Immigration Detention and Punishment

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https://doi.org/10.1093/acrefore/9780190264079.013.231
Published online: 29 March 2017

Summary

The use of detention for immigration purposes is a carceral trend that continues to increase across the world and is a phenomenon no longer limited to so-called western countries or the global north. Linked to the criminalization of mass migration under conditions of globalization, immigration detention can be understood as both a policy and a practice that is directed towards the control of unwanted human mobility. The extension of tactics traditionally used in the penal system to the realm of immigration control raises important questions about the purpose, justification, and legitimacy of immigration detention. Broadly defined as the confinement of non-citizens under administrative powers rather than criminal law to achieve immigration-related aims, immigration detention is one amongst an array of border control strategies aimed at the identification of migrants, the prevention of absconding, and the facilitation of their removal. Only recently has this form of confinement become the focus of criminological inquiry. Researchers have found that immigration detention has a profound impact on those who are detained, particularly on mental and physical health as well as on more complex issues of identity, belonging, human rights, and legitimacy. Empirical research has indicated that although the detention of migrants is not punishment, it is often experienced as such, with the prison emerging as a point of comparison through which to make sense of this practice. That the “usual suspects”—poor men and women of color—are the primary populations detained raises important questions about the use of immigration detention in the service of punitive and restrictive migration control strategies that further global inequality along the familiar lines of gender, race, and socioeconomic status.

Keywords: immigration detention, punishment, incarceration, migration, criminalization, inequality, globalization, race, gender, border control
Immigration detention is not a new phenomenon but its use has increased dramatically worldwide since the late 1990s (Bosworth & Turnbull, 2015b). It is a policy and a practice that has become firmly embedded in most countries’ approaches to immigration and border control (Michael Flynn, 2014a; Nethery & Silverman, 2015). Immigration detention is not exceptional to the so-called west or global north, but has also expanded around the world, including countries in the so-called global south. Detention policy and practice are easily refashioned in times of crisis as illustrated by the European Union’s “hotspot” approach to the mass migration of migrants and refugees to Europe’s southern shores where these “hotspots” operate as sites of migrant containment (Pichou, 2016). Indeed, as scholars such as Bashford and Strange (2002) and Fassin (2011) remind us, the confinement of “strangers” has longer histories in how countries have responded to “strangers” in times of war and through practices of quarantine (see also Agamben, 1998). Contemporary detention policies and practices, and their outcomes, must thus be understood in relation to longer histories of containment of those deemed threatening and/or “other.”

There is significant variation among individual countries’ approaches to detention, including open versus closed settings, permanent versus temporary structures, limits (or not) on its duration, short- versus long-term detention, detainee access to legal representation and welfare services, security and architectural features, the conditions of confinement, the existence of judicial review and/or oversight, and the involvement of the private sector—humanitarian agencies and NGOs as well as for-profit multinational corporations—in its operation. Countries also differ in relation to whether they detain children and vulnerable individuals (e.g., pregnant women, elderly people, torture or rape survivors, etc.) and whether detention occurs most commonly upon migrants’ arrival or during departure. The defining feature of immigration detention, however, is the denial of liberty, which distinguishes this practice from the “open” and “voluntary” nature of “reception” or “waiting” centers for migrants.

**Defining Immigration Detention**

Immigration detention is generally viewed as a form of administrative incarceration that is different from criminal imprisonment (Broeders, 2010). It is not formally a punishment nor does it require a criminal conviction. Individuals are detained without charge or trial (Majcher & de Senarclens, 2015) and typically with a lower standard of legal safeguards than available to those subject to criminal law (Chacón, 2014). Immigration detention can be “defined as the practice of confining individuals defined as non-citizens in order to achieve immigration-related aims” such as identification or removal (Bosworth & Turnbull, 2015b, p. 92). It is a particularly “extreme and bodily” sanction that reflects a form of forcible confinement that is not about correcting or rehabilitating “souls, habits, or risks” (Pratt, 2005, p. 23). Immigration detention is commonly framed as preventative rather than punitive even as it is accomplished through the adoption of techniques, mechanisms, and logics from the criminal justice and penal systems (Majcher & de Senarclens, 2015). The framing of detention as an administrative “holding mechanism,” Chacón (2014, p. 623) argues, enables the state to pursue its immigration enforcement goals in ways that would be unconstitutional in other arenas such as criminal justice.
In most jurisdictions, individuals are detained for administrative reasons such as to determine identity (especially their nationality), prevent absconding during the processing of immigration cases, and facilitate removal (Bosworth & Turnbull, 2015). However, several states actively use immigration detention as a means to deter would-be migrants, including asylum seekers, from attempting to reach their territories. Australia, in particular, promotes a deterrence-based detention policy for “unwelcome” migrants arriving by boat (Pickering & Weber, 2016). More generally, a state may rely on immigration detention as part of its deterrence measures to reduce the number of people applying for asylum or seeking permanent settlement as a means to save money or reassert state sovereignty (Hassan, 2000; Leerkes & Broeders, 2010). Such policies, however, have been found to have limited effect on migration despite politicians’ claims to the contrary (Sampson, 2015; Welch, 2014).

Beyond the aim of deterrence, immigration detention is typically justified on the basis of state sovereignty and the right of the state to control its borders and safeguard its citizens (Sasseen, 1996). As part of this duty to protect, immigration detention is one way that the state can contain potential threats, including non-citizens with criminal records and other migrants who are risky because they are unknown (Welch, 2014). Immigration detention may also have political appeal as part of a state’s immigration policy that reflects a “tough” approach to migration control, especially for “foreign criminals” (Kaufman, 2015) and “bogus” asylum seekers (Welch, 2014).

Decisions to detain may be discretionary or mandatory. In Australia, for instance, detention is mandatory for “unauthorized arrivals” (Pickering & Lambert, 2001, p. 220), particularly asylum seekers arriving by boat (Skulan, 2006)—a practice based largely on the principle of deterrence (Pickering & Weber, 2014). Likewise, in Canada, recent immigration law reforms have enabled the mandatory detention of certain foreign nationals designated as “irregular,” thereby subjecting them “to penalties that are formally classified as administrative but amount to de facto punishment” (Arbel, 2015, p. 198; Cleveland, 2015). In contrast, in the United Kingdom (U.K.), for example, decisions to detain are discretionary and, only very recently, are subject to judicial oversight.

The need for a review process is particularly important for countries like the U.K., Australia, and Canada, which allow for indefinite immigration detention. The U.K., for instance, is an outlier in Europe for choosing not to adopt the European Union Returns Directive, which limits the duration of detention to a total maximum of 18 months (Stefanelli, 2011). In contrast, countries like France limit detention to 45 days (although this maximum length has increased significantly from seven days in 1983) (Le Courant & Kobelinsky, 2016). Indeterminate immigration detention is particularly difficult to experience because of the uncertainty involved: it may last a few days, weeks, months, or, in some cases, years. Detention is thus largely about waiting (Silverman & Massa, 2012); that is, waiting to both know what will happen and when it will happen (Turnbull, 2016). Unsurprisingly, the indefinite nature of some detention regimes is associated with poor mental health outcomes (Bull, Schindeler, Berkman, & Ransley, 2013).

Those who are detained are a heterogeneous collection of people with a variety of legal statuses including refugees and asylum seekers, former prisoners, migrants with visa problems, and undocumented migrants. They are, however, united in the sense of having a problematic legal identity (Martin & Mitchelson, 2009). Men
constitute the majority of those in detention. Some countries detain children and families, whereas others do not. Detained populations are also diverse in terms of nationality, “race,” levels of education and literacy, religion, culture, language, length of residence in the detaining country, migration histories, and experiences of trauma and torture. Most, however, are people of color from the so-called global south who face the “global hierarchy of mobility” (Bauman, 1998, p. 69) including significant barriers to legal migratory routes for the seeking of asylum due to war and/or persecution or the search for a better life. This system of “global apartheid,” Loyd (2015, p. 2) argues, consists of both transnational “migration regulations and practices of border policing, militarization, and interdiction” as well as “domestic policing and crime policies and their infrastructure of detention facilities, jails, prisons, and the methods for moving people within this network or removing them through deportation.” Critical scholars link immigration detention to the broader trend of “othering” migrants, in which their incarceration is “part and parcel of a history of systematic oppression of vulnerable people throughout the world” (Furman, Epps, & Lamphear, 2016, p. 1).

Countries like Australia have developed offshore, island–based detention regimes across the Indian Ocean to discourage asylum seekers from arriving on the Australian mainland (Mountz, 2011). Coddington and Mountz (2014, p. 97) argue that “(d)istance, remoteness, isolation, ambiguous jurisdiction, and complex legal status all contribute to the continued popularity of these islands with the Australian federal government as sites of migrant detention.” Through its (neo-colonial) monetary agreements with Papua New Guinea and Nauru, Australia has extraterritorialized its processing of asylum seekers, producing a regime that has huge human and financial costs (Nethery, Rafferty-Brown, & Taylor, 2013; Penovic & Dastyari, 2016). In France, the detention of non–citizens at the borders is enabled through the creation of a “zone free from national law” whereby it deems a part of its territory, such as an airport, to be “outside,” while then asserting “administrative and legal authority over this extraterritorial zone” (Makaremi, 2009, p. 413). The detention of migrants is, in both offshore, island–based sites and extraterritorial zones, enabled through their separation and exclusion from the body politic.

The conditions of confinement vary from country to country. Greek detention centers, for instance, has been noted to suffer from overcrowding and poor standards of food and water, ventilation, sanitation, hygiene, and temperature (Cheliotis, 2013a). Similar issues have been observed, for instance, in Mexico (Wolf, 2016), Malaysia (Kudo, 2016; Nah, 2015), and South Africa (Amit, 2015). Some centers provide activities (e.g., sports and recreation, arts and crafts, television sets, etc.) for detainees to occupy their time (see Figure (1)).

Figure 1. Arts and crafts room, Campsfield House IRC, United Kingdom. Sarah Turnbull, © Border
British immigration detention centers, for instance, typically feature a gym, hair salon or barbershop, IT room, arts and crafts room, prayer rooms, library, and canteen, while some also have a “cultural kitchen” for detainees to cook for themselves, media room, and music room (Bosworth, 2014). Prayer and facilities for religious worship are also important in the context of detention in the U.K. (see Figure 2) (Bosworth, 2014; McGregor, 2012).

![Figure 2. Christian chapel, Colnbrook IRC, United Kingdom. Sarah Turnbull, © Border Criminologies Immigration Detention Archive.](image)

Most countries separate women from men and minors from adults, either in separate centers all together or different ranges or wings of the same facilities, although in some detention centers everyone is housed together. There is also variation in the existence of official monitoring or inspection bodies and accessibility to the centers by human rights organizations. In the U.K., for example, immigration detentions are inspected by Her Majesty’s Inspectorate of Prisons (see Bhui, 2016) and monitored by Independent Monitoring Boards (IMBs) based at each facility (Independent Monitoring Boards, 2016). In other countries, however, such oversight bodies do not exist, raising concerns about transparency and accountability in maintaining decent living conditions and upholding people’s human rights (Nethery & Silverman, 2015).

Increasing attention has been paid in some jurisdictions to the detention of already “vulnerable groups,” a term that most commonly refers to pregnant women, children, elderly people, survivors of torture or sexual violence, people with disabilities, LGBTI persons, and people with mental health issues. These groups have been identified as coping less well with detention, particularly as most detention centers do not have the resources or facilities to provide adequate care and protect their human rights. LGBTI persons, for instance, may be at greater risk of physical and/or sexual violence, face isolation or segregation and insufficient medical care, and suffer from mental distress (Tabak, 2016; Turney, 2011). Given that most countries do not imprison children, their detention as migrants is viewed as especially egregious (Grewcock, 2009). Most facilities cannot offer age-appropriate stimulation and confinement itself is traumatizing, distressing, and associated with harmful psychological effects (Kronick, Rousseau, & Cleveland, 2016).

Gendered assumptions about women, men, and vulnerability often feed into discourses about a “gentler detention” for women and their children. Alberti (2010, p. 139), for instance, writing about Greece, notes that “particular ‘gender techniques’ [are] used to differentiate those who ‘deserve’ special treatment in
“detention.” Through such narratives, certain women (e.g., mothers, survivors of sex trafficking, etc.) emerge as less deserving of detention than do men as a group and “undeserving” women (e.g., “illegal” migrants, former prisoners, etc.) (see also Bosworth, Fili, & Pickering, 2014). Ideas about gender thus shape the practice of immigration detention, informing the architecture, design, and security features of confinement (see Figure 3).

Figure 3. Sahara Unit, Colnbrook IRC, United Kingdom. Sarah Turnbull, © Border Criminologies Immigration Detention Archive.

As Bosworth (2013, p. 150) observes, “there is no obvious purpose of detention that inheres in the institution,” which makes it hard to understand amongst detainees and staff alike. Immigration detention is simultaneously caring and coercive, hospitable and hostile (Khosravi, 2009). In Sweden and the U.K., for example, it is common for detention centers to emphasize detainee safety, dignity, and a respect for “diversity” even as detainees are being held against their will (Bosworth, 2014; Khosravi, 2009). The complex and contradictory nature of immigration detention thus makes it an interesting avenue of research for criminologists.

Immigration Detention and the Expansion of Penal Power

The rise of immigration detention has been linked to greater governmental concerns over security and the concomitant conflation of asylum seekers and other migrants with notions of “danger,” “criminality,” and “risk” (Malloch & Stanley, 2005, p. 53; Khosravi, 2009; Weber, 2002). As a form of incapacitation, immigration detention is thus understood as a key tool for managing “risk” and containing “dangerous” populations who may pose a threat to the state, its citizenry, and state sovereignty more generally. Jurisdictions like Australia, the U.K., and the United States (U.S.), among others, have been criticized for embracing the rhetorical frames of dangerousness and criminality whilst pursuing immigration detention policies and practices that confine, in particular, those seeking asylum (Khosravi, 2009; Weber, 2002; Welch & Schuster, 2005).

Even though it is not a formal punishment, immigration detention is largely experienced as such (Bosworth, 2014; Bosworth & Turnbull, 2015a; Chacón, 2014). Detainees experience similar “mortification” processes as inmates of other “total institutions” (Goffman, 1961) and go through comparable “pains of imprisonment” (Sykes, 1958)—what Bosworth (2014, p. 131) calls pains of detention—associated with the denial of liberty. They feel the punitiveness associated with forced separation from their families, friends, and communities, poor or limited access to healthcare and legal representation, and degrading or
demeaning treatment (Chacón, 2014). Although immigration detention centers serve administrative purposes, “they are regulated by a very disciplinary regime reminiscent of ordinary prisons” (Gündoğdu, 2015, pp. 117–118).

For example, British detention centers have set times for meals, activities, prayer, and social visits as well as periods in which detainees are confined to their cells or residential units. There are restrictions on the types of objects they can possess, which are enforced through cell and property searches and pat-downs. If detainees do not follow the center rules, they may be subject to punitive responses including confinement in segregation or transfer to another detention center (Turnbull, 2016). There are also informal rules that govern detainees’ lives (and which vary from center to center), “creating an environment of arbitrariness, uncertainty, and vulnerability” (Gündoğdu, 2015, p. 118; see also Bosworth, 2014).

Scholars of punishment have attempted to account for the rise in immigration detention, including the relationships between penalty and the governance of globalization. A formative piece by Simon (1998) examines the factors associated with the increased use of detention of immigrants beginning in the 1980s in the US. He locates the development of immigration detention—as a “specialized penal system”—in relation to larger transformations of American penalty between the 1980s and mid-1990s (Simon, 1998, p. 580). Likewise, Miller (2003, p. 613) notes how, in the early 2000s, immigration control increasingly adopted the practices and priorities of the criminal justice system, particularly in relation to non-US citizens with past criminal convictions. The merger of immigration and criminal law—what Stumpf (2006) has termed “crimmigration”—thus has important ramifications for the justifications, purposes, and operations of immigration detention as a key specialized policy and practice for border control and the management of migration.

Immigration detention is increasingly based on penal logics and practices that target undesirable and unwanted non-citizens, criminalizing them as a population to be policed and excluded (Khosravi, 2009). Indeed, immigration detention “reveal[s] a troubling extension of the reach of penal power in the service of border control” (Bosworth & Turnbull, 2015a, p. 51). So even though detention is not legally punishment, it is reflective of an expanding punitiveness “embedded in race, gender, and postcolonial relations” (Bosworth & Turnbull, 2015a, p. 51). The “penal character” (Pratt, 2005, p. 39) of immigration detention centers is plainly visible through the architecture and security practices that “greet” detainees upon their admission and in through which staff work on a daily basis (Bosworth, 2014; Bosworth & Turnbull, 2015a; Ugelvik & Ugelvik, 2013).
Immigration detention in the U.S. can be contextualized in the country’s reliance on mass incarceration “to address problems of crime and general social disorder,” such that it is unsurprising it would “turn to the same model to handle concerns about migration” (Chacón, 2014, p. 624). More specifically, the expansion of the U.S. system of immigration detention during the 1980s and 1990s is linked to the war on drugs (Hernández, 2014) and long-standing practices of immigration law enforcement focused on raced and classed populations (Hernández, 2012). Accounting for the use of immigration detention in the “comparatively liberal standards of punishment in Europe,” Cheliotis (2013b, p. 691) observes, may require criminologists to rethink traditional arguments about European penality, particularly as European states continue to expand their detention systems in the wake of the current migration and refugee crisis. Indeed, the proliferation of detention centers in states at Europe’s borders such as Malta (Mainwaring, 2016) and Greece (Bosworth & Fili, 2016) reflect the reliance on immigration detention as a key tool in the management of migration (Barker, 2012).

The diffusion of immigration detention around the world and the related expansion of penal power are also linked to the active involvement of various states in both the dissemination and seeking out of detention policy. More specifically, countries like Canada and New Zealand have looked to Australia for policy guidance, while detention practices have been exported from European states to key migration “transit” jurisdictions such as Libya and Morocco (Fassin, 2011; Michael Flynn, 2014a, 2014b). Such carceral trends point to the transnational reach of immigration detention as a central feature of contemporary responses to human mobility.

**Is Immigration Detention Punishment?**

The question as to whether immigration detention is or is not punishment is arguably irrelevant to those who are detained and their families (Bosworth & Turnbull, 2015a; Hernández, 2014; Pratt, 2005). While legal scholars like Zedner (2016) note that not all coercive forms of state power like detention should be conceptualized as punishment, it is important, as Sexton (2015) contends, to pay attention to the “penal subjectivities” of those who experience such power. Accordingly, if immigration detainees understand and make sense of their experiences of detention as punishment, it should be recognized as such, “regardless of whether it is intended as punishment and/or is approved or acknowledged” by the state (Sexton, 2015, p. 118).

Immigration detention is most perceptibly punitive and criminalizing when it occurs in prisons (Weber, 2002), where, in countries like Canada and the U.S., detainees can be housed alongside prisoners who have been convicted and sentenced to imprisonment as punishment (Cleveland, 2015; Hernández, 2014). Indeed, the development—and subsequent expansion—of the U.K.’s detention estate is a result of criticisms of such practices of holding immigration detainees, and asylum seekers in particular, in British prisons (Bosworth, 2007, 2014). The creation of dedicated immigration detention centers can be understood as one attempt by states to more clearly mark the boundaries between punishment and administrative confinement, even as the penal system and its institutions provide a ready-made blueprint for the detention of migrants.
As Weber (2002, p. 14) argues, the legal distinction between immigration detention and punishment is also a “moot point to members of the public who express concerns about security when detention centers are opened in their areas.” The architecture and security features of centers (e.g., high perimeter fences topped with razor wire, daunting entry gates, omnipresent CCTV cameras, etc.) can give the impression that those housed within are dangerous and deserving of exclusion and containment (Weber, 2002). In the U.K., detention centers built since the 2000s are designed to Category B (e.g., medium security) prison architecture, resulting in highly securitized spaces in which detainees feel like they are in prison (see Figure 5).

![Figure 5. Colnbrook IRC view to Harmondsworth IRC, United Kingdom. Sarah Turnbull, © Border Criminologies Immigration Detention Archive.](image)

The fact that non–citizens are held against their will within buildings that look and feel like prisons suggests the lines between punishment and administrative detention are blurred. That the majority of those who are detained are nationals of countries that are low on the “global hierarchy of mobility” (Bauman, 1998, p. 69) and lack access to avenues for regularized migration means that poor, largely racialized people are being punished for being born in the “wrong” place, at the “wrong” time and having the audacity to cross borders.

## Resisting Immigration Detention

Detainees employ a variety of strategies to resist their detention. As Colombo (2013, p. 754) explains, “[r]esponses to detention may be individual, collective, directed outwards (e.g. at property or people who represent authority) or towards oneself (e.g. in cases of self-harm or suicide).” Detainees may individually or collectively protest their detention through “sit-ins,” hunger strikes, and other forms of action as well as engage in vandalism and arson or try to escape (Colombo, 2013; McGregor, 2011; Sutton & Vigneswaran, 2011). Some also express resistance by refusing to cooperate with the detaining state’s attempts at identifying them (Sutton & Vigneswaran, 2011), which would enable their removal.

Strategies of resistance that target the body reflect the often closed and hidden world of immigration detention in which dissent cannot be expressed through the voice because there is no one to hear. The spatial isolation that characterizes immigration detention, along with linguistic and other communication barriers (e.g., lack of telephone access), means that some detainees may make “their bodies speak by resorting to practices of self-mutilation, hunger strike, suicide attempts, and lips and eyes sewing” (Puggioni, 2014, p. 562). Acts of self-harm are particularly troubling when performed by child detainees (Parr, 2005), yet such
actions underscore the psychological harms associated with indefinite immigration detention. As Puggioni (2014, p. 563) observes, “sovereign violence inside detention centers is met not exclusively with muted and bare bodies but with violent bodily reactions.” These displays of protest are often covered by the news media, drawing international attention to the unlivable conditions associated with this form of confinement.

Institutional authorities employ a variety of measures to discipline detainees whose acts of resistance interrupt the good order of the facility, including the use of force, transfers to other detention centers, confinement in segregation, and the removal of privileges (Gill, 2009; Turnbull, 2016). Similar to prisoner transfers, the movement of detainees around the detention estate may be used to (re)assert the “authority of the mover” and reinforce the identity of the detainee as a “subjugated body” (Gill, 2009, p. 191). Such movements are typically stressful and distressing for detainees and may negatively impact their immigration cases if they are separated from advocacy groups or legal representatives (Gill, 2009).

Privatization and Immigration Detention

The privatization of immigration detention and associated profit-generating industries have been explored by a number of scholars (Ackerman & Furman, 2013; Bacon, 2005; Baird, 2016; Conlon & Hiemstra, 2014; Doty & Wheatley, 2013; Golash-Boza, 2009; Matthew Flynn, 2015; Trujillo-Pagan, 2013; Welch, 2014). The operation of immigration detention centers by private for-profit contractors is common in countries like the U.K., Australia, and the U.S. where prison giants like Serco, G4S, and the Corrections Corporation of America dominate the detention industry. Concerns abound about accountability for human rights violations and transparency in relation to costs and revenue generation as states transfer responsibility for detention to private companies (Gündoğdu, 2015).

Writing about the U.S. context, Conlon and Hiemstra (2014, p. 337) draw attention to the “macro-” and “micro-economies” of detention, where the former involves the exchange between governments and corporations through service contracts—including the controversial legally mandated 34,000-detainee-per-day quota—and the latter includes “exchanges that are linked to the infrastructure, everyday operation, and lived experience of detention.” They identify four micro-economies—commissary systems, telecommunications, detainee labor, and detainee transportation—which emerge as necessary auxiliary services through the act of confining human beings, often for long periods of time (Conlon & Hiemstra, 2014). These macro- and micro-economies, of course, are not unique to immigration detention; they resemble those of the private prison industry. Yet, analogous to the “prison industrial complex,” some observers have pointed to the emergence of the “immigration industrial complex” (Doty & Wheatley, 2013; Golash-Boza, 2009; Trujillo-Pagan, 2013). In the U.S., for example, for-profit companies control nearly half of detention “bedspaces” (Matthew Flynn, 2015), while in the U.K. seven of the nine detention centers and all of the short-term holding facilities are operated by for-profit companies such as Serco, Mitie, and GEO Group.

The issue of detainee labor in the context of privatized immigration detention is particularly contentious and reflects another policy transfer from the prison to the detention center. However, whereas prisoners may perform work related to their
rehabilitation and reintegration in addition to undertaking tasks associated to the maintenance of their imprisonment, the labor of immigration detainees is directed almost exclusively towards this latter goal. Like prisoner labor, detainee labor is viewed by some as exploitative, furthering profit generation by private corporations within coercive and discriminatory contexts (Burnett & Chebe, 2010). In the U.K., for example, detainees are frequently employed as kitchen assistants, food servers, cleaners, litter pickers, and activity orderlies, although the privilege to work may be withheld by the Home Office for detainees who are non-compliant with their immigration cases or contravene the center rules. U.K. detention policy permits detainees to be paid £1 an hour and £1.25 per hour for special projects (Burnett & Chebe, 2010).

The irony of being allowed to work inside detention while being restricted to work while outside detention is not lost on detainees, some of whom refuse the opportunity to work for what are considered exploitative wages whilst contributing to the business of detention. At the same time, others appreciate the ability to make some money to buy phone cards or food from the canteen, particularly if they do not have access to any other money. Following Foucault, Burnett and Chebe (2010, p. 100) contend that “the existence of paid work compels discipline and compliance” amongst detainees as it encourages and rewards certain behaviors and habits that contribute to the good order of the institution.

**After Immigration Detention**

It is important to note that for some migrants, immigration detention is not an isolated incident but may occur multiple times as their immigration cases are determined. The threat or looming possibility of being re-detained may affect how former detainees experience their time in the community while they await final decisions about their immigration cases (Hasselberg, 2016). Indeed, for many migrants, the punitiveness of detention extends into the community through release on immigration bail and temporary admission, particularly for former detainees who are prohibited from working yet must somehow survive (Turnbull, 2016). Detainees commonly report feeling “detained” in the community after their release, having their liberty but nothing else (Klein & Williams, 2012; Turnbull, 2016). In the U.K., for example, detainees are often released into conditions of destitution, with limited access to post-detention support (Klein & Williams, 2012; Williams, 2015). Klein and Williams (2012, p. 741) note the absurdity of stripping detainees “of all benefits of citizenship—belonging, protection, a basic living,” and so forth, while expecting them “to conduct themselves as good citizens, abide by the laws of the state, and contribute to society.” The release of migrants onto the streets without support can lead to the immigration detention system becoming a revolving door as these “undeportable deportable immigrants” are re-apprehended and re-detained (Leerkes & Broeders, 2010, p. 831).

**Review of the Literature and Primary Sources**

The issue of immigration detention has received increased scholarly attention in a variety of disciplines including geography, medicine, anthropology, and law, but only recently has garnered criminological scrutiny. Empirical studies of immigration detention are difficult to come by as research access to these
institutions is typically guarded and challenging to negotiate and maintain (Belcher & Martin, 2013; Bosworth, 2016). Researchers have resorted to exploring the testimonies of former detainees in the community (e.g., Klein & Williams, 2012; McGregor, 2009) and conducting interviews in social visits halls, over the telephone, or whilst gaining access through employment or by volunteering with NGOs working in detention centers (e.g., Griffths, 2013). Others have gained research access through a focus on detention center staff (e.g., Hall, 2010, 2012), through commissioned research by detention authorities (e.g., Black, Collyer, Skeldon, & Waddington, 2006), or by looking at peripheral agencies such as migrant detention networks (e.g., Coddington & Mountz, 2014). Much of the existing research is therefore concerned with analyses of detention law and policy (Chacón, 2014; Michael Flynn, 2014b; Hernández, 2014).

Bosworth’s 2014 book Inside Immigration Detention presents empirical research from the first national study of life in British immigration removal centers (IRCs), examining the perspectives of both detainees and detention center staff (Bosworth, 2014). In addition to providing nuanced detail about everyday life in detention, the book considers questions of state power, the criminalization of migration, and the legacies of British colonialism to explore “how IRCs designate certain people as strangers no matter how familiar” (Bosworth, 2014, p. 6). Bosworth combines rich empirical data with theorization to help “make sense” of immigration detention including how it is justified, operated, and experienced. This book builds on her previous work around the themes of legitimacy (Bosworth, 2013), identity and subjectivity (Bosworth, 2012), human rights (Bosworth, 2011), and gender (Bosworth & Kellezi, 2014; Bosworth & Slade, 2014).

Research into the lived experience of immigration detention has highlighted the key features of uncertainty and time, especially for those detained in jurisdictions without a limit on the duration of confinement (Bosworth, 2014; Griffths, 2013, 2014; Sutton & Vigneswaran, 2011; Turnbull, 2016). In an ethnographic study of immigration detention in the U.K., Turnbull (2016) found that the indeterminate nature of confinement contributed to detainees’ experiences of detention as punitive and unfair as they were forced to wait, stuck in situations of liminality, against their will, in sites of confinement that resembled (or were in fact once) prisons. The uncertainty of the length of detention and the outcome (i.e., release or removal) were challenging, negatively impacting detainees’ mental and physical health (see also Bosworth, 2014).

Empirical research has also examined the psychological effects of detention on detainees’ mental health and well-being, both during and after their confinement. Much of this research, however, has focused on those detainees identified as most vulnerable such as asylum seekers and children. A systematic review of the mental health outcomes of detaining asylum seekers conducted by Robjant, Hassan, and Katona (2009) found high levels of mental health problems in detainees including anxiety, depression, and post-traumatic stress disorder (PTSD) as well as self-harm and suicidal ideation. The length of time spent in detention was positively associated with the severity of distress. A British study by Robjant, Robbins, and Senior (2009) examining mental health problems compared immigration detainees to asylum seekers living in the community. Although both groups reported high levels of depression, anxiety, and PTSD symptoms, those in immigration detention experienced these mental health impacts more severely. Studies of self-harm and suicide amongst detainees show correlations between these behaviors and poor mental health outcomes associated with detention.
Researchers have also found that these deleterious effects last after individuals are released from detention (Coffey, Kaplan, Sampson, & Tucci, 2010; Klein & Williams, 2012). The lasting impacts of immigration detention are often similar to the effects of imprisonment within the criminal justice system (e.g., Bull, Schindeler, Berkman, & Ransley, 2013).

Expressions of resistance in immigration detention are also a focal point among some scholars. An ethnographic study of a pre-removal center in Italy by Campesi (2015) found a robust capacity amongst detainees to resist attempts at deportation, countering the often bleak representations of powerlessness associated with theorist Agamben's (1998) notion of “bare life.” Importantly, however, Campesi’s research shows how state attempts at removing people against their will from these sites of confinement means that immigration detention becomes a de-facto punishment and is used by the Italian authorities as a tool of deterrence.

Acknowledgments

My writing of this article was made possible in part by Mary Bosworth's European Research Council Starting Grant (no. 313362). I would like to thank the two anonymous reviewers for their helpful feedback on an earlier version of this article. Any errors or omissions are my own.

Links to Digital Materials

Global Detention Project.

At Work Inside Our Detention Centres: A Guard's Story.

Visions From The Inside.

Undocumented: The Architecture of Migrant Detention.

Border Criminologies.

The Border Crossing Observatory.

Detention Watch Network.

Migreurop.

Further Reading


References


**Related Articles**

- Immigration and Crime
- Solitary Confinement in American Popular Culture
- European Border and Coast Guard (Frontex): Security, Democracy and Rights at the EU Border
- Population Changes At Place: Immigration, Gentrification, and Crime
- Deportation and Immigration Enforcement
- Capital Punishment
- Attitudes and Public Opinion About Punishment