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Chapter Sixteen: Misery as Business: How Immigration Detention Became a Cash-Cow in Britain's Borders.

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Abstract

In this chapter, we wish to advance the knowledge of the workings of Britain's hostile border regime by unpacking the financial dynamics involved. To do so, we will primarily focus on one aspect: the privatisation and expansion of Immigration Removal Centres (IRCs). We argue that, not only these spaces by their very nature coercive and violent, but they also benefit from migrant misery as a business model. Therefore, the attention on outsourcing of migration control helps us understand the profits attached to the forced confinement of racialised and criminalised bodies, profits that are generated through human suffering, while simultaneously diminishing accountability and unmediated (often hidden) state-corporate violence. Moreover, once we scratch the surface of bordered profiteering we find that a double standard exists: whilst successive governments decry migrant labour in the UK, the same governments are more than willing to engage with multi-national corporations and thus become answerable to foreign capitalist interests elsewhere.

1 Introduction

In the UK's electoral cycles of the past decade, there has been growing support for political parties projecting nationalism, nativism and exclusionism, which implicitly constructs foreigners as a threat and promises a sharp cut in immigration numbers. This was arguably the backbone to the Conservative Party's electoral success and also to the 2016 Brexit vote. Although already long in existence, the then Conservative government leader Theresa May coined the 'hostile environment' in 2012, leading to a radical overhaul of legislative and administrative provisions, introducing even harsher, punitive and restrictive immigration policies, rapidly drawing and expanding crime control structures into the immigration arena, creating aggressive technologies of control and outsourcing of provisions for migrants

generally, and people seeking asylum specifically. Consequently, this resulted in further mistreatment of migrant groups and dramatic rights violations. Through the Windrush exposé in 2018, the wrongful and unlawful nature of the immigration control regime was made visible (again), and on this occasion led to significant public outcry.

2 A short history of the outsourcing of detention

In 1971, having relied on immigration to meet skill shortfalls in the aftermath of the Second World War, the British government decided to halt the ‘flow’ of non-white migration from the former colonies into the UK. Having contributed significantly to Britain’s economic rebuild, the increase in family resettlement and now unneeded labour led to invested interests closing borders where they had previously been open. Alongside this was the implementation of a series of restrictive measures which has since included virginity testing, x-ray screening of minors and the increased imprisonment of illegalised¹, mostly non-white migrants.

It was during 1970s that the Conservative government contracted Securicor – which later merged with Group 4 Falck, now G4S – to manage detention facilities in Harmondsworth near Heathrow airport, and a second one near Manchester airport. In 1971, Securicor Group Limited and Security Services Limited were also listed on the London Stock Exchange. Ten years later, in 1981, Securicor Chair Peter Smith was awarded the OBE for services to the security industry. This was just the beginning of new relationship between state and private security companies that policed for profits. The confinement business became an inspiration, one that was drawn from the US (James and Newburn, 2012).

Between the late 1980s and mid-1990s, amidst the ideological move toward neoliberalism in UK, at least two prisons were contracted out to private security companies, along with Campsfield House detention centre. Nevertheless, leading figures in the Labour Party

¹ We choose to use the term ‘illegalised’ rather than ‘illegal’ to shift the terminology away from the connotations that this is a naturalised state. It is multiple processes of immigration that facilitate illegalisation based on punitive laws and social policy. For more information, see Canning’s Open University Timeline, *The Criminalisation of Asylum* (2016).

remained critical of the privatisation move, for instance, Tony Blair, for example, was concerned at the time that the private sector may begin to dominate state-led criminal justice agendas, stating:

...there is a danger that if you build up an industrial vested interest into the penal system, and as part of that interest they are designed obviously to keep the prison population such that it satisfies those commercial interests... there is a risk that that distorts the penal policy that otherwise you would introduce... Secondly, I believe that privatisation is a diversion of our energies from where those energies should be properly set. (Tony Blair MP 1993; quoted in Scottish Consortium on Crime and Criminal Justice briefing paper, 2006)

Similarly, during the election campaigns, Labour MP Jack Straw made promises to withdraw the private sector involvement in prisons and bring it back under the public control. However, after winning power in the 1997 elections, the then rebranded 'New Labour' party took a U-turn and entered into a new privately financed prison deals. Thus, this was the point after which the industrial vested interest in prisons grew.

Whilst the privatisation of prisons and probation services has captured criminological attention, the same has not been the case with immigration detention centres, an issue which continues to this date. Perhaps, this is because prisons are viewed as punitive and detention as simply administrative. There was a dramatic increase in IRCs under New Labour during the Blair (and later Brown) administrations, and nearly all the IRC sites were managed by private companies. Further, certain companies that managed prisons were also the ones that managed the detention of migrants. Often, economic reasoning is used to justify the trust in private sector and that services offered by them are more 'efficient' and 'dynamic' than publicly run services. However, it is rather difficult to trace any substantive literature or research that can confidently demonstrate that privatisation and marketisation gives better value for money (or superior services for less-costs). Further, there is nothing to reassure us that privatisation will not drive profitability at a cost to non-monetised social aspirations (for example, decent terms and conditions of employment or decent standards of facilities). On the contrary, prison overcrowding, diminished security, scandals, and failures to meet the contractual obligations have indicated the opposite (Mason, 2013).

Throughout New Labour's administration (followed by 2010 Conservative/Liberal Democrat Coalition from 2015 Conservative rule), several reports on excessive use of force and physical violence against detainees/deportees by Detention Custody Officers (DCO) and

immigration escorts emerged. According to a 2008 Medical Justice report, a leading NGO working in migrant rights in the UK, a number of detainees alleging assault were able to bring civil action cases, some of which were settled out of court. However, none of the security guards or their employers (that is, private companies) were ever prosecuted for any assault related offences under the criminal law. This raises questions about whether the Home Office is deliberately outsourcing the accountability of the abuse of migrants to security companies, thus shifting responsibility from itself to those doing the state's bidding – which we now turn to.

3 Mapping the Corporate Realities of Privatised Confinement

It's like a hotel with a guaranteed occupancy.

Ron Garzini, promoting privatised custodial facilities (quoted in Parenti, 1999:211)

... we can be very confident that the world will still need prisons, will still need to manage immigration ... a prison custody officer can sleep soundly in the knowledge that his or her skills will be required for years to come. Serco Annual Report, 2017

The United States (US) was the first nation to privatise confinement facilities, and embark on an incarceration binge, locking-up more people per capita than any other English speaking developed country (Austin and Irwin, 2012). Nevertheless, US held around 8.41%² of their total prison population in private facilities, whereas, England and Wales held 18.46% and Scotland 15.3% (Mason, 2013). The figures dramatically differ for immigration detention – for instance, the US holds 73% of migrants in privatised detention facilities (Haberman, 2018), and the UK has a similar number with seven out of eight long-term facilities run by private contractors. Both the US and UK have a significantly higher private sector footprint in immigration detention. Furthermore, the UK is further advanced in privatisation when compared to other European countries, and has one of the largest detention estates in the EU. Also, the UK is the only country in Europe that has no statutory upper limit and can detain migrants indefinitely.

² The figures for US and Scotland is from 2011, whereas, for England and Wales it is 2012.

The use of detention in the UK has rapidly expanded from 250 places in 1993 to 2928 at the end of 2018. Around 25,000 people passed through the UK's detention estate in 2018, around 50% of whom have sought asylum at some point (Silverman and Griffiths, 2019). Since the late 1990's, successive immigration and asylum legislations have turned increasingly restrictive, which in part explains the increased use of detention. Nevertheless, we cannot ignore the link between restrictive policies and privatisation as they often run in tandem with and complement each other. By shifting the focus to privatisation, we can begin to understand how the corporate lobby shapes and acts as a driving force behind restrictive immigration policies, designed to trap and drag bodies into its privatised confinement net. Of course, private contractors need constant flow(s) of migrants and this is made possible by keeping detention under the administrative domain rather than as a formal process of criminal justice, since less stringent regulation is required to confine migrants. Although some people in detention have previously *completed* their sentences in prisons (which in itself is a double punishment, see Turnbull and Hasselberg, 2016), people who are detained IRCs do not go through a trial. They are not convicted or serving sentences. There is no judge, jury, cross examination or testing of evidence. The principles of fairness, equality and proportionality are not applicable. Worryingly, the Home Office is exempted from the Race Relations (amendment) Act 2000 to carry out immigration control functions and can forcefully lock up individuals simply based on their supposed precarious immigration status. Taking this into account it could be said that people in prison have more legal and procedural safeguards than people trapped in IRC detention (although this should not be interpreted as an endorsement of prisons, institutions we are also highly critical of).

Detention in UK is almost exclusively administered by four private companies, namely, Mitie, G4S, Serco and GEO Group. It is reasonable to suppose it is one of the most profitable privatised businesses, with relatively steady flow of migrant bodies or as the quote above suggests "guaranteed occupancy". According to one analysis, the US prison company GEO group was operating on a 30% profit margin from running Dungavel IRC in Scotland, whereas, G4S was making approximately 20% and 40% on Brook House IRC and Tinsley House IRC respectively (Corporate Watch, 2018). However, the full scale of profits is unknown, as companies protect this information on the grounds of "commercial confidentiality". Since the time of their inception, private security companies, like other capitalist ventures, have been driven by the quest for higher profits. These companies by

definition are heavily labour intensive, so any such increases in profit is likely to impact upon wages and conditions of staff and the people detained – the only way surplus value can be extracted is through greater, more intense exploitation of labour. It is of least surprise that staffing levels, health and safety, training and consequently care provided to those who are confined, have remained a cause for concern over many years and been raised in all the independent reviews.

There are several examples of irresponsible profit making. For instance, in June 2017 it was reported that the Home Office backed detention labour wage rate of £1 per hour – for cleaning, kitchen and other menial tasks – accounted for paying hundreds of detained people just £887,565 in wages for 887,073 hours of work (Taylor, 2018). These ‘wages’ were exempted from minimum wage legislation (as with labourers in prisons), and very recently a High Court judge ruled this as *lawful* and *not* exploitative. It is speculated that private security companies have saved over £3million by paying detained migrants well below the national minimum wage (Corporate Watch, 2018) thereby boosting profits. As noted earlier, the immigration detention ‘market’ is largely oligopolistic, with only four -five companies bidding for large government contracts. The domination by corporate giants ensures that market is oligarchic, and small and medium size companies cannot succeed in competing for business, thus prices and profit margins are kept high for existing providers. Furthermore, understaffing, high staff turnover, overcrowded and unsanitary cell conditions, cost cutting on cleanliness and insufficient recreational activities (see below) – all translated to greater savings. This also had dire impact on migrants, as highlighted by a recent Home Affairs Select Committee Report (2019:80):

Low staffing levels mean that people are locked up for longer periods of time, face to face communication is limited and IRC facilities are more likely to be closed (e.g. libraries, cafés, IT facilities) all of which compound levels of frustration and mental health issues among detainees and staff. This can lead to increased levels of self-harm as well as violence among detainees and towards IRC staff. In the event of a serious incident, a lack of staff could have detrimental consequences for everyone’s safety within an IRC.

As noted elsewhere (Canning, 2017), detention staff working in immigration detention often do so on fairly low wages, precarious contracts and generally without the requirement of specialist experience in working with people who are living in stressful conditions. The

likelihood of staff in these conditions investing in the rights or wellbeing of the people who are detained diminishes, as various exposés have demonstrated.

4 Evidencing Abuses and Re-Centring Accountability

Apart from the obvious serious assault on liberty inherent in such practice, immigration detention centres have been plagued with reports of racial violence, sexual abuse, medical negligence, deaths in custody, and other rights' violations³. In 2015, an undercover Channel 4 News recording secretly recorded IRC staff referring to detained people as 'animal's, 'beasties' and 'bitches' (Channel 4, 2015), whilst one pregnant woman who 'refused' to 'wait her turn' in the G4S medical queue went on to have a miscarriage. A former Yarl's Wood detainee described staff openly mocking her, and putting their fingers in her eyes after she collapsed:

What they are doing, they turn off the camera and say they do not do stuff like that. I collapsed coming out from the bathroom. They were poking my eyes, forcing me, telling me, "You need to eat. You want to kill yourself? You are a stupid girl." They mimic me sometimes when I say something. They repeat it in a very funny way and they laugh about it. To me, that is just not right. (Home Affairs Select Committee, 2019:81)

In the same year, undercover filming at IRC Harmondsworth captured Home Office staff admitting that the conditions under corporate giant *Mitie* are 'shit'⁴, and that the Home Office wouldn't allow cameras so as to avoid the bad press. In 2017 Panorama exposé evidenced high levels of abuse. In one scene an obviously ill man was screamed at, called a "fucking piece of shit" and choked by the detention custody officer. Racist language and mocking of

³ Of seven IRCs in the UK, only one is governed by Her Majesty's Prison Service – IRC Morton Hall. This facility has faced its share of public scrutiny, specifically after the deaths of four men in 2017. To this we emphasise that whilst Morton Hall is not a for profit venture, the violence of immigration detention is part of a violent continuum, the difference here being the lack of emphasis on profit.

⁴ <https://corporatewatch.org/home-office-told-to-publish-confidential-reports-on-migrant-detention-sites/>

detainees by staff seemed casual and routine, and violent behaviour appeared acceptable to staff and some managers. “We don’t cringe at breaking bones ... If I killed a man, I wouldn’t be bothered. I’d carry on,” one officer said (see Bhatia and Canning, 2017).

This is not to say that the exposés have had no positive effect. Not long after Channel 4’s footage at Yarl’s Wood was released, Nick Hardwick, then the chief inspector of prisons, called the centre a place of national concern. Following the string of reports on abuse, sexual assaults and racism at the centre, Serco commissioned its own review of the centre which was published in January 2016. Serco said it was committed to “respond to all of these recommendations”.

The same month, the ‘Shaw Review’, which had been commissioned by the Home Office on the detention of vulnerable people was published by Stephen Shaw. Although its remit did not cover the overall IRC detention regime, it advocated banning the detention of pregnant women and suggested there should be a “presumption against detention” for victims of sexual violence, female genital mutilation, people with learning difficulties, those with post-traumatic stress disorder and transgender people. Reforms were subsequently introduced which included reducing the detention of pregnant women to a maximum time of 72 hours, and only in extreme circumstance. People were to be screened to check whether they were survivors of torture or sexual violence, particularly after an external review by Women for Refugee Women (2017) which found that women who had been raped and/or tortured continued to be detained, even after the Home Office received the 64 Recommendations made by Shaw.

In a critique of these reviews at the time, we argued that the crux of the issue is the overall injustice of immigration detention: it is unhealthy to arbitrarily remove people’s liberty (Bhatia and Canning, 2016). Even outside the centres, detention is a hanging spectre for those awaiting the outcome of an asylum application. Moreover, we raised concerns about the likelihood of wholesale change or the improvement of the lives of people seeking asylum. The moral and ethical issue of detention does not lay simply in the complexity of individual’s histories or indeed their contemporary carceral realities, but in the removal of liberty based on neo-colonial, racialised approaches to the Othering of migrant bodies. Making surface level reforms does not remove this reality, but instead detracts from the violence inherent to confining people and removing their autonomy and indeed stealing their time. Time itself

cannot be retrieved. As such, taking temporal sections out of migrant people's lives is – for us at least – unethical at best and an act of state-corporate violence at worst.

As time has moved on in the aftermath of the reviews, our concerns have continued to be justified. In a follow up progress report, Shaw found that the 'Adults at Risk' policy which has been developed to avoid the detention of people deemed vulnerable (including survivors of sexual violence and torture) as well as continued failures in healthcare in detention – another aspect of the detention machinery which is often privatised. We had highlighted the potential for facilitating a 'bad apple' approach, whereby problems would be reduced to individual centres or staff members who violated safeguards, policies or even the law. Whilst individual accountability is welcome for those who inflict violence through racism or sexual violence, the overall landscape does not facilitate a move away from the harms of incarceration inherent to the experience of people who are detained. It is to this point that we now move: addressing the harms of immigration detention.

5 The Broader Harms of Immigration Detention

As other chapters in this book show, places of confinement carry problems that are felt due to the loss of liberty. Autonomy over food, ones' own time, educational or work-related opportunities and the fracturing of relationships are all integral to the prison regime. However, as Bosworth points out, IRCs are not prisons (2014) but instead are spaces of indefinite waiting and reduced educational or support investment. For people held in immigration detention centres, the further impacts include a fear of deportation or the potential for forced return, possibly to conflict or persecution. Like the exposés highlighted earlier, research repeatedly evidences abuses of power and instances of violence and intimidation. The issues span beyond the individual to the institutional and structural.

On a human level, people in detention have drastically reduced autonomy over their time, either in the everyday or in the longer term. As immigration detention is indefinite, so unlike a prison sentence, people tend to count the days *up* rather than counting *down*. The most recent statistics under freedom of information requests to the Home Office (2014) showed that the 20 longest recorded lengths of time incarcerated in IRCs ranged from 722 days to

1,701 days⁵. Over one fifth of immigrants are held in IRCs for longer than two months⁶. This is not insignificant: the longer the time a person is incarcerated, the greater the chances are of developing mental health problems. As such, although there are moves to help in the identification of vulnerable people, people are in fact *made vulnerable* through the enforced removal of their liberty and as such reductions in their rights.

This leads us then to highlight the increase in self harm and self-inflicted deaths in immigration detention in the UK. As Harmit Athwal noted with the Institute of Race Relations, there were 34 deaths in immigration detention between 1989-2014 (Athwal, 2015). This number – *human lives* – has since continued to increase, with six suicides in 2017, and a 22% increase in suicide attempts between 2017-2018, when 159 attempts recorded.

Considering the points raised earlier regarding reduced funds and – for those run by private companies – drives for increased profit have facilitated proportional reductions in staffing, medical care and psychological support. How seriously these are taken is unclear: as Canning found in her study of border harms in Britain, Denmark and Sweden, self-harm and suicide are often conflated with attention seeking, trying to avoid deportation, or facilitating a move to hospital to more easily ‘escape’ (Canning, 2019). In a system that weighs heavily on proving one’s history or current reality, the action of inflicting harm on ones’ self, or indeed committing suicide, becomes another act that is itself undermined as a falsehood. This is in stark contrast to the very corporations entrusted to run such facilities who, despite the regular and repeated failings and rights abuses outlined earlier, continue to receive the benefit of the doubt from the state that sanctions their contracts.

6 In a Nutshell: What is the Problem with Privatisation?

Having outlined histories of privatisation and the harms of detention, it is worth now summarising the issues specific to the privatisation of immigration detention. What is it that

⁵ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/387139/33568.pdf

⁶ <https://migrationobservatory.ox.ac.uk/resources/briefings/immigration-detention-in-the-uk/>

makes the expansion of private investments in the confinement of migrant people so problematic?

Point 1: *detainees have arguably become cash cows for companies.* Increases in the number of individuals and/or holding individuals for longer periods is, as we have shown, likely to result in higher financial gains. The mantra is simple: more detainees equals more profit. Despite growing evidence of poor mental health in detention, although ongoing debate ensues, there appears to be no rush to change the policy of indefinite detention. It is not just the management of migration, but management of misery and suffering which has now become one of the most profitable activities. For instance, and to name just a few, this includes housing, electronic monitoring, reporting centres, vans that transport people to detention, deportation escorts and private and commercial charter flights. Migrant misery is big business in bordered Britain.

Point 2: *the “security market” is highly oligopolistic.* As outlined earlier, handful of contractors systematically bid for lucrative public services contracts. Billions of tax payers money is handed over to these companies, despite national and global reports of abuses and harms inflicted in private facilities on migrants who are deemed vulnerable. Questions are again raised around performance, financial sustainability and superiority of service.

Point 3: *outsourcing can reduce accountability.* The state might not offer preferable alternatives to their business counterparts in terms of conditions, but there is one key difference with state run facilities: public accountability for the individual or institutional infliction of harm or systematic violence, at least in theory if not practice. This takes various forms. The first is a question of access, which is incredibly difficult where immigration detention in the UK is concerned. Although access has been granted to a number of academics studying immigration detention in the UK (see Border Criminologies website), gaining entry to immigration detention is generally limited to official inspections. Even then, controversy ensued in 2015 when access to Yarl’s Wood, the UK’s only women and family facility, was denied to the United Nations special rapporteur on violence against women, Rashida Manjoo, who subsequently censured the UK over the denial. Secondly, access to knowledge is more restrictive: unlike public services, companies and corporations are more like to opt out or redact information relating to Freedom of Information requests, if they are found to be required to respond at all (i.e. that their role falls under the scope of public service). Thirdly, documenting the inside workings of IRCs is notoriously difficult. When

people are detained, they are denied access to most internet and social media outlets, and have any personal media which has recording capacities (such as android phones) confiscated for the duration of their stay.

Point 4: *Immigration detention also costs money.* As the Joint Committee on Human Rights highlights, the annual detention costs for the year ending March 2018 were £108 million. At the time of writing, it cost approximately £87.71 per day to confine a person in detention (Silverman and Griffiths, 2019). In addition, compensation is payable to people who have been wrongly detained—over £3 million compensation was paid in the financial year 2016–17⁷. Despite the numerous scandals, the corporations are never punished, apart from fines and cancellation/cessation of contracts. It is needless to say that immigration detention is expensive. So why is it used?

It is important to note here that, although these are specific to private companies and corporations, the UK Government and in particular the Home Office are not exempt from accountability. As noted above, privatisation shifts accountability, so that ‘when things go wrong’ there is someone to blame. However, we emphasise that *things have already gone wrong*. The privatisation and profiteering of immigration detention is the manifestation of long running hostilities toward migrants, many of which are enforced – not only by institutional actors – but by law. It was the British government that created and maintains laws which allow for the administrative detention of migrant bodies. Through increasing punitive laws, most recently, the Immigration Acts of 2014 and 2016, the lives of people who have migrated to the UK is made much more difficult. Whilst privatisation allows the state to wash its hands of individualised or even institutional problems, it is the state itself that is responsible for their very existence. Corporations enforce restrictions that successive governments have allowed to exist.

7 Conclusion: The Case for the Abolition of Immigration Detention

The fact that detention has meant big business for big companies should not come as a surprise and yet as this a chapter demonstrates, the privatisation of the IRC complex has been

⁷ <https://publications.parliament.uk/pa/jt201719/jtselect/jtrights/1484/1484.pdf>

in flow for decades. What we can see, however, is the significant expansion of private enterprise well beyond the realms of confinement, and deeply entrenched in the everyday lives of migrants and people seeking asylum.

There is no doubt that confinement is a harmful practice. For the people we work with in academic and activist senses, we see that the impacts of detention can span years: they range from invasive memories, ongoing anxiety or fears of a repeat detention. The sound of keys is a memory that many refer back to, even many years after their experience of incarceration. For those who have never experienced detention, the threat of being detained taints subsequent Home Office appointments, where people fear being subjected to arbitrary arrest, detention or enforced removal – concerns which are very rational and very real.

Lastly, since the Brexit vote, there has been a sharp rise in EU citizens locked-up in detention centres. In 2009, the number of EU nationals in detention was 768, however, in 2016 this rose to 4701 – a six fold increase⁸. The system will continue to find new bodies for the private sector to commodify, through new draconian legislations and renewed xenophobic and racist rhetoric. Of course, detention must be understood as punitive, one that deprives people of liberty and makes them suffer. However, it is also a space created and maintained by corporations for profit – a profit gained from migrant misery, and by stealing their time. Immigration detention needs to be abolished.

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⁸ <https://inews.co.uk/news/uk/eu-nationals-held-immigration-detention-soars-tories/>

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