

IMMIGRATION REMOVAL CENTRE: JUST ANOTHER NAME FOR A PRISON?

CENTRO DE REMOÇÃO DE IMIGRANTES: APENAS UM OUTRO NOME PARA PRISÃO?

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Abstract: The United Kingdom (UK) has nine places of confinement dedicated for the expulsion of immigrants. Last official figures show that there were more than one thousand people in these facilities. Previous research shows that more than half are eventually released back into the community in the UK and their detention had served no purpose. This paper intends to look at the nature of the Immigration Removal Centres (IRCs), discuss a new field in criminology that is dedicated to studies on immigration criminalisation, and briefly explain the UK's policy on immigration and the IRCs. The methodology used for this investigation is a wide range of articles on the subject, that are focused on the immigration centers in the United Kingdom. The article concludes by the need for criminological investigation to focus on the points of intersection between punishment and immigration, criminal law, and immigration law.

Keywords: Border Criminology; Immigration; Immigration Removal Centre; IRC.

Resumo: O Reino Unido tem nove locais de confinamento dedicados à expulsão de imigrantes. Os últimos números oficiais mostram que havia mais de mil pessoas detidas nesses locais. Pesquisas anteriores mostram que mais da metade acaba sendo liberada de volta à comunidade no Reino Unido e sua detenção não serviu para nada. Este artigo pretende olhar para a natureza dos Centros de Remoção de Imigrantes (IRCs), discutir um novo campo na criminologia que se dedica aos estudos sobre a criminalização da imigração e explicar brevemente sobre a política britânica de imigração e os IRCs. A metodologia utilizada para esta investigação inclui uma ampla gama de artigos sobre o assunto, os quais são focados nos centros de imigração no Reino Unido. O artigo conclui pela necessidade de uma investigação criminológica focar nos pontos de interseção entre punição e imigração, Direito Penal e direito migratório.

Palavras-chave: Criminologia de Fronteira; Imigração; Centro de Remoção de Imigrantes; IRC.

1. Introduction: Immigration, Politics and Immigration Removal Centre (IRCs)

The number of people migrating from one country to another has increased considerably and this movement occurs for reasons ranging from armed conflicts and climate change to the search for better life opportunities (BOSWORTH, 2019, p. 83). Mass immigration processes impact international relations, law, domestic politics and the criminal justice system itself (BOSWORTH, 2017, p. 374).¹

Immigration control, influenced by public opinion, enters the government agenda and is no longer restricted to physical barriers (FORD et al., 2015, p. 1407). This control is also becoming punitive, with an intersection between migration policy and criminal laws (ARMENTA, 2017, pp. 82-83). What was once a matter of administrative routine has come to be treated as a matter of public safety, involving varying degrees of fantasy and exaggeration about the supposed danger surrounding the presence of foreigners in a country. As a consequence of this "panic", added to anti-immigration policy, sections of society harbour an aversion to immigrants (BHUI, 2007, p. 369; GRIFFITHS, 2017, p. 530).

It is nothing new - immigrants being blamed for the failures of countries and governments. Speeches in favour of toughening immigration laws and policy make up the platform of electoral campaigns around the world, ranging from the well-known anti-immigration discourse of politicians from the far right (BOSWORTH,

2019, p. 83) to the left (GIBNEY, 2008, p. 146). Both sides vie for public approval on the matter.

Around the world, there are a growing number of spaces with very similar characteristics to prisons that do not necessarily host criminals. In the United Kingdom (UK), to meet an increased demand for confinement spaces (COSTELLO, 2015, p. 143) the British government created special places to detain foreigners in the process of leaving the country, called Immigration Removal Centres (IRC).

These centres were intended for the detention of illegal immigrants, for people who have not committed common crimes but who have violated immigration. More recently, these IRCs host immigrants that have finished their sentence and have no debt to the justice system.

In this contribution to the periodic, we will look at the nature of these institutions, see a new field in criminology that is dedicated to studies on immigration criminalisation and learn a little more about British policy on immigration and the IRCs.

2. What are IRCs?

What we now know as Immigration *Removal* Centres were once called Immigration *Detention* Centres. They took on this new name in 2001 as an attempt to clarify the temporary purpose of people staying in the institution (BOSWORTH, 2012, p. 127). The name change, however, was not able to change reality because, in some

cases, detainees end up staying in IRCs for more than a year (UNITED KINGDOM, 2021).

Across the UK, all nine IRCs are located in England (UNITED KINGDOM, 2022), raising questions about the personal, family and social bonds of people transported to places far from where they lived. Distance, difficulties and travel costs are factors that impact on receiving visits from family and friends. In 2021, 1,033 people were detained under immigration powers (UNITED KINGDOM, 2021). Even children are in these places. As far back as 2009 almost 1,100 children were held in IRCs (THE MIGRATION OBSERVATORY, 2021).

The main countries of origin of the people detained (UNITED KINGDOM, 2021) include areas of conflict with a history of current or recent war (UNITED NATIONS, 2021). It is contradictory that countless people are deported to places that the UK itself recognises as extremely dangerous and recommends its citizens avoid. Although many have built their lives on British soil, have deep roots in the local culture and little or no connection with their countries of nationality, they are sent to an “unknown land”. What legitimacy does the government have when talking about human rights being violated in the countries to which it removes people to? In the last few weeks, the UK government announced plans to send asylum seekers to live in Rwanda, yet only last year this government voiced concern at the UN over “continued restrictions to civil and political rights and media freedom” (FAULKNER, 2022) in Rwanda.

Most IRCs house young men aged between 18 and 45 years of minority ethnicity. White people are rare (BOSWORTH, 2012, pp. 122,128), a profile very similar to that of the prison population, mostly from marginalised layers of society (SPARKS; MCNEILL, 2009, p. 7). Even so, detainees are not seen as vulnerable groups, but as a double threat: “immigrants” and “criminals” (BHUI, 2007, p. 378).

Some IRCs are managed by the private sector, that is, by companies (BOSWORTH, 2017, p. 380), which aim at profit. Economically, the existence of the centres is questionable, as they come at a high cost to taxpayers. In 2021, the estimated total annual cost was £95 million. The estimated average cost of holding one person was £98.78 per day (THE MIGRATION OBSERVATORY, 2021).

3. Are these centres prisons?

This is not a simple reflection to be answered and any answer will depend on the definition of prison that is adopted. However, there are profound similarities between prisons and removal centres that lead us to reflect on the real nature of these places of confinement. The questions are not few. If we think that prisons have, to a certain extent, a punitive, preventive and rehabilitative purpose, what were the detention centres for if we consider that “more than half are eventually released back into the community in the UK, their detention having served no purpose?” (DETAINED ACTIONS, 2020). Punishment? For what reason? Prevention? From what or who? Rehabilitation? For what purpose since they will be deported?

In research carried out in 2012, it was found that IRCs did not have enough natural light and the detainees' contact with fresh air was only when they were outside. They were described as noisy, suffocating spaces, in some cases without windows and that they very much resembled prison cells. Interestingly, even though the centres are not classified according to security levels, such as prisons, some were built following the architectural standards of prisons, including the standards of high security prisons (BOSWORTH, 2012, pp. 127-129).

Just like prisoners, who depend on the action and decision of state agents for practically everything, showing their condition of vulnerability (SPARKS; MCNEILL, 2009, p. 21), IRC detainees also have their lives ruled and disciplined by State agents. “Men detained

there are held in cells, on housing units that are overseen by officers in uniform [...] Under these circumstances, it is hard to view it as anything other than a prison” (BOSWORTH, 2019, p. 86).

Detainees not only feel like prisoners, but also as if they are in prisons. This similarity between IRCs and prisons is also reported by IRC employees. Equally, the treatment detainees receive at the time of expulsion is also similar to the treatment given to prisoners, as, on the way to the airport, they are transported in cell cars and handcuffed as if they were dangerous (BOSWORTH, 2019).

However, in some aspects prisons seem to be better spaces. Prisoners are offered more activities and treatment options than those offered to detainees in removal centres – paradoxical as it may be, prisoners have more rights. There are other possible comparisons: detainees are subject to an uncertain period of detention, while prisoners know in advance the duration of their punishment. This uncertainty takes on a punitive aspect, generating anxiety. The procedures to which the detainees are subjected are less transparent, less participatory and far more bureaucratic – they are, in fact, piles of paperwork without any personal representation or opportunity for the detainee to tell their story. Court proceedings tend to be more engaging and allow for greater participation by the accused. Foreign prisoners convicted of crimes are subjected to an additional penalty to which nationals in similar conditions are not subjected, generating a crisis of legitimacy not only for the expulsion process, but for the criminal penalty itself and its purpose. The migration system is guided by exclusion rather than inclusion (BOSWORTH, 2019).

Some other features draw our attention to the possibility that we are facing places worse than prisons: lack of information and understanding of the reasons for detention, barriers to effective communication in the English language, isolation, lack of social interaction, even with family members, and denunciations of racism (BHUI, 2007, pp. 368-369). Abusive language by staff, communication problems with the English language, people being brought to IRCs at inappropriate times, detainees being referred to as detainees in medical documents, delays in transfers to psychiatric hospitals, ‘poor living conditions, including the food’ have been reported on the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment visit to the UK (CPT, 2017).

4. Crimmigration and border criminology: a new horizon of studies in Criminology

The changes in society and the transformation of the exercise of penal power has drawn the attention of researchers in several areas of knowledge and, in particular, of criminology. The criminalisation of conduct that violates immigration rules is a global phenomenon, not exclusive to the UK or Europe (BOSWORTH, 2019, p. 81; DE GIORGI, 2010, p. 155). Immigration regulations, previously characterised as an administrative rule and its violation as a mere illegality, now has a punitive character, more similar to a criminal sanction. There is a growing intersection between immigration laws and criminal laws. Criminal law and punishment have not only been expanding, but have also taken other forms (BOSWORTH, 2012, p. 125). Border criminology seeks to better understand this growing interaction between criminal justice and immigration control (BOSWORTH, 2017, p. 373).

In addition to illegal immigrants, from the entry into force of the UK Border Act (UNITED KINGDOM, 2007), foreigners who commit crimes in British territory can also be expelled after serving their sentences. With the mandatory deportation laws for foreigners who commit crimes, it is clear that there has been a remodeling in the concept of punishment with regard to non-nationals.

There is certainly a new division between citizens and non-citizens (STUMPF, 2006, p. 377; GIBNEY, 2008, p. 167) and “foreigners no longer receive the same treatment as citizens in the criminal justice system. From policing to imprisonment, the emphasis on immigration status has affected all parts of the criminal justice system” (BOSWORTH, 2017, p. 376). Being foreign prisoners, these people are categorised as members of an “other group” and are subject to a new form of punishment in the IRCs, whose purpose of existence is solely deportation and not the traditionally indicated aims for prisons (BOSWORTH, 2012, p. 134).

The Memberships Theory offers an interesting explanation for this phenomenon. Individual rights and privileges would be dependent to whether a person is categorised a citizen and, thereby, an individual belonging to the community. Anyone else would be excluded from this State-individual relationship and rights. With the expansion of this synergy between immigration laws and criminal laws, to some extent, foreigner becomes a synonym for criminal. “The result is a society increasingly stratified by flexible conceptions of membership in which nonmembers are cast out of the community by means of borders, walls, rules, and public condemnation” (STUMPF, 2006, p. 419). The realisation of Justice itself is questioned from the vilification of values such as due process of law and equal treatment at a time when foreigners are subject to additional punishments simply by being classified a non-citizen.

The relationship between race and punishment needs attention, since most detainees are ethnic minorities (BOSWORTH, 2019, p. 85). Based on the perception that migration is driven and influenced by racial elements, border criminologists have emphasised race and ethnicity in their research (BOSWORTH, 2017, p. 376). More than a division between legal and illegal immigrants – without racial contours – recent migration policies reveal, rather, a racialised act that goes beyond the immigrant’s status aspects. Immigration policies are therefore a racial project (ARMENTA, 2017, pp. 83-84).

The ethnic-racial issue in immigration policy and criminalisation of immigration is not exclusive to the UK, as “restrictive immigration policies are the primary mechanism through which Latinos are excluded and racialized in the United States” (ARMENTA, 2017, p. 83) and reflect the fact that modern states are racialised and immigration control policy promotes racial hierarchies, sharpening ideas of nationality and belonging (GOLDBERG, 2002).

Despite the official discourse that prisons and IRCs are different things, if you come across these places or were to talk to the people who live there, you will have the strong impression of being in front of a prison and talking with an inmate. Very recently, the UK Government announced a new policy on immigration. It is very controversial (FAULKNER; LEE, 2022). Now, asylum seekers who come illegally to the country will be sent to Rwanda. There, they will be subject to an asylum process, and, if they succeed, they could live in Rwanda. This new policy will cost £120m and the very good intention, according to the PM, is to ‘save countless lives’ from human trafficking (FAULKNER, 2022).

5. Final considerations

The British IRCs, created to detain immigrants for the purpose of expulsion, are new places of confinement of people, and something that deserves attention from criminological research. From this experience, it is noticed an expansion of the concept of punishment – now observed for individuals who seek to immigrate from one country to another and violate immigration’s regulation. These sanctions closely resemble criminal punishments, especially with the form of imprisonment. As pointed out in the text, in many ways, IRCs have been even more severe. Going further, it is possible to verify, from the analysis of British IRCs, the intersection between punishment and migration, highlighting points of contact between criminal law and immigration law that cannot be neglected by criminological investigation.

Notas

¹ Revisão aos cuidados do autor

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Recebido em: 01.09.2022 - Aprovado em: 01.01.2023 - Versão final: 13.01.2023