economic and social assistance is granted on their acceptance; to refuse to occupy a place or 'voluntary' decisions to leave a place will mean that individuals 'forego their right to support' (Home Office, 2002a). As the White Paper outlines, in true New Labour style, this proposal 'entails both rights and responsibilities for asylum seekers' (para 4.28).

FROM DISPERSAL TO 'DETENTION': THE SOCIAL CONTEXT

Social dissatisfaction with asylum procedures has been compounded with the operation of the government's Dispersal Policy. This resulted in large numbers of asylum seekers being relocated throughout Scotland, England and Wales (Audit Commission, 2000). Despite Home Office pronouncements that asylum seekers should be located in 'multi-ethnic' communities that could provide strong social supports, the reality was that large numbers of asylum seekers were brought into inner-city areas already experiencing considerable social and economic deprivation. Placed in renovated (often high-rise and previously condemned) accommodation, fitted out for habitation with United Nations funding, asylum seekers have often been subject to racist abuse from local residents who

have had little to inform them of the circumstances that characterize asylum seeker experiences.

Notwithstanding the goodwill and support that has been provided by some local residents and community organizations, particularly local churches (Kushner and Knox, 1999; Ferguson and Barclay, 2002), racist attacks have been frequent. The increase in racist abuse and violence has led to severe criticism of the practice of placing asylum seekers in the most deprived areas of the UK, for example in Glasgow, Hull, Coventry, Sunderland and Liverpool. While tensions in these cities have denoted a considerable amount of racist intolerance, they have centred on perceived threats to material resources in areas of social deprivation.

Such social tensions have been clearly exemplified, for example, in Glasgow with the murder on 05 August 2001 of a 22-year-old asylum seeker, Firsat Yildiz Dag, who had been dispersed to the area of Sighthill. In the aftermath of his death, tensions increased in Sighthill and asylum seekers, support groups and local residents took to the streets to draw attention to events. Three emotionally charged marches took place in Glasgow following Firsat's murder, led by asylum seekers and supported by members of the local community, campaign organizations and trade unions, to demand immediate action by Glasgow City Council to improve conditions and end attacks on asylum seekers. The fear of further violence led several families to flee the country (Hill, 2001). Meanwhile media attacks on asylum seekers continued as the *Daily Record*, Scotland's most widely read tabloid, claimed that Firsat Yildiz Dag was an 'economic migrant', implying that his claims of asylum were 'bogus', fuelling an increasingly volatile situation (Press Wise, 2001).⁶ Concerns about the rising crime rate in Scotland led to further assertions that asylum seekers had contributed to increasing levels of violence and race-crime in Scotland (Watson and Wilson, 2001).⁷

The tense circumstances facing dispersed asylum seekers across Scotland, England and Wales (Athwal, 2001; Grandon, 2001) has been used to legitimize policies of detention and containment on the basis that social unrest can be curtailed or minimized by the use of accommodation and detention centres, which separate asylum seekers from local communities. In their consideration of Accommodation Centres for instance, the government detailed that it would assess whether such segregation of asylum seekers will reduce 'community tensions' (Home Office, 2002a: para 4.39).

Although segregation of asylum seekers is presented as an attempt to decrease community tensions, the attempts to allocate asylum seekers into accommodation centres has been faced with a degree of opposition. Local communities have demonstrated their own form of 'risk management' through campaigning against the location of asylum centres in their areas. The siting of the 'dangerous' in local communities (for example the construction of prisons, safe houses and sex offender rehabilitation centres) has regularly been met with opposition and asylum seeker accommodation has been no exception. Despite apparent public approval that asylum seekers should be effectively managed and contained, the planned siting of asylum accommodation centres has frequently been met by NIMBY-ism, particularly against those intended to accommodate single, male asylum seekers.

The strength of feeling on this issue is such that the government has struggled to find 'suitable sites' to begin the construction of accommodation and removal centres. Such centres, intended to provide approximately 7000 spaces for asylum claimants

(Home Office, 2003a), have been effectively blocked either through local campaigning or planning decisions (Johnston, 2003b). This resistance gained increased momentum after events at Yarl's Wood detention centre in which asylum seekers were depicted as 'fire-raisers'. In this light, the public have little confidence in the system of asylum detention and local resistance has seriously impaired attempts to increase accommodation and detention (removal) facilities.

It could be argued that this backlash against asylum seekers across the UK is an example of local people trying to assert their own management of risk (to perceived threats to employment; threats to services; criminal threats; threats of the 'other' changing the local landscape). At the centre of such campaigns is the notion that the risks posed by asylum seekers are 'seen to be beyond the capabilities of the modern state to manage' (Pratt, 2000: 47) – while detention or 'accommodation' may be articulated in terms of 'protecting the public', the public do not always feel government policies are sufficient to protect them from the risks which they perceive. While local communities are reluctant to allow accommodation centres to be established in their locales, the campaigns and dissent against the use of such centres, often signifies and underpins growing shifts towards the need to diffuse public concerns through increased controls on asylum seekers.

THE USE OF DETENTION AND REMOVAL

The use of detention (removal) centres, to target and expel 'failed' asylum seekers provides an 'essential element' to immigration policy (Home Office, 2002a: para 4.74). In comparison to other European states, the UK detains more asylum seekers and holds them for longer (ILPA, 2002), nevertheless the expansion of detention places is to continue. While the use of detention is argued to be 'often arbitrary, unfair and ineffective' (Bail for Immigration Detainees (BID), 2002: 1), it is also expensive; the weekly cost of imprisoning one asylum seeker stretches to £1620 at Oakington.

The scale of asylum-seeker detention has fluctuated under New Labour policies. In February 1994, 720 individuals were imprisoned under such measures (*Hansard*, 22 Feb 1994: col. 151). By March 2002, this figure had almost doubled, reaching 1370 (Home Office, 2002c) and by December 2002, due to a shortage in the detention estate, this figure had dropped to 795. Despite the drop, the Home Office remains committed to deal with 'potential absconders' (Kushner and Knox, 1999: 346) and to expand the detention estate to 4000 spaces (Home Office, 2003a), representing a significant growth in a new prison sector.

The emphasis on separating asylum seekers from local communities, was initially signalled in the White Paper, *Fairer, Faster and Firmer* (Home Office, 1998). This policy document represented a firm attempt to increase the use of detention, particularly in terms of asylum 'reception' to deter future applications. The first 'reception centre', aimed at receiving and removing those 'fast-track' applicants deemed to have 'failed' cases from the outset, was established at Oakington, Cambridgeshire.

Oakington Reception Centre has been criticized on a number of fronts, most notably for its racist practice of identifying 'fast track detainees' by their nationality (Chatwin, 2001). It is now a 'central plank of asylum policy' (Home Office, 2002a: para 4.69) and determines on a large number of cases. Most cases are dismissed; from October to

December 2002, only five grants of asylum were made in 765 decisions (Home Office, 2003b). In the majority of situations, the 'fast track' out of the UK is 'straightforward' (Home Office, 2003b).

Given the level of applications through Oakington (it can process up to 13,000 claims in a year (Home Office, 2002a: para 4.72)), the need for this centre to provide a thorough, supportive service to claimants is imperative. Yet, some have argued that such reception centres, based on ideas of punishment and deterrence, do not bring positive benefits. Her Majesty's Inspectorate of Prisons (HMIP, 2003) commented that the seven-day speed of the 'fast track' process was 'inappropriate for full consideration of complex cases'. Bail for Immigration Detainees (BID, 2002) have further argued that asylum seekers are not given adequate access to legal representation or funding, thereby breaching human rights legislation and negating due process to the rule of law.

Such concerns have also been charged at detention centres more generally. The use of detention centres has been deemed to be 'inappropriate . . . and without adequate procedural safeguards' (Human Rights Watch, 2002: 2). They have increased 'the social exclusion of asylum seekers' (Asylum Aid, 2002: 10) and consolidated feelings of unjustified incarceration. They can also be found lacking in terms of their remit, criteria and treatment of detainees.

According to official criteria, detention centres should not hold asylum 'seekers' as they are intended for people being detained before 'removal' or deportation. In practice, this distinction is blurred and contentious and detention centres have frequently extended their remit to detain individuals whose cases are ongoing. Detention, then, may be imposed on those who should not, by official standards, be held. In this context, it is of considerable concern that the conditions of detention have also been inappropriate for vulnerable groups.

Despite recommendations from the UN High Commissioner for Refugees (1999) that gender-mixed accommodation should be used 'only when other measures will not suffice', detention centres have been based on large mixed populations. This brings distinct problems for asylum seeking women, who have often suffered sexual violence, and children who require special care and support (Amnesty International, 1999). Enforced detention has also increased difficulties for those who have suffered torture and persecution as incarceration has the effect of damaging emotional and mental well-being (Physicians for Human Rights, 2003). For this reason, together with the fact that support, counselling and legal provision is both ad hoc and inadequately funded, the Medical Foundation for the Care of Victims of Torture (2002) has strongly argued that detention 'should never be used in cases concerning survivors of torture' (p. 3).

The inappropriate incarceration of vulnerable groups is a clear fault for a detention remit that proposes 'fairness and dignity' (Home Office, 2003a). This is made worse by strong evidence to show that many asylum seekers have been left in unsuitable and inappropriate accommodation for lengthy periods of time. The impact this bears on their physical, mental and emotional well-being has been highly problematic (Chapman, 1998) and self-injury and protests including hunger strikes and disturbances have been common (Cohen, 1994; ongoing information from the National Coalition of Anti-Deportation Campaigns). This has led to concerns, from support organizations, about the 'apparent disregard for the safety and security of detainees held in detention' (BID, 2002: 4).

The security of detainees is a pertinent issue to be addressed in terms of a human rights framework. UN documentation repeatedly emphasizes that detention ought 'to be the exception, not the rule' for asylum seekers (HRFANZ and RCNZ, 2002: s17). Further, when detained, asylum seekers should be entitled to minimum procedural guarantees regarding their containment (s38–54). Despite clear international standards, there appears to be a lack of procedural safeguards in detention institutions. This point was illustrated by HM Chief Inspectorate of Prisons in an Inspection Report on Campsfield House Detention Centre (16 April 1998). This Report established a number of criticisms including: detainees were not given any written reasons for their detention, there was no judicial oversight of detention, people were detained for too long and there were no statutory rules for the running of the centre (see also Chapman, 1998). Such criticisms have been re-iterated in the HM Inspectorate of Prisons Report (HMIP, 2003) on immigration custodial establishments; in four removal centres⁸ detainee 'insecurity was heightened' by the fact that individuals could not obtain reliable information on the 'reasons for their detention or the progress of their cases, or to access competent legal advice' (s1.8). The minimum procedural safeguards for detained asylum seekers, to secure rights to adequate communication and legal counsel, do not appear to be met.

New Detention Centre Rules are being implemented in all immigration establishments. While these are based closely on Prison Rules, thus reinforcing the punitive nature of detention for asylum seekers, they also emphasize the specific needs of immigration detainees. The HM Inspectorate Report, however, notes that staff in most centres are 'not sufficiently alert to, or trained in' (s1.12) these specific needs. Further, while staff attitudes have been geared towards offenders, rather than asylum seekers, welfare-based Prison Service policies (on suicide and self harm, bullying and race relations) have been omitted.

Detention centres and mainstream prisons have been closely connected, so much so that in the face of replete removal centres, the government has resorted to the use of an already saturated prison estate. Indeed, the use of overcrowded mainstream prisons has been a common feature in contemporary asylum policy. Immigration detainees, not having committed any offence, have been repeatedly held in prisons, including high-security establishments such as Belmarsh in England (Chatwin, 2001). In Scotland, the situation for detained asylum seekers has, until 2001, revolved around ordinary prison establishments, mainly HMP Gateside in Greenock.⁹ Many asylum detainees have viewed this criminalizing treatment as a devastating response to their situation (ECRI, 2001).

In response to such concerns, the new flagship immigration detention (removal) centres, at Harmondsworth in Middlesex, Dungavel in Lanarkshire and Yarl's Wood in Bedfordshire were opened in 2001, at a cost of £140 million. These centres have not however been without their problems. An overarching issue of accountability has surrounded them, all of which are managed by private companies, respectively UK Detention Centres, Premier Prison Service and Group Four. Unlike state-run institutions, these companies do not run within a scrutinized complaint system. While the centres are deemed to run at the most economic cost, there have been questions raised about operational procedures and the treatment and safety of detainees.

A report, compiled by a cross-party group of MSPs following a visit to Dungavel (which also included representatives from Amnesty International, the Scottish Refugee

Council and the Scottish Churches Parliamentary Office), condemned the policy of locking up children in detention centres (at the time of their visit there were 16 children held in Dungavel's family unit) (Scottish Parliament's Cross-Party Group on Asylum Seekers and Refugees, 2002). This issue still remains (Laville, 2003; Taylor, 2003) with campaigners arguing that the government should house all asylum seekers and refugee families in the community. Where this might be remains open to question given the supposed failure of the policy of dispersal. The Scottish Cross-Party report also criticized the length of time people were forced to spend in detention, despite claims that such centres were primarily 'removal centres'. According to *The Guardian* (Seenan, 2002) some of the detainees who were able to speak with the delegates had not reached the end of the asylum appeals procedure, while others had been living in the community for years prior to their detention.

Criticisms of detention centres have been juxtaposed by an official rhetoric that emphasizes the need for increased security and control. This discourse has been strengthened in the wake of escapes from both Yarl's Wood and Harmondsworth. On 20 February 2002, nine detainees at Harmondsworth absconded, in spite of full CCTV coverage and a six-metre barbed perimeter fence. Days before this incident, on 14 February 2002, over 20 detainees were reported to have escaped from Yarl's Wood in a serious fire at the detention centre (Resource Stewardship Select Committee, 2002). Early reports of this event depicted the criminality of detainees: in starting the fire, in blocking fire-fighters from attending to the blaze and in their escape. While official reports are ongoing, these depictions of detainee-dangerousness have been counter-balanced by other facts such as: the centre was not fitted with a fire-sprinkler system or early-warning device and fire-fighters were actually blocked from entering the site by Group Four staff (Bright and Margaronis, 2002). In addition, although the police state that they have no evidence to indicate that anyone died, local media have indicated that ten detainees may have been killed in the intense fire (Foot, 2002). These individuals are still officially depicted as being 'at large', thereby intensifying security discourse. In response to the two events, the Home Office has ordered a tighter security regime within the Centres (*The Guardian*, 2002).

Following the fire at Yarl's Wood, there have been ever increasing moves to tighten security within the detention estate. This has resulted in the organization of accommodation (and most notably detention/removal) centres around penal practices, consolidated by the introduction of operational guidelines based on Prison Rules and the installation of segregation units for 'disruptive' detainees.

CONCLUSION

Despite attempts to challenge the dominant representations of asylum seekers, the climate of opinion is generally both negative and mis-informed. Media-reinforced stereotypes and claims that asylum seekers pose material and security threats to UK citizens have been positioned at the heart of asylum legislation, policy and practice. While the globalization of trade is applauded, the movement of labour is denigrated and those often fleeing terror and persecution are criminalized.

It would appear that the modern approach to 'danger' and 'risk', based on the idea that the state will bear the responsibility for risk management in return for regulation

over citizens' lives (Pratt, 2000) has become outdated. The 'push' factors, that influence asylum seekers to leave their homeland, are not easily contained or regulated by 'global' solutions. The new barriers imposed by states, like the UK, to deter population movement will not stop the refugee problem, even if they stem the number of individuals who arrive and claim asylum. Rather, such measures may well compound the regional tensions, human rights abuses and inequitable development that give rise to forced migration in the first instance (Loescher and Milner, 2003).

As noted earlier, the treatment of asylum seekers is an issue to be addressed in terms of a human rights framework. Although asylum seekers are protected on paper in terms of rights (with signatory states to international refugee legislation bearing a responsibility to protect global citizens from the risks they face and escape from), the organizing dynamic in which their collective identity is constructed, repeatedly in terms of danger, has culminated in a situation in which legal rights are over-ridden by populist policies based on security and control.

The 'unknowability' of asylum seekers, on arrival to the UK, has meant that as a group they are effectively placed beyond the human rights framework. While the dominant debates have focused on the 'bogus' and dangerous nature of asylum seekers, the 'non-deserving' status of this group has been emphasized. This construction is such that, until their potential liabilities are assessed and secured, all asylum seekers are treated with suspicion. This has meant that potentially the most vulnerable of asylum seekers are placed in situations that are detrimental to their health, protection and well-being.

The practice of asylum detention in the UK is subject to scrutiny. While it is clear that international safeguards are not met in terms of the legal administration of detention, the UK does not always appear to treat asylum seekers with the necessary 'safety' and 'dignity' dictated by international legislation.

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Notes

- 1 Recent immigration acts allow for the detention of those regarded as illegal entrants or people who have violated their conditions of entry (Immigration Act Detainees) and asylum seekers who are detained pending investigation of their claims.
- 2 Those institutions, which are designed specifically for immigration purposes, are not defined as prisons and as a result, the UN standards intended to maintain minimum requirements in penal institutions do not apply.
- 3 Specifically the Asylum and Immigration Appeals Act 1993, Asylum and Immigration Act 1996, Immigration and Asylum Act 1999 and the 2002 Nationality, Immigration and Asylum Act. These have been linked to broader law making aimed at strengthening borders, deterring trafficking and preventing 'terrorism'.
- 4 All new arrivals will spend a 'short period of time' in an Induction Centre (Home Office, 2002a: para 4.23). These buildings will house up to 400 asylum seekers and their dependants, and will provide 'a comprehensive service to asylum seekers so that they are fully aware of how our procedures work and understand exactly what is

- required of them' (para 4.21). On leaving this Centre, individuals will either be housed in dispersal accommodation, an accommodation centre or at Oakington Reception Centre for 'fast track' consideration.
- 5 Proposed Accommodation Centres will hold more than 3000 asylum seekers and provide full-board accommodation. While they will be 'open', giving ease of local movement, it is envisaged that 'health care, education, interpretation' and 'opportunities for purposeful activities' will be based within the centres (Home Office, 2002a: para 4.31). As such, the centres stand apart from policies that integrate asylum seekers into the local community (ILPA, 2002).
 - 6 Although his killer was apprehended and sentenced to 14 years in prison, the controversial decision was taken to drop the charge that the crime was racially motivated.
 - 7 In response, the Scottish Executive promised a package of funding to help areas which were considered 'under stress' in Glasgow. Strathclyde Police, who had been relatively proactive in policing areas such as Sighthill, increased their presence in these localities in an attempt to enhance 'community safety'. While this provided an opportunity for greater integration between asylum seekers and local residents, it did not allay some of the criticisms which government policies attracted, most notably from the late Cardinal Thomas Winning (Scotland's highest Catholic churchman) who, weeks before his death, condemned the 'institutionalised discrimination' against asylum seekers (Sinclair, 2001).
 - 8 Respectively Tinsley House, Halsar, Campsfield House and Lindholme.
 - 9 Due to its proximity to Glasgow Airport. Detainees were also held in HMP Aberdeen and HMP Saughton. Women detainees have been held in Cornton Vale. Accurate statistics on the number of detainees held in Scotland have been difficult to obtain, thus the extent of the problem was disguised.

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