

“Seeking asylum is not criminal”

The Detention and Policing of Asylum Seekers in the UK

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Abstract

Asylum seekers in the UK are subject to detention through Detained Fast Track (DFT). In 2013, more than 30,000 asylum seekers entered detention, and that number has been rising since DFT was established on a national level in 2008. According to the Home Office, DFT is used only when an asylum case can be decided quickly. However, several studies have found that the detention of refugees negatively impacts the asylum process, and have several adverse effects on refugees. Though it is critical to understand the experiences of asylum seekers in detention, it is also imperative to understand their experiences with law enforcement, as arrest and policing is an integral component of DFT. This dissertation will focus on that connection, exploring the experiences of asylum seekers in detention and with police. The project was produced in collaboration with Manchester based charity RAPAR. Five asylum seekers were interviewed, with a focus on their time in detention, encounters with police, and suggestions as to what should be done to address any grievances experienced. Experiences vary, but findings show that detention is akin to prison and has several negative outcomes. Policing practices have become increasingly aggressive and invasive. Feelings of criminalization are also common among the participants. The final section is dedicated to the voices of the

participants and what they believe is the path moving forward from detention.

Introduction

In 2008 the UK Border Agency (UKBA), now the UK Visas and Immigration Department (part of the Home Office) began the national implementation of a program that aims to expedite the asylum seeking process. This program, Detained Fast Track (DFT) allows for the detention of asylum seekers whose cases can be decided on quickly (ILPA, 2008; Home Office, 2014). However, DFT has been linked to the over policing of asylum seekers and refugees, the violation of human rights, and has become part of a larger body of policy initiatives that seek to police and control refugees seeking asylum in the UK. For instance, in 2009, the Home Office invested in genetic and isotope testing on

asylum seekers as a way to ascertain their national origin (Tutton, Hauskeller, & Sturdy, 2013). The practice was highly criticized and later defunded, but acts as evidence that the policing of refugees have become insidiously innovative, delving into non-traditional and invasive methodologies.

On a policy level, the increased policing and detention of asylum seekers have occurred in the name of security, public welfare, and economic efficiency (Capdevilla & Callaghan, 2008; Malloch & Stanley, 2005; Welch & Schuster, 2005). Although the policing and detention of asylum seekers is not related to the control, deterrent, or punishment of criminal activity, media and political representations of asylum seekers typically portrays them as a risk, dangerous, and criminal (Coole, 2002; Malloch & Stanley, 2005). However, this alone does not explain the push for policy that is more concerned with curbing the number of asylum seekers than providing assistance to refugees.

Prior to DFT, asylum seekers were detained only if they had committed a criminal offense or it was suspected that a refugee would abscond, however these instances were rare (Detention Action, 2011; ILPA 2008; Silverman, 2012). Since the creation of DFT, the number of asylum seekers that have been detained and incarcerated has increased dramatically (Silverman & Hajela, 2013). Inevitably, the detention of asylum seekers has incorporated in its practice the use of physical pursuit, arrest, transportation, and detention of the individual to one of several DFT Detention/Immigration Removal Centres (IRC) in the UK (Detention Action, 2011; ILPA 2008; Silverman, 2012; Silverman & Hajela, 2013). Anti-detention advocates have challenged the legality of DFT, with numerous groups putting pressure on the Home Office to defund DFT and end

the practice of detention (Detention Action, 2013). Furthermore, DFT has been scrutinized by independent internal investigations of the then UKBA (Independent Chief Inspector of the UKBA, 2012). This has come at a moment where anti-immigration discourse has significantly increased from the right leaning in the UK, especially among parties such as UKIP and the BNP (Engstrom, 2013; Grillo, 2005; Halikiopoulou & Vasilopoulou, 2010). This has been coupled with public and politically endorsed fear of terrorism, especially since the terrorist attacks in London in 2005 and worldwide attention to terrorism since 9-11 attacks in the US (Hughes, 2007; Huysmans & Buonfino, 2008; Mythen & Walklate, 2006).

Among these debates, and often lost, are the voices of those individuals seeking asylum that have experienced detention. According to the latest Migration Observatory report (Silverman & Hajela, 2013), from 2009 until the end of 2012, between 2,000 and 3,000 refugees were held in detention at any one time, and the number of refugees detained has consistently increased in the past several years. For example, in 2010, 26,00 persons entered detention, compared to 27,000 in 2011 and 29,000 in 2012 (Silverman & Hajela, 2013). The most recent statistics from the Home Office show that the number of asylum seekers entering detention for 2013 has surpassed 30,000 (Home Office 2014b). Research that has focused on the experiences of refugees in detention have found that these detention centres are prone to right violations, legal misconduct, mistreatment of detainees, and has adverse effects on refugees (BiD, 2007, 2009; Detention Action, 2011, 2013, 2014; Human Rights Watch, 2010; O’Nions, 2006) It is important not only to understand the experiences of asylum seekers in detention, but also outside of detention, especially in how they are treated by law enforcement. It is here that there is a clear

intersection between detention and policing exists and warrants further investigation. As stated, prior to DFT, asylum seekers were rarely placed in detention, and if they were, it was typically related to a crime they may have committed or a suspicion that they may abscond (ILPA, 2008). Furthermore, practices that were once reserved for individuals deemed dangerous to the public are now used on asylum seekers, such as the placement of an electronic tag (ankle bracelet) to control movement and implement curfew (BiD, 2007).

This dissertation explores the connection between the detention and policing of asylum seekers in the UK. The process of detention and policing will be explored by focusing on first hand account of asylum seekers who have experienced detention and/or policing in the UK. Before discussing how to approach this question, it is imperative to understand the origins of DFT. While these questions are not particularly new, they can contribute to a greater understanding of the experiences of refugees in detention and with police, how these grievances can be addressed, and contribute to the collective effort to address the harm done to thousands of refugees. Furthermore, a theoretical framework will be provided that can help put into perspective how detention and policing of refugees came about and its consequences.

Literature Review

Detained Fast Track

The detention of asylum seekers in the UK is a recent phenomenon. In the 1990s there were no detention centres in the UK that exclusively housed asylum seekers, and

detention was only used in rare cases, primarily in cases where an asylum seeker committed a crime or it was believed they would abscond (ILPA, 2008). Although detention was rare, there did exist a legal precedence that allowed for the detention of refugees in the absence of a criminal offence. Detention was first codified in the 1920 Alien Act and further expanded in the 1972 Immigration Act. The 1972 Act gave the power to Immigration Officers to detain migrants at the border, including cases that were still awaiting decision. Even so, the detention of refugees was not as widespread as it is now. The number of asylum seekers being detained has increased significantly since the early 90s, having gone from 250 in 1993 to over 2,200 in 2003 (Schuster, 2003; Welch & Schuster, 2005). In recent years, this number has skyrocketed. In 2012 the number of refugees detained surpassed 29,000 and surpassed 30,000 in 2013 (Home Office, 2014b; Silverman & Hajela, 2013).

DFT was introduced in 2008 as a response to the growing number of refugees that were entering the UK, the call coming from several political parties in the UK (Capdevilla & Callaghan, 2008; Fassin, 2011; Welch & Schuster, 2005). Proponents of DFT claim that it would quicken the process of shifting through fraudulent asylum claims, and able to deport those who were denied claim more efficiently. Asylum claims that were deemed “uncomplicated” are typically put through DFT as a decision of the case was seen to be able to be made quicker (Detention Action, 2011; ILPA, 2008; Gibney, 2008; Silverman, 2012). The criteria established by the Home Office to place a case in DFT is exceptionally broad. According to the guidelines provided by the Home Office, “*any asylum claim, whatever the nationality or country of origin of the Claimant, may be fast tracked where it appears to be decided quickly*” (Home Office, 2014a). The

process time in which the proposal for the formal 2008 DFT was to occur in was three days; the first would be entirely dedicated to processing a claimant at the detention centre (arrival), the second day an interview connected to the case, and the third a decision would be made. This excludes any appeals made by the claimant, but more importantly this excludes time in that falls between date of arrival (day 1), date of interview (day 2), and date of decision (day 3). These days do not occur consecutively (typically), and can take weeks, if not months, to complete. Detention is further prolonged if an appeal(s) is made. In order to understand how we arrived to the DFT of today we must examine several court cases and government pilots prior to 2008 that collectively led to the creation of DFT.

In March 2000, then Minister for Immigration Mrs Barbara Roche made an announcement where asylum policy would be changed allowing for the detention of any refugee(s) seeking asylum. A statement by Mrs Roche to Parliament stated that detention would “*strengthen our ability to deal with asylum applications many of which prove to be unfounded*” (ILPA, 2008). This policy change would be implemented at a new detention facility, Oakington Reception Centre, located in Cambridgeshire. The primary purpose of the new policy was to expedite the asylum seeking process, reducing it to a total of seven days. The Centre would also be a minimum-security facility, have separate areas for families and women (but not unaccompanied minors) and on site legal representation and counsel. It was the first time in the history of asylum in the UK that refugees were to be incarcerated, indiscriminately, to expedite the asylum seeking process, because the Home Office now assumed the majority of asylum claims were fraudulent. However, appeals would not be expedited in any way and would be dealt with outside of detention. It

should be noted that there was no specification that if an appeal takes place, the claimant would be released but must undergo the process while in detention (ILPA, 2008).

The legality of the detention at Oakington of asylum seekers was challenged in court, primarily on grounds that it violated refugees' human rights. Mr Saadi and several other Iraqi detainees claimed that detention was "disproportionate" for the purposes of Article 5(1)(f) on the European Convention of Human Rights (ECHR), which states, "*Everyone has the right to liberty and security of person. No one shall be deprived of his liberty...*" Although Mr Saadi won the case, as it was found that detaining refugees was not in accordance with Article 5 (Saadi v. EWCA, 2001), the Home Office appealed and the case eventually made its way to the House of Lords, where it was found that as long as detention was not "excessive", detaining refugees was legal (Saadi v. UKHL, 2002). The legal challenge did not end there, however. Mr Saadi took the case to the European Court of Human Rights in 2006, but the court ruled that the detention of refugees did not in fact violate Article 5 (Saadi v. UK, 2006). The case then made its way to the Grand Chamber of the European Court of Human Rights, where the court ruled eleven votes to six that article 5 was not violated (Saadi v. UK, 2008). Thus, one of the highest courts in Europe had legitimized the detention of asylum seekers in the UK.

Following Oakington, another facility was established as a pilot program in 2003, the Harmondsworth Immigration Removal Centre (IRC). This new Centre not only implemented the procedure that had been created at Oakington, but extended reform to the appeals process. The Centre would also only hold males and the time in which a decision should be made was suggested to be even shorter than the seven days at Oakington. The Refugee Legal Centre (RLC) challenged the practice and use of

Harmondsworth in court, arguing that the fast track process was unfair because of its unreasonable time constraints it placed on asylum seekers (*RLC v. SSHD*, 2004). It was ruled the fast track process was fair, however, that it is understandable and quite possible that if the process were to take any less time, it has the potential to lead to legal misconduct. In May of 2005, Yarl's Wood Fast Track was opened, a Centre exclusively for women with the same legal basis of operation in Oakington and Harmondsworth, with more specific guidelines relevant to gender (BiD, 2007), expanding the reach of the Home Office and detention.

The current guidelines for DFT state that any adult seeking asylum can be placed under DFT, regardless of national origin, and when it appears that their case can be decided quickly (Home Office, 2014). This decision is made, typically, after an initial screening conducted by the Home Office that covers basic information. It should be noted that this initial screening does not gather any details on an asylum claim, thus leaving critical information out of the decision making process when considering who should be placed into DFT. Legal representation happens on site and typically is exclusive to solicitors who have contracts with DFT, but asylum applicants may be represented privately if they wish. Detention typically occurs when an individual enters the country and an interview takes place with a UKBA Immigration Officer, however, in numerous cases of detention and subsequent refusal of asylum, refugees who have been detained were living in the UK and already undergoing the asylum seeking process (Detention Action, 2014). Although the DFT program aims to have decisions made within 3 days, if there is an appeals process (which there is virtually every case where the UKBA issues a refusal), the total days in detention will last at least 22 days, but as is evident in several

investigation, it can take much longer (ILPA, 2008; Silverman & Hajela, 2013).

Furthermore, DFT is prone to legal misconduct. Virtually every case in DFT is initially refused by the UKBA, at 99% for initial decision, and only dropping to 93% after the appeals process. This differs significantly from asylum applications outside of DFT; where between 70-75% of applications are refused by the UKBA (Detention Action, 2011). While the Home Office would argue that this is a success in that DFT was able to shift through fraudulent claims quicker, a recent court ruling found that DFT as it is currently operated has an “unacceptable risk of unfairness” (Detention Action v. SSHD, 2014). Not only are these facilities potentially detrimental to the emotional, psychological, and physical well being of asylum seekers as they resemble prisons (James & Glaze, 2006; Schnittker & John, 2007), but also how DFT is operated is likely to send individuals with valid claims back to their country of origin.

Detention and Policing

Several studies have investigated the conditions of refugees in detention centres and the subsequent effects of DFT. In 2011, Detention Action published a report where they outlined the experiences of 45 asylum seekers, 18 of which were in depth qualitative interviews. The report outlines the conditions of both detention centres, and found that they resembled prisons, were intimidating, disorienting, and caused confusion, especially when it came to the legal processes applicants had to undergo. Though early proponents of Fast Track, especially those of the Oakington Centre, described the program as one that would be held in centres that were “minimal security”, the centres now are more

similar to a high security prison, especially the all male Harmondsworth. Furthermore, the confusion and disorientation may be due to the fact that they have limited information about their present situation, lack of interpreters or interpreted materials, isolation from support structures, and detention itself. This all has serious implications for asylum seekers to procure accurate information relating to their case. A common theme throughout was the feeling that the treatment received was not of those who were seeking asylum or applying for it, but rather, those have been incarcerated for a crime.

In 2007, Bail for Immigration Detainees (BiD) came out with a report that outlined the experiences of women at Yarl's Wood. The study focused primarily on issues women faced in the Fast track process, such as translation issues, legal misrepresentation, and legal misconduct focusing on gender. Several women, beyond health and legal concerns, stated that they felt criminalized as they were treated "like criminals". Human Rights Watch (2010) also released a report focused on women and their experiences in detention, finding that DFT is inefficient in maintaining proper legal standards and implanting fairness in asylum claims. In a more recent study, Klein and Williams (2012) found that not only do they feel "bewildered", but also their feelings of justice and a just society were shattered, as they themselves have been detained and placed in prison like facilities but having committed no crime. Those that had been detained and released felt the practice of detention was draconian and purely punitive, with the logic that it would expedite the asylum process or prevent them from absconding being completely absent. Furthermore, not only did they feel a sense of injustice had been done to them, but that even upon release, their freedom was unjustly limited. The researchers found that while the refugees now had freedom of movement, they did not have a sense of autonomy or

self-determination. This “conditional freedom” manifests itself not only psychologically, but also physically. Some participants of the study informed the researchers that they had to wear an electronic tag that is worn around the ankle to monitor their movements. Curfews are put on refugees and if they violate curfew, meaning if they are not within the boundaries of their allotted home space, they may be charged with a misdemeanour and detained. These curfew hours also appear to be completely arbitrary and given to cases that have few similarities, with the reasons behind using an electronic tag unclear. For example, one participant, Fatima, had curfew between 16:00 and 8:00, while another, Ezekiel, had curfew between 20:00 and 10:00.

It is clear that aside from issues with legal representation, lengths of stay, and the legality of DFT, asylum seekers experience other hardships even after their release. Refugees are unique in that they are fleeing persecution from their country of origin for religious, political, and social circumstances, however, they must also contend with other realities that have been imposed on by the state. These realities include policing and detention, however, they also manifest in the criminalization of their person, which stems largely from DFT.

Social Control

What can explain the rise in detention and policing of refugees in the UK? It is evident that migrants and asylum seekers do not commit more crime than the general public, and this is true for countries such as the United States and Australia (Martinez & Valenzuela, 2006; Pickering, 2005; Welch & Schuster, 2005), though several claims, particularly from politicians of the right from centre advertise otherwise (Capdevilla & Callaghan, 2008). In reality, refugees commit a significantly less amount of crime than

any other demographic in the UK, especially violent crime, and the macro effect of criminal activity from asylum seekers is small (Bell & Machin, 2013). In “Culture of Control”, Garland (2002) provides a historical perspective as to the shift in the of the criminal justice systems in the US and the UK. Garland states that there is a “crime control complex” that is the result of the post-seventies cultural, economic, and social changes, as well as the rise of neo-liberal politics and policies. The rather dramatic changes in criminal justice systems throughout the West have resulted in mass incarceration, more punitive measures of punishment, and the exasperated misuse of the legal process. However, his analysis is rather narrow in that it focuses on the criminal justice system and how these institutions have expanded their resources as a form of control. While Garland primarily evokes his framework to functions as a way of understanding the evolution of the criminal justice system, we should consider DFT and the detention of refugees not as a separate political or social institution, but one that is part of a broader social control complex that is not limited to criminal justice systems.

The Home Office, in its treatment of asylum seekers through DFT, is acting more as an institution that seeks to implement and reproduce a culture of control rather than issues concerning immigration or aid in humanitarian crises. As mass incarceration of African Americans and people of colour in the US have been found to have more to do with racial discrimination and institutionalized racism than criminal behaviour (Alexander, 2010), the Home Office’s decision to implement DFT may have more to do with institutionalized social control linked to xenophobia than trying to control for fraudulent asylum claims. In consequence the Home Office has criminalized an entire group of individuals whom are largely from North Africa, the Middle East, and South East Asia.

The UK was considered by many to be a haven for refugees in the 80's and 90's. However, this haven has transformed into a state where refugees are essentially discouraged from seeking asylum through their incarceration. Garland's thesis lacks a critical analysis of how other institutions that are separate from the criminal justice system reinforce a culture of control but have evolved through similar historical mechanisms as those he describes. The next section will explore how this connection exists. As a culture of control relies on the heavy criminalization of a particular demographic to exact a form of control, the following section explores how asylum seekers have experienced this process.

Criminalization

Although Garland's thesis does not explore the effects of detention of asylum seekers or make clear the connection it has to the criminal justice system in a larger context of social control, the theoretical framework of this dissertation seeks to contribute to this understanding as it can be applied to the treatment of asylum seekers. This connection is more evident than not, as since the signing of the Refugee Convention in 1951, there has been a debate as to the power nation states have when it comes to national security, immigration policy, and the rights of refugees. Kathrani (2012) argues that since the signing, the debates have revolved around this very issue, especially when it comes to denying refugee status to persons perceived to be dangers to national security. Kathrani's argument also states that in the past twenty years these two competing interests (refugees rights and states authority) have become increasingly polarized, leading to measures such as the "warehousing" (detention) of asylum seekers. This connection is highlighted in the

similarities between criminal law and asylum law. While there seems to be a distinction between criminal law and asylum law (policy) in the UK, its manifestations are strikingly similar in practice. Criminals who are convicted are placed in prison, while refugees seeking asylum are placed in detention. Criminals and refugees are placed in the same facilities, thus blurring the line between the Criminal Justice System and the DFT infrastructure. As criminal law seeks to deter and place fault on an individual for behaviour, refugees are seen to be at fault for societal ills, such as overcrowding, unemployment, and as is the case in the historical sense throughout developed countries, crime (Martinez & Valenzuela, 2006; Pickering, 2005; Welch & Schuster, 2005). As Kathrani states:

“However, it is also not just that asylum seekers are often seen as compounding or to a blame for a country’s woes that has resulted in criminalization. It is further that governments have also used this notion of fault or culpability as a means to deter other asylum seekers from entering this country- on the basis that they are somehow to blame for the country’s despair...This is also what some government have done with respect to the asylum seekers in the last fifteen to twenty years. They have perceived that asylum seekers constitute a threat and have taken specific measures on this basis to deter them. It is by deterring them on a perceived culpability or threat, rather than balancing immigration control with the need for protection, that essentially criminalizes them.”

Returning to Garland’s point, the evolution of the Criminal Justice system is that of creating a neoliberal framework that focuses almost exclusively on control, but as

evidenced here, this culture of control is not limited to specific institutions. Rather, it can be extended to those that are seemingly separate and disconnected. This intersection is also seen in the divide between the continued shifting discourse on refugee rights and the need to address globalized organized crime, specifically when it comes to human trafficking (Welch & Schuster, 2005). Globalization has not only caused an increase in migration, but also in crime, and thus, states have moved toward policy that would curb this increase in crime (Morrison, 2001). This criminal activity includes human traffickers, smuggling, drug trafficking, and international organized crime, activities that some refugees at one point in their journey are part of (such as contracting a smuggler to transport them across borders). Instead of asylum being a humanitarian issue, it has been mired in issues around transnational organized crime.

While issues around trafficking and organized crime is recognized in the 1952 Convention, discourse surrounding refugees and migrants in general when it comes to criminal activity have increased and focused more on the criminality of these groups than their status as refugees (Kathrani, 2012; Morrison, 2001; Welch & Schuster, 2005). In a criminal justice system, when a specific behaviour is criminalized, the immediate effects are increases in incarceration rates and the persecution of particular groups of people that engage (or are perceived to engage by the government) in that behaviour. Criminalization is mainly a tool for deterrence, yet in the case of detention of asylum seekers, it is migration that is being deterred, as the act of seeking asylum in the UK has been deemed to be criminal, and although it is not explicitly stated, asylums seekers are being treated as such.

There is a large movement in the UK that is working toward ending the practice

of detention and DFT. Part of that movement has been presented in the overview of the work that has been done in understanding the impact of DFT, as well as the larger social and cultural forces at work that are maintaining it as a legitimate government funded program. While there is research that has documented the experiences of asylum seekers in detention, it has been largely limited to focusing on experiences inside detention. This dissertation seeks to contribute to the current literature and address the gaps that exist, particularly when it comes to policing. Furthermore, while it is imperative that policing be investigated, it is also equally as valuable to pursue a more complete understanding of the experiences of asylum seekers and expand the space for their voices in these contemporary debates.

Methodology

Participatory Action Research

To answer these questions, a Participatory Actions Research (PAR) model will be employed. PAR seeks to conduct research in conjunction with a community to collectively contribute in the pursuit of social justice and re-establish agency through narratives (Selener, 1997). PAR seeks to create a platform for individuals to have a voice and establish a medium where they can engage in activity that will lead to change. Though PAR methodologies span several disciplines, methodological and ethical considerations are primarily based from “Doing Research with refugees: Issues and guidelines” (Temple and Moran, 2011), which focus on PAR methodology in research with refugees and asylum seekers in Europe.

PAR methodology includes a wide array of techniques, including photography (Lykes, 2006), video production (Tolia-Kelly, 2007), and in depth interviews. Other methodological approaches to understanding policy often exclude platforms for voice, however, research concerning asylum seekers has been found to benefit from research that focuses on benefit the understanding of policy, to create a more complete picture of its effects (Tait, 2011). Furthermore, PAR methods have been used in projects focusing on refugees and asylum seekers, and have been found to address social justice issues holistically and effectively (O'Neill, Woods, & Webster, 2005). This project applies the use of interviews in collecting data, which is not a methodological technique exclusive to PAR. However, a primary component of the dissertation will be providing a platform where the voices of the participants are privileged and given primary consideration in the attempt to understand DFT, policing, and the experiences of asylum seekers. Furthermore, this project is a small contribution to a larger pursuit of social justice, as it is being produced for and in collaboration with the organization Refugees and Asylum Seeker Participatory Actions Research (RAPAR), with the goal of expanding the resources available to implement action. Thus, it must be understood that the claim to enact social change through engagement with the participants is not limited to the production of this dissertation, but rather that it is a small contribution within a larger movement.

Participants

All participants were contacted by RAPAR staff, volunteers, and extended network. Designated RAPAR personnel gave participants information about the study and the

researchers contact information. If they wanted to participate in the project, they were told to either contact the research individually or the researcher would contact them. After an initial conversation about the project, an interview date was scheduled. All participants in the current study have had some form of previous contact with RAPAR, be it through them having been part of a campaign, volunteering, or seeking support from RAPAR. All participants have at one time or another been considered refugees by the Home Office and underwent the process of seeking asylum.

Originally, the project focused on the experiences of individuals who had been detained and incarcerated. However, since a large portion of the content in the first two interviews conducted focused on experiences with police and policing practices, it was decided that participants who had not been detained but had experiences with police would be interviewed. Because of this alteration, one interview conducted was with a participant who has not been previously placed in detention (though he had been arrested) as he has had several encounters with police.

Given the nature of the research, seeking participants for the study presented a challenge. First, participants needed to have been in detention for any period of time or had an encounter with law enforcement outside of the context of court. Second, participants were only approached if they had previously engaged with RAPAR in some capacity. This limited the number of participants that were eligible for the project. These requirements were put in place primarily to convey a sense of trust and confidentiality, as refugees as a group, while evidently resilient, have a legitimate caution when it comes to strangers, especially strangers asking questions of potentially traumatic experiences. Furthermore, as to build trust with the participants, the researcher that conducted the

interviews also volunteered at RAPAR for approximately six months. The researcher worked on casework, RAPAR events (demos, meetings) and several other internal activities. During the duration of approximately two months, the researcher acted as PIC (person in charge) for one day of the week. This helped in allowing participants to know about his presence in RAPAR, but also to build a relationship with the staff and other volunteers. This also allowed him to learn about several campaigns that RAPAR had run throughout its history, as well as a more personal account of the evolution of the detention and treatment of asylum seekers.

A total of five interviews were conducted. The participants were composed of five males of varying ages, circumstances, and countries of origin. The participants are as follows and will only include a brief description of their experience either in detention or with law enforcement:

Jamal experienced detention twice and was held at Colnbrook Immigration Removal Centre (IRC) both times. Each time Jamal was detained he was held for approximately a month. The first time he was arrested at his home and the second on the street in Manchester.

Omar experienced detention once and was held at Morton Hall Immigration Removal Centre (IRC). He was detained for 43 days. Arrested on the street in Lincoln. After his release on bail, as one of his conditions, had to wear an electronic tag around his ankle for eight months.

David has experienced detention once and was held at Yarl's Wood Immigration Removal Centre (IRC). He was detained, along with his mother and father, for approximately 58 days.

Rafa has been detained once and was held at Harmondsworth Immigration Removal Centre (IRC). He was detained while signing in at court and was held for approximately seven months. During his time in detention, he went on a hunger strike, and spent 8 days at a hospital under 24/7 surveillance by Immigration Officers/Security.

Samuel had several experiences with police in Manchester, resulting in two arrests. Each encounter with police officer resulted in being held in a police van for approximately thirty minutes, and when taken to a police station, the first time was held for a couple of hours before release, and the second was held for 24 hours, and his most recent encounter being held for a few hours.

Measures & Research Design

A set of predetermined questions was created in order to give a focus to the interviews. These questions were discussed with RAPAR staff and agreed upon prior to the interviews taking place. There were a total of eight primary questions that were asked that focused on the experiences in detention or with police, descriptions of detention, and life after detention. The final questions focused on whether or not detention or current policing strategies (experiences) was necessary, what would be needed to address their personal grievances, and what solutions they offered to the issues they raised.

Before every interview, participants were read information about the project and its purpose, as well as why they had been contacted to participate. They were given a copy of the information sheet to keep for their records, and were then read the consent form. They then initialled and signed the form, followed by the researchers signature. They then were given a copy of the form. It was stressed at this point that their involvement in the project would be completely anonymous, and that access to the interview would be exclusive to them (if they desired to have access or listen to the interview) and the researcher. No one in RAPAR or anyone else who was not the researcher would have access to the interview. They were also reminded that the project was completely voluntary, and they could withdraw their participation at any time of the interview. After the consent form was collected, the audio recording of the interview began.

All interviews were conducted in English. As part of the preparation for the interview, the participants were informed that if they so desired, they could have a translator present that would be able to either translate questions asked or communicate to the researcher their answers. All participants felt comfortable enough to have the interviews be conducted entirely in English.

After the interview was completed, the interview was uploaded to the M Home drive on the University of Liverpool Network, in accordance with University of Liverpool Ethics Committee, and stored for transcription and analysis. The interviews were then transcribed onto Scrivner, a writing processing software with similar features as NVivo. Transcripts were then reviewed several times in order to obtain running themes throughout, specifically focusing on emotional responses, the details of the participants

experiences, and thoughts on the practice of detention or policing. All interviews were given pseudonyms and any identifying information was deleted in the transcript or changed to preserve anonymity. Afterward, several specific themes were identified and primary focus was on the following three areas

1. *Policing Practices*

For each interview, a detailed account was given and constructed from the information provided as to what the process of detention that involved law enforcement was like, including all interactions with police and/or immigration officers. This includes the arrest, subsequent encounters with law enforcement, amount of time held under arrest, and legal/administrative procedures. This experience was found to be different and come with its own individual obstacles as the process of being detained or policed.

2. *Detention & Conditions*

The conditions of detention were explored, with participants providing descriptions of the facilities used for detention. Particular emphasis was placed not only on the descriptions of detention centres, but also on the language used to describe these centres and their facilities, the resources available at these facilities, and what life was like on a daily basis.

3. *Criminalization*

The final theme that was explored and less focused on description of space than the previous two was an analysis of emotional responses and providing a platform for the voices of the participants. This theme will focus on feelings

of criminalization, fear, security, and several other emotional responses given by participants. Perceptions of detention, police, and the asylum seeking process were also explored.

Findings

I. Policing Practices

Each participant had one or several experiences with law enforcement (Immigration Officers or Police Officers). There are striking similarities between each person's experiences. For example, when the Home Office sent for the arrest of David and Jamal, a large number of immigration officers appeared at their respective homes. The Immigration Officers were not always violent, yet it should be noted that having several immigration officers appear at a home is a use of excessive force, resembling a police raid. As David would describe it, "*Basically, its like a drug bust.*"

When Jamal was arrested for the first time, 11 Immigration Officers came to his home in the afternoon, forced themselves in by breaking down the front door, aggressively threw Jamal to the ground and handcuffed him. Jamal did not run or resist. He was then taken to a local police station where processing occurred, was searched, and then placed in a transportation vehicle that took him to the Colnbrook Immigration Removal Centre. David had a similar experience to Jamal, where 20 Immigration officers (approximately 7 officers per person) surrounded the house he and his family were living in. However, they did not break down any doors or force their entry, but were permitted inside the home by David's father. The immigration officers were not aggressive when

interacting with David and his family, and only asked questions such as “*are you armed, what are you names?*” etc. David and his family were allowed to grab some personal belongings and were then transferred to Yarl’s Wood. David states that, “*They treat you like they just busted a drug house, like they were getting drugs.... but to be fair, in no way did they treat us with any disrespect but its not something you fancy.*”

Not all experiences were as violent as those of Jamal and David. Omar, for example, was detained in Lincoln while he was heading to a local court to sign in. After his arrest he was transported to Manchester Airport where he was held for 3 days before being transported to Morton Hall Immigration Removal Centre. Rafa was also arrested when he went to court to sign in. During the arrest, he asked why he was being detained and was told that his claim for asylum had been refused. Rafa was not notified about the decision before the arrest and was never told when the refusal was made. Both Omar and Rafa had not been give any notification prior to their arrest that they would be sent to a detention centre or given the specifics of the status of their asylum claims.

Samuel, who has not been detained but been arrested several times, has had similar experiences as the other participants. The first time he was arrested was at a park in Manchester after he was struggling to speak with police officers for several minutes while they asked him questions. At one point during the exchange he was handcuffed, held on the floor for ten minutes and then placed in a police van for approximately half an hour until he was released. Given the language barrier Samuel had at the time, he does not know why he was arrested. In another instance, Samuel called for the help of police officers he saw nearby when he was involved in a physical altercation with another person who was attacking him with a weapon. However, instead of arresting the other

individual, the police officers arrested Samuel. This time he was taken to the police station immediately where he was interviewed. During the interview, Samuel said police laughed at him and didn't take him seriously. He was kept at the station for more than three hours. While at the interview, he continuously requested water, which was not given to him until the end of his stay. He also requested to see a GP or health professional and was denied. The third time he was arrested and taken to the station, the treatment was the same. This time he was also bleeding from his wrists because the handcuffs were fastened too tight. When he requested that they be loosened, the police officers ignored him, even after his persistent efforts. This time Samuel was held for 24 hours until his release. There were no charges and it was again unclear as to why he was arrested.

Months later, police officers approached him and asked him if he had seen a man with a white shirt and blood on it in the area. Samuel, now having a better grip with the language, told the officers that he had not seen anyone that fit the description. They then asked what his "*status*" in the country was, and he told them he was a refugee as well as showing them identification. They proceeded to place handcuffs on him and was taken to a police van where he was held for approximately half an hour. The police officers did not provide any explanation as to why Samuel was being arrested. The most recent encounter Samuel had with Police was when he called the police after having an altercation with a woman who resided at the building complex he lived in. The police told him the issue was not a police matter, yet when the woman in which was involved called the police, they arrived at the house, arrested him and took him to the police station. Samuel was later charged and given a court date to attend. While he was being arrested, and consistently asking why, the police officers were calling Samuel an "Arab

Dickhead”, yelling at him and roughing him up. Samuel, throughout the entire experience, believed that he would be physically assaulted by the police officers even though he did not resist and followed their instructions.

Arrest has not been the only policing strategy experienced by the participants. When Omar was released on bail, one of his conditions was to wear an electronic tag (ankle bracelet) for an indefinite period of time. He wore the tag for 8 months after being in detention for 43 days. His electronic tag required him to remain in close proximity to his home for three days out of the week and return, if he ever left, before his curfew. If Samuel ever violated his curfew, he would be in violation of his condition and under threat of being detained again and perhaps putting his claim in jeopardy.

For those who are placed into DFT or detained for other reasons, policing plays a large role in the overall process. Arrest can occur in any geographical location, including a place of dwelling or while outside in public areas. The experiences of the participants vary, yet it is alarming that immigration officers are being used to raid homes in search of asylum seekers. The policing of the asylum seeker are not limited to their arrest before detention, but can manifest itself in other forms of control, such as being forced to wear an electronic tag for several months. Lastly, while police stops may be a common occurrence, especially in larger cities, it is alarming that some individuals have been stopped several times, held without explanation, and mistreated the way they were, as is the case with Samuel.

II. Conditions of Detention

For the purposes of this section, only the experiences of four of the participants (Omar, David, Rafa, and Jamal) will be discussed, as only they have experienced detention. Each participant has experienced detention in different centres for different periods of time.

Rafa was sent to Harmondsworth Detention Centre and spent the majority of his time detained there, except for 8 days where he was sent to the hospital for treatment, 2 days at Manchester Airport Detention, and briefly before his release was held at Colnbrook. Rafa describes Harmondsworth as a “prison”, where detainees are deprived of all freedom. According to Rafa, “...*you have the right to do anything but in practical way you can do nothing.*” Rooms are small, built for two individuals with a toilet next to the beds and separated only by a curtain. Rafa describes movement in the room as, “*If you want to turn you have to go outside and come back.*” This description is consistent with those of the other participants as well. When it came to using services, Rafa was primarily concerned with using the library to send and receive documents relevant to his asylum claim. Sending faxes (the only way to communicate while he was in detention), in Rafa’s case, was extremely difficult, and using the library was strictly limited, especially when trying to accommodate the demand. Most refugees in detention had to constantly and quickly communicate with their solicitors, charity, or family members. However, this was extremely difficult given the number of refugees who were trying to use the services in the library.

David also experienced detention at Harmondsworth, though only for 10 days as he was with his family at Yarl’s Wood for the majority of his time detained. Contrast to his experience in Yarl’s Wood, David described Harmondsworth, to be a prison.

Something that struck David as particularly disturbing was when he entered detention for the first time, “*The first thing you see when you come out in the prison is a three story high metal staircase [...] and suicide nets so you don’t try to jump off*”. David knew immediately that Harmondsworth was not a detention centre, but that it was a prison. David also spoke about the conditions of solitary, where you were put in a very small holding cell and were allowed only one hour outside solitary every 24-hours. During his time there, he experienced witnessing someone getting placed into solitary, and how for hours the man inside would kick and scream, only to be ignored by the officers.

Both Rafa and David spoke about the issues around being in a mixed population, as they were in detention with individuals who had been convicted of a crime. Among those at Harmondsworth are individuals who were known to be part of gangs, organized crime groups, or religious extremists. When David arrived to Harmondsworth, he was told by other refugees to stay away from them as they were violent and would physically hurt him. The days were extremely strict, as it was typical to be woken at 06:00 and end at 20:00, but freedom of movement was strictly limited to times when detainees at Harmondsworth were allowed to be outside their cell. When placed in a detention centre, none of the participants were given reasons as to why they were placed in which detention centre except for David who was detained with his family and placed at the family unit at Yarl’s wood. However, this is particularly interesting for David, as he was later transferred to Harmondsworth after being held at Yarl’s wood with his family for approximately two months. David guesses that his transfer occurred due to the failure of his fathers asylum claim, which he was part of. However, when he was told he would be

transferred the reasons behind his transfer were left unclear, as was his eventual return to Yarl's wood 10 days later.

The conditions at Harmondsworth are similar to that of Colnbrook and Morton Hall. Omar describes Morton Hall, “...*everything is like a prison exactly...*”, with limited resources for everyone, such as a small gym, a very small library, and limited access to an in house GP. Furthermore, Omar was not only a detainee amongst refugees, but he was also among individuals who had been convicted of a crime, like David and Rafa. Like Harmondsworth, access to these facilities were limited and could only be accessed during specific times during the day, particularly when detainees had time outside of their cells between lunch, breakfast, and dinner. These schedules were also extremely strict, opening at 08:00 and closing at 16:00, and there were only 3 times throughout the day where detainees could exit their cells, with the majority of that time spent to eat. Colnbrook also had solitary confinement. If detainees became violent or violated any rules, they would be put in a holding cell, or block, for 48 hours. The block was described as a “*very small room*” where a detainee was not allowed to leave in the 48-hour period. For refugees, if you had a set date of release from detention, that time could be extended if you were put into solitary confinement.

Jamal was held at Colnbrook, and his description is similar to that of Omar, Rafa, and David. Jamal was also mixed in with individuals who has committed and been convicted of crimes, including some Americans who were waiting to be deported after they completed their sentences. As the other participants, Jamal compared Colnbrook to an actual prison, not only because of who he was housed with, but because of the conditions, and at one point, saying that prisons were actually better than the detention

centre. Jamal also had strict schedules for when he could be outside of his cell, primarily for eating meals 3 times a day. There was a gym, library, and church at Colnbrook, and while time is limited to use them, Jamal stated that detainees used them as much as they could. Jamal was not sent to Colnbrook the second time he was detained, however, the second detention centre (which Jamal does not remember the name) was similar, if not the same, as Colnbrook in virtually every aspect.

Not all detention centres resemble prisons. David, though he spent 10 days at Harmondsworth, spent the majority of his time in detention at Yarl's Wood family unit (a separate wing from the all female sections of the detention centre). David's intake into Yarl's Wood lasted five hours, all while handcuffed, until he was given access to his living quarters. A stark contrast to Harmondsworth, Colnbrook, and Morton Hall, the living spaces at Yarl's Wood were equipped to house families together. Each room in the family unit can have several beds that are spaced between multiple rooms. For David, his bed was connected to a separate room where his mother and father slept. David doesn't call them cells, but describes them as hotel rooms. When David and his family arrived, everything in their rooms was clean and ready for use. *"It was big, you didn't feel like it was in a cell... you don't feel like you're in prison."* David also had access to a variety of resources, including a service gaming room, where his father and him learned how to play pool. Detainees were also allowed to leave their rooms throughout the entire day and night. David, almost every night when he was allowed to, would speak with the guards in their offices, if they allowed him to. Everyone in the family holding unit also had access to a kitchen, where everyone could cook together, and could use supplies they had been given or brought with them. When David and his family were released, they were given

pots and pans by a woman they had befriended in detention, indicating that detainees could have personal items with them, unlike the other three all male detention centres. The kitchen was also open 24/7, as anyone could use the kettle in the kitchen for tea, even in the middle of the night. These conditions seem to reflect the original vision of the UKBA proposal for what a detention centre would look like. However, David's experience may be explained by the fact that he was in the Family Unit at Yarl's Wood which held children alongside their adult guardians (typically their parents), and acknowledges that this may be different from the all female holding areas at Yarl's Wood. Furthermore, David was at one point separated from his family and moved to Harmondsworth, where he noted the dramatic difference between what was a detention centre and what was effectively a prison. It also needs to be recognized that not all families are kept together. Jamal was detained at the same time as his wife, though at different areas in Manchester and they were not sent to Yarl's Wood family unit. Though they were married and the Home Office had this information as part of their asylum claim, Jamal was sent to Colnbrook and his wife to Yarl's Wood. When Jamal requested that he be given information about his wife's status and later on where she was being held, he was denied and never given any information about his wife by the Home Office or the UKBA.

Violence is also an issue at detention centres. The only centre where a participant did not report any physical violence was David while he was at Yarl's Wood. In every experience at the other centres (Harmondsworth, Colnbrook, and Morton Hall), while physical violence may not have been experienced directly by the participants interviewed, they were exposed to violence in some way. For example, when David was transferred to

Harmondsworth, he witnessed a detainee who was trying to escape from the facility by climbing over a wall. The detainee got caught in the wiring, and was then surrounded by 20 officers before he was violently taken down from the wall and placed into solitary. Omar, when asked about the degree of violence at Morton Hall, responded that there was some degree of violence, related to ethnic tensions and the need for detainees to demonstrate that they were “*powerful*”. However, the strongest deterrent for violence, according to Omar, was the fact that any violent act resulted in being sent to solitary confinement for 48 hours. Jamal described Colnbrook as a “*dangerous place*”, not only because of it being worse than a prison, but because while he was there, people died. For Jamal, a constant theme in his interview, even when the question did not focus on description of Colnbrook or his experience with violence, was the danger he felt throughout his time there. When asked about the specifics of anyone dying at Colnbrook while he was there, Jamal recounted a man dying from a heart attack, but also how the individuals who had been convicted of crimes who were in Colnbrook were a threat to everyone else. Jamal spoke about how these individuals would always fight amongst themselves, and even though they did not have weapons such as a knife, they would use different items to fight with other detainees, refugee or not.

Rafa had a very different experience, as he himself experienced violence while in detention. During his time in detention, Rafa went on hunger strike. At first, the immigration officers told him the strike would not affect his case, and subsequently tried to force him to eat. After failing to force-feed him, Rafa stayed on hunger strike for 39 days while in the detention centre. After he ended his strike, he was taken to a hospital for recovery. Yet, even in the state that he was in, during the entirety of his stay at the

hospital, Rafa was handcuffed to his hospital bed. He was handcuffed day and night, for the 8 days of his stay, and was never left alone. Even when he wanted to use the toilet, an officer accompanied him.

All four participants have had largely negative experiences in detention, some even exceedingly violent and dehumanizing. These descriptions speak to the reality of detention and IRC's. Asylum seekers are not being detained but rather incarcerated. While there are resources available at these facilities, they are hard to access due to time and schedule constraints, or the resources available are scarce and unable to serve the entire population of these facilities. Violence, limited freedom, and excessive use of force are consistent themes throughout each experience, with the implication that these spaces do more harm than any possible positive intended outcome the Home Office may have purported.

III. Criminalization

The policing and detention of refugees have several effects, but perhaps the most prominent of them are the participants feeling as if they were being criminalized and being treated as criminals, among other consequences, such as anxiety and fear. In every interview, the participants described feelings of criminality due to the way they were treated by police, their placement in detention, and the contradictions of their status. They are refugees seeking a safe haven from prosecution yet are treated as if they have committed a crime. This is also the most prominent theme throughout the interviews for each participant. Furthermore, criminalization speaks to several other outcomes. Being

treated as a criminal effect how an individual perceives law enforcement and their role in protecting the public. Furthermore, it has serious effects on personal well being, such as inciting fear, anxiety, and hopelessness.

Samuel, who has never been detained but has had several encounters with police, has lost complete faith in the police and has stated that he would not seek out their help in the future. Samuel states, *“I feel I save myself...yeah I know myself I never be criminal like the police say, that’s it. I don’t have the police help anymore, I know I tried before, police don’t help me...”* Samuel expressed his frustration and says the only explanation for his experiences is racism. In his most recent encounter with a police officer, the police officer called him an *“Arab dickhead”* three times, and according to Samuel, *this was not only an indictment of his person, but of all Arabs. Samuel questioned the officers use of “Arab”, and interpreted it as the officer perceiving all Arabs to be the same or similar to himself. At that particular moment, Samuel felt as if that the officer believed him to be like his ethnic kin, which translated to being a “criminal”.*

Samuel stresses the point that the police officer did not only call him a dickhead, but with his inclusion of *“Arab”*, he was making a broader statement. Samuel acknowledges that not all police officers are bad or even racist, but that it would be difficult for anyone to think otherwise when they have had his experiences of being stopped four times without reason, handcuffed each time and done so violently, held without explanation, and not receiving the aid of the police when he called for it when he was in danger. Yet Samuel insight does not end there. The final question in the interview revolved around what could be done to remedy the situation and the treatment he underwent. The only solution Samuel offered was to *“Tell them [police officers] they are*

racist". Samuel did not address the issue in a manner that offered a different practice or change in policy, as he understood the function of the police and that they had to do their job, but that racism is related to how he was treated, resulting in his loss of faith in any law enforcement agency. This is sentiment toward police and the UK Government demonstrates a specific reality for Samuel. He understands that the police need to do a job, and that perhaps there is nothing inherently wrong with arresting individuals for a crime, but that until they recognize that race was involved in how he was perceived and treated, they will be unable to do their job efficiently or justly. For Samuel, the reason he was treated as he was is tied to the colour of his skin and his status as a refugee.

While race was the central issue for Samuel, for those who had experienced detention, more general feelings of criminalization were prevalent. For all four participants who experienced detention (Omar, Rafa, Jamal, David), the descriptions of the detention centres (aside from Yarl's Wood Family Unit) were similar in describing the facilities as comparable to prisons. Coupled with that description were feelings of being treated as criminals in the absence of committing a crime, and not being treated as individuals who were fleeing their country of origin and seeking asylum. As previously mentioned, this was felt throughout, not only in detention, but when the participants were arrested and well after their release.

Rafa stresses, "*They call it detention but it's a prison. It's prison*". He makes this point at several other times during his interview. At one point during the interview, he asks "*Why do you keep saying detention?*" addressing the fact that Harmondsworth, though called a Detention Centre and the interviewer referring to it as one, is in fact a prison and should be addressed as such. Not only does Rafa reiterate that Harmondsworth

is a prison, but he describes the effects this has on him. When asked if he felt like he was being treated like a criminal, Rafa answered, “*Yes. More bad than criminal. Worse. Worse than a criminal.*” Toward the end of the interview, Rafa makes clear that seeking asylum is not criminal, and frames his experience with the question, why detain asylum seekers? He suggests that the UKBA should never detain an asylum seeker, and if an asylum seeker should ever be detained, it should be if that individual has committed a crime and anyone else who commits a crime. Rafa is also treated like a criminal even when he is outside of detention and receiving medical attention. As previously stated, Rafa was taken to the hospital after he ended his hunger strike, but while he was there, he was handcuffed for the entirety of his stay to his bed and on permanent watch by officers.

Rafa also provides an account of how his being treated as a criminal is extended to his friends who visited. While he was detained, several friends came to visit Rafa. Harmondsworth has set hours where visits are permitted, and anyone who does want to visit a detainee must undergo processing at the centre, such as going through security, nothing particularly different from other government facilities. However, the experience was so traumatic and intrusive that they described it as being searched as if they were drug dealers. After the visit, they told Rafa that they would not visit in the future because of how they were treated. Although this was a serious blow to the wellbeing of Rafa, he understood how traumatic the experience was for his friends and understood their position.

This feeling of being treated like a drug dealer is resonant of the experiences of David and Jamal, who had both been arrested at their homes by more than 10 immigration officers. They described the arrests as drug busts, spoke of feeling a sense of

being a criminal because of how they were being treated. For Jamal, not only did he feel like he was being treated like a criminal, but also there was a recognition that for him, being a black man, this would be perceived a certain type of way by those who would see him being arrested the way he was. Describing the experience, Jamal said, *“I am not a criminal but they break into the door with force and I was trapped down and handcuffed...it was some kind of humiliation because everybody in that neighbourhood asks ‘who is this Black guy?’”* Jamal knew that aside from his house being surrounded by 11 immigration officers and them breaking into his home being seen as incriminating to his neighbours, his race played a role in how he would be perceived as a criminal when he was only a refugee.

David, who also experienced being arrested at his home by 20 immigration officers, described the experience as a drug bust and when the immigration officers were in his home, it was as if they were looking for drugs. *“It is a sense of fear, and you are after all running. You haven’t done anything as a matter of being illegal... I haven’t harmed anyone in my life or anything in my life but I am still running from the law...it makes you feel like a criminal and puts you in a criminal state of mind.”* This does not only effects David’s state of mind, but also his social actions. When speaking about how he acts since undergoing to asylum seeking process and fearing detention, David feels as if he must be in constant hiding from the UKBA. He stopped engaging with his school friends, going out in public, and even limited his engagement with social media. Not only did his treatment place him, as he states, in a criminal state of mind, but produces a real sense of constant fear, especially since as a refugee you never know when it is you could

be detained. David adds, “*You go into survival mode. You try everything to try that thing [detention] not to happen to you.*”

It is not only the manner in which one is arrested that inflicts feelings of criminalization. Omar, who considers himself lucky for being detained in Morton Hall for only 43 days, explains that the conditions make you feel more like a criminal than a detainee who is seeking asylum and still undergoing the process. Furthermore, those who are employed at Morton Hall, primarily the guards and officers, do not distinguish between refugees and those convicted of a crime. Omar states, “*They didn’t believe that I was detained because of my [asylum] case but because they think that everyone is detained because they committed a crime.*” But even after his release, freedom was not freedom for Omar. A condition of his bail was that he wears an electronic tag for an indefinite amount of time. Omar wore the tag for eight months before it was removed, and while he was required to wear it he had a curfew 3 days out of the week. Even though Omar was out of detention, it did not stop his feelings of anxiety and stress detention had produced. Omar constantly felt the presence of detention nearby, both because of his tag but also because he didn’t know what could happen in the future. As he describes, “*The problem is that when you get released, it’s not final.*”

Discussion

Consequences of Policing, Detention, and Criminalization

First and foremost, DFT has instilled a sense of fear, anxiety, and distrust in asylum seekers, if not refugees as a whole, in the UK. From the arrest to life post-release,

asylum seekers have, as a consequence of DFT and policing, felt criminalized. Furthermore, there is a serious mistrust in the Home Office and law enforcement in general. Each participant perceives several aspects of government as broken, ineffective, and violating their rights as humans and asylum seekers. The different policing practices outlined in this study, including being held and released from arrest without reason and having your home raided by 20 immigration officers, have clear adverse effects. For example, Samuel has lost complete faith in police, unable to rely on them in the future if he feels in danger or is in need of assistance. This lack of faith not only negatively affects asylum seekers and the refugee population at large, but also impedes the police's ability to engage with these populations and work together. Like David stated, it feels as one is constantly running from the law, changing one's social behaviours and living in a state of fear.

The policing practices that are being implemented raise several questions. For Jamal and his wife, was there any suspicion that they would resist arrest, abscond, or were a danger to the public? Was a raid on their home, with 11 immigration officers, necessary? The same question can be asked for David and his parents. Was it necessary to raid their home using 20 immigration officers? What was the purpose? It is also unclear as to why the Home Office would dispatch officers to search for asylum seekers, as with the case when Jamal was apprehended a second time while walking outside in the streets of Manchester. The other site of arrest is at a local court where asylum seekers are required to sign in periodically. Both Rafa and Omar were arrested and sent to detention from court after they were told their case was refused. This not only seems more effective, as the majority of asylum seekers appear at court to sign in (failure

to do so negatively impacts an asylum claim), but would require far less resources than conducting raids on homes.

The facilities used to house asylum seekers are called Detention Centres or Immigration Removal Centres, but they are effectively prisons. The prison-like characteristics alone do not constitute this claim, but also who occupies them. Asylum seekers are mixed together with individuals who have been convicted of a crime, some who are only awaiting deportation as they complete their sentence. The reasons behind this decision by the Home Office are unclear, as these two groups are distinct in their legal status in the UK, the primary difference being conviction of a crime. The first concern this raises is why create a mixed population facility, especially if some have been convicted of violent crimes. Furthermore, these facilities are high security. Did the Home Office consider Rafa, David, Jamal, and Omar a threat to the public? Were they considered dangerous or at risk to abscond? Are all male asylum seekers considered to be a threat so severe that they need to be placed in a high security facility, or is their placement in a mixed population a matter of convenience or lack of available space?

There is another aspect of detention that is alarming. Both Jamal and David were detained at the same times as their family members. However, Jamal was separated from his wife and told very little about her whereabouts. David was kept with his family, but at one point during his time at Yarl's Wood he was separated from his parents. It is unclear why Jamal was not sent to Yarl's Wood family unit, and it is unclear why David was eventually separated from his family. David guesses that it was because his father was denied asylum and during his appeal the Home Office determined that David was a separate case from that of his mother and father. What considerations are made when a

family who is seeking asylum is detained? As neither David or Jamal were given reasons as to why they were sent to an all male facility, one can only speculate, but further investigations into the decision making process when it comes to keeping families together is warranted.

There were several issues when it came to the access detainees had to resource inside detention. Access to these facilities (gym, church, library) was restricted to particular times throughout the day, typically coinciding with the times detainees were given meals. Sometimes these facilities were inaccessible or overcrowded, leaving many unable to use them. This has specific consequences for the ability of asylum seekers to successfully communicate with their solicitors or charities that were helping them with their case, as well as communicating with family and friends. This is in addition to the anxiety imposed as a result of detention, but also in the ability to feel a sense of hope when it comes to their appeals. For example, Rafa had trouble communicating with his solicitor and receiving important documents relevant to his case given the strain on the library resources, the limited access, and difficulty having immigration officers in charge of issuing documents cooperating with him. This does not give the Home Office the ability to work through cases efficiently, rather, significantly impedes the appeals process and from solicitors to do their job effectively. Furthermore, this may act as an explanation as to why the appeals process has resulted in the prolonged time spent in detention. Yet, what is the reason for maintaining asylum seekers in detention if detention itself is detrimental to a case being solved at a quicker pace?

Contextualizing Experiences with Police and Detention

From arrest to detention, DFT has criminalized asylum seekers. The asylum seeking processes is overseen by the Home Office and is seemingly disconnected from the criminal justice system. However, as is evident in this study and in several others, asylum seekers are being incarcerated and treated as criminals. DFT is then in essence an extension of the criminal justice system in the UK, or a system of control that aims to inhibit the ability of refugees to seek asylum. It is here where Garland's thesis can be expanded and applied to a broader context with the application of Kathrani's (2012) argument. The culture of control goes beyond criminal law, but seamlessly blends into other, sometimes invisible, government bodies. The criminalization of the asylum seeker has allowed for an expansion of a culture of control. Though this is traditionally thought of in terms of how our criminal justice systems operate, especially in the West, it is applicable to other institutions.

Detention is a reality for all asylum seekers in the UK, be they having experienced detention or not. It is important to revisit the larger context in which these experiences have occurred and their connections to the history of DFT and how it is related to policing. The original proponents of DFT prior to the Saadi Case proclaimed that detention would not resemble prisons but only act as holding facilities with minimal security for asylum seekers (ILPA, 2008). This was only true for David while he was at Yarl's Wood Family Unit, but not when he was at Harmondsworth or for the other participants who experienced detention elsewhere. The detention centres that are used now, in this case Harmondsworth, Colnbrook, and Morton Hall, are prisons. It would be difficult, if not entirely impossible, to justify the use of the term "detention centre" or "Immigration Removal Centre" when referring to these facilities as they resemble prisons

entirely. Yet it was on the grounds that individuals detained in these facilities were not being deprived their liberty, and thus legitimizing the incarceration of asylum seekers.

Voice: Moving Forward

The interviews not only served the purpose of conducting an investigation into the personal experiences of refugees with police and detention, but to provide a platform in which they could embrace their individual voices and offer insight to what should be done. This aspect of how we understand their social world and their status as refugees is often lost amongst the numbers and policy debates had among politicians, advocates, and legal experts. Participatory action research seeks to include this voice that is so often lost. Thus, the final section is dedicated to the recommendations the participants provide, be it when it comes to how they are policed, experiences in detention outside of it, but also the policy decisions and action taken by Home Office.

As previously mentioned, for Samuel, a recurring theme in his experiences with police was racism. Samuel acknowledges that while his experiences with police do not necessarily represent law enforcement as a whole, there needs to be a recognition that race plays a pivotal role in how he is perceived and why he was arrested and treated with impunity. Although it was only in his most recent encounter with police where he was called an “*Arab Dickhead*”, in other instances he felt that his treatment was a result of not only being a refugee, but also being perceived as one given the colour of his skin.

For those in detention, there was a consistent solution. All four participants stated that asylum seekers should never be placed in these detention facilities. Even when David was at Yarl’s Wood, he states that being a refugee is not criminal and there is no reason

asylum seekers should be treated as such. David does not believe in a utopic world where no refugee is deported, however, he recognized that there are drastic changes that should be implemented. For David, the foremost issue was detaching asylum seeking from criminalization. *“Don’t treat them [asylum seekers] like criminals...don’t treat it like a drug bust, its not a drug bust. Give them respect.”* David also makes the connection between how policing practices he experienced and detention affects a refugee’s ability to be proactive and productive in their asylum case, a process that can be exceedingly stressful even outside of detention. *“Treat them well and give them as much help as they can. I know when you’re under pressure you can’t write. I tried to write and made mistakes. I needed help.”* David also stresses that detention, while he can never imagine it ever being absent, needs to change, though he does not stray from his position that no one should ever be arrested in absence of committing a crime or accused of committing a crime, which asylum seekers are explicitly arrested in the absence of.

Omar presents a similar argument as David. *“I think we don’t need detention centres for asylum seekers because asylum seekers fled their country for a reason, a reason to find a safe home and a reason is to find protection, not facing deportation.”* Omar makes his stance very clear, in understanding primarily the plight of an asylum seeker is to primarily seek refuge from whatever they are fleeing. Omar understands that this is idealistic, and although we should strive for it, there can be other changes implemented along the way. *“There is no need to mix a criminal with the failed asylum seekers. Separate them and also give them a time scale on how long they will stay there. There is no need to put asylum seekers inside the detention centres for years and just have the UK say case is still pending...give them the reason why.”* Again, there is a need

to separate the criminal from the asylum seeker. Omar mentions the failed asylum seeker be separated from the criminals, which speak to the attitude in which the home office has toward those they detain. Aside from placing individuals into DFT at the moment of entry into the UK, they also place individuals who are often refused asylum into the same system, with the exception that they have already been given a response, which is typically a refusal. However, the asylum seeking process allows for a refusal to be appealed, thus resulting in individuals being held for a prolonged period of time as the appeals process can take months. To this point Omar also suggests that a detainee need not be detained for such long periods of time, and often is the case that they are never given a time frame of how long they will be in detention for. The only time frame that is typically given is that of a date of deportation, which is always days after initial detention, but again, is postponed given the right of appeal, which again prolongs the process.

This ties into Jamal's account and what insight he offers when it comes to detention. Likewise, Jamal believes that there should be no detention, not only because it is inhumane, worse than an actual prison, but also that detention has a detrimental effect on the asylum seeking process. While the proponents of DFT claim that the program helps in refusing fraudulent claims, it also turns away legitimate claims, and for Jamal, that is a direct result of detention and its physical, emotional, and psychological toll. "*The Environment we are living at in Colnbrook is a very dangerous place to live, you know. Prison is better than that place. What they are doing is torturing you mentally so that you can decide, 'I am going back to my country'.*" As there has been documentation on the high likelihood for legal misconduct at the detention centres, Jamal touches on how the

legal process is being obstructed by the imposed destabilization of mental attention due to the environment. *“Some people are strong, brave mentally. Some are young guys from a country, Nigeria, some of the guys were from Cameroon, some of them from Poland or some white guys from Germany. A lot of people there, the young ones I feel sorry for them because mentally they are not strong.... I feel bad for some people because they are no very strong.”* The pressure of the entire process, even before arrest and simply having to deal with seeking asylum is overwhelming. For Jamal, it begins then in how refugees are treated. *“They should treat people as human. They don’t treat people humanely there [Colnbrook]”* This pressure and imposed anxiety, if absent, would dramatically alter the experiences of those who are in DFT. *“They should build or make a place that is very comfortable for people to live in rather than to keep people in an environment that is very disgusting and I don’t think is fair.... People [the Home Office] put in that pressure so that they can decide so that they [refugees] can decide to go back to their countries because of the stress in that place [Colnbrook].”* Furthermore, in changing how refugees are treated, Jamal speak to the culture of disbelief. The overwhelming majority of individual are simply telling the truth, and for Jamal, the Home Office must believe their stories.

For Rafa the answer is to never detain anyone for seeking asylum. Seeking asylum is not a criminal, in any country, and all that the current policy has created is a culture of fear. Refugees fled their countries because of fear only to have that fear find a new host. According to Rafa, not only is he afraid of being apprehend again, but so are those around him who are undergoing the process or even those who have completed it and been granted asylum. This sense of desperation has given Rafa a view on what

should be done in regards to not only detention, but also the asylum seeking process. Rafa describes himself and says that he can do nothing about who he is, his experience, or his asylum case. For him, what needs to change is the asylum seeking process is a radical transformation in treatment, addressing his dehumanization and re-establishing his rights as a human and asylum seeker.

Conclusion

As is evident in the experiences of these five asylum seekers, there needs to be significant, if not radical, changes to the current asylum seeking process and infrastructure in the UK. Though the Grand Chamber has ruled that the incarceration of asylum seekers is permissible, through these personal accounts we understand that such practices are not only a violation of the human right to liberty, but has several negative effects on asylum seekers. Even so, it is not only the experiences with police profiling, excessive use of force, incarceration, or the criminalization of asylum seekers, but also the human cost of these practices that must be addressed.

This is only a small part of a larger system of control, one that goes beyond the prison bars of the criminal justice system. In the past several years we have seen the number of asylum seekers incarcerated skyrocket, and that number will most likely continue to rise. As evident in the growing body of literature and the work of several groups, including RAPAR, the criminalization of asylum seekers and refugees has led to an inadmissible violation of human rights. It is not only in the number of those who have been incarcerated should we focus our energy, but in listening to the voices that have

lived this dark reality and actively pursue to end to DFT. As Rafa stated, seeking asylum is not criminal, and so, we must return to an era where the UK upheld the right to liberty and the pursuit of asylum, or risk the continued dehumanization of asylum seekers.

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