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Racial surveillance and the mental health impacts of electronic monitoring on migrants

MONISH BHATIA

Abstract: Since the late 1990s, the government has used outsourced electronic monitoring (also known as tagging) in England and Wales for criminal sentencing and punishment. Under the Asylum and Immigration (Treatment of Claimants) Act 2004, s36, the use of this technology extended to immigration controls, and individuals deemed as ‘high risk’ of harm, reoffending or absconding can be fitted with an ankle device and subjected to curfew. The tagging of migrants is not authorised by the criminal court and therefore not considered a punitive sanction. It is managed by the immigration system and treated as an administrative matter. Nevertheless, people who are tagged experience it as imprisonment and punishment. Drawing on data from an eighteen-month ethnographic research project, this article examines the impact of electronic monitoring on people seeking asylum, who completed their sentences for immigration offences. It uncovers the psychological effects and mental health impacts of such technologies of control. The article sheds light on how tagging is experienced by racialised minorities, and adds to the literature on migration, surveillance studies, state racism and violence.

Keywords: **crimmigration, electronic monitoring, e-carceration, surveillance, state racism, Home Office, migration, mental health**

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Introduction and background: *Electronic monitoring – from criminal justice to (cr)immigration control*

I don't believe it was a crime [i.e. using a fake passport]. But I completed time in prison ... When they let me out, this thing [i.e. tag] was put on my leg. Home Office just put this on me. Even if I committed a crime – this is no way to treat a human. I am a human, you know. They cannot punish me all the time ... when I look at this – sometimes I laugh, sometimes I cry. Sometimes I ask myself – why me? It is very stressful for me ... the other day I went to Church for praying and when I kneel down, this [i.e. tag] just started hurting my leg. I cannot even pray in peace ... when I tell people at Church what is happening to me, they get really angry at Home Office. They get angry to know such things are still happening in Britain.

(Interview with Gracie)

Electronic monitoring (EM) was implemented under the Criminal Justice Act 1991, s 13.¹ It is a surveillance tool designed to track offenders and suspects, verify their whereabouts and establish remotely whether they are complying with a set of pre-established conditions which are part of the requirements of their sentence. EM was introduced to address prison overcrowding and the rising costs of incarceration,² and is intended to bring about decarceration and diversion from custody. England and Wales now have the highest number of individuals subjected to this technology in the world; however, its utility in reducing the size of prison populations is questionable – and high use of imprisonment is linked with high use of EM.³ This casts doubts over whether EM has the ability to reduce prison numbers or if it plays a role in expanding criminal justice interventions – Stan Cohen terms this the net-widening effect.⁴

The use of EM is justified by penal reformers on the basis that it is a softer or more humane form of punishment when compared to imprisonment.

Nevertheless, such positioning tends to lack sufficient critical reflection and does not fully consider the issues around (dis)proportionality and (un)necessity of the sanction, and how the surveillance is experienced by different groups of people. The use of EM can unfairly punish those belonging to disadvantaged and marginalised backgrounds, who are likely to serve the sentence in deplorable conditions.⁵ Scholars and activists critical of EM or ‘carceral humanism’ more broadly oppose such non-abolitionist and reformist alternatives and view the technology as an extension of confinement.⁶

Whilst the EM technology has expanded surveillance possibilities for authorities, the evidence of its effectiveness in reducing re-offending is rather minimal.⁷ EM has led to a move away from the traditional values of probation that focused on rehabilitation and care.⁸ The increasing use of EM is associated with a reduction in the involvement of the probation services, and the lack of credibility and reliability of probation services (due to part privatisation) in England and Wales has contributed to the growing number of people subjected to EM.⁹ Further, the recent introduction of Global Positioning Tracker (GPS) devices has a potential to eliminate (or drastically reduce) human contact and replace it with intrusive round-the-clock surveillance. These advancements add to the troubling legal and ethical questions about the ever-expanding surveillance state.

EM emerged a result of the transformation of the penal field – which turned the focus away from rehabilitation and towards identification, management and control of those deemed as risky groups.¹⁰ EM is used to deliver managerialist solutions to complex social problems, and it has resulted in the marketisation and outsourcing of the justice system.¹¹ Tagging is operated

exclusively by the private sector in England and Wales, and the EM market is highly oligopolistic (with only four or five companies bidding for lucrative government contracts). Despite the sparse or inconclusive evidence around the effectiveness of the technology, and on-going Serious Fraud Office investigations of G4S, the company was awarded a £25million contract in 2017 by the British government.¹² The cost of running EM between 2017/2018 and 2024/2025 is likely to be in the range of £130million.¹³ The growing use of EM and corporate re-shaping of criminal justice presents a clear threat to the integrity of the system and will lead to growing numbers of people finding themselves subject to perpetual criminalisation, surveillance and control.¹⁴ This, of course, will continue to increase the profit margins of private security companies. Scholars have raised serious concerns over the lack of independent oversight of the EM industry and insufficient monitoring by governmental bodies, especially considering the unscrupulous nature of the commercial sector and a need for accountability.¹⁵

EM is increasingly termed as ‘e-carceration’,¹⁶ and it shifts the site of confinement to homes. Those who are incarcerated¹⁷ experience what Gresham Sykes calls the ‘pains of imprisonment’.¹⁸ A research project on EM noted that individuals experienced all of these pains while being subjected to tag and curfew. In addition, they suffered pains that were not experienced by those incarcerated, which included: financial or monetary implications of not being able to work adequate hours due to restrictions or inability to find job due to criminal record; increased stress in relationships; dehumanisation/stigma of wearing the ankle monitor; and emotional effects of watching others get on with their lives while being subjected to restrictions.¹⁹ Further, tagging (just as the punishment system overall) is designed for men and it may impact on women differently.²⁰ And black people on probation rate such alternative sanctions more severely than white people and identify more strongly with reasons to

avoid alternative sanctions.²¹ Their concerns are largely around the potential mistreatment at the hands of parole and probation officers and other personnel that oversee the alternative punishment – all of which may increase the risk of revocation and imprisonment. Despite the issues and growing concerns around the use of this technology, there are no official studies or academic research (in Britain or internationally) on how ethnic and racial groups experience EM and the impact of surveillance on their lives.

Through the Asylum and Immigration (Treatment of Claimants) Act 2004, s36,²² the British state extended the use of EM to migration controls. This was happening against the backdrop of penal transformations. People who are released from immigration detention on bail have conditions attached to their release, such as, reporting to the immigration authorities or police, staying at the property stated on the bail application, or a requirement for a surety to post bail money, payable should they abscond from the conditions. In addition, EM can be used as a condition by the Home Office for those who are considered at risk of absconding, re-offending and/or potential to cause harm to public. One of the differences in the use of EM within criminal justice and immigration system is *time* – whilst criminal sentences involving EM are determinate in nature,²³ the immigration system uses it with no upper limit and/or clear guidelines around time.

Britain is the only EU member state to use EM in the migration arena.²⁴ The tagging is not intended to be punitive, and it is not the criminal courts that authorise it. It is rather an administrative measure enforced by the immigration system. EM is not imposed as a criminal sanction, and yet consent is not taken from the subject and there is no statutory requirement to seek consent as such. In one of the official reports, the former Immigration Minister Tony McNulty (2005-2006) justifies the removal of consent stating that:

asking for the subject's consent is inconsistent with any other area of contact management ... That is why I agreed a change in the policy ... to allow the Immigration Service to draw up contact management plans without first seeking the consent of the individual. The consideration of whether the individual will comply with specific requirements will be part of the process of deciding how best to manage contact and this change places us in a stronger position by enabling us to consider what action to take where someone fails to comply with an electronic monitoring requirements.²⁵

Unsurprisingly, given the consequences for non-cooperation, McNulty notes an increase in compliance, albeit in a small sample of tagged individuals. Further, under section 24 of the Immigration Act 1971, a person on immigration bail breaching the conditions without reasonable excuse, can be subjected to criminal proceedings, and if convicted they can be fined and/or receive a prison sentence for up to six months.²⁶

EM is considered as one of the alternatives to immigration detention. It is now well established in the literature that detention centres are harmful, exacerbate mental distress and cause a great deal of anxiety amongst those confined.²⁷ Also, the suicide and self-harm rates in detention (including those on suicide watch) remain significantly high.²⁸ Internationally, in particular the Immigration and Customs Enforcement (ICE) in United States (US) have deployed EM as an alternative to detention. However, this is largely due to its perceived cost effectiveness. In 2018, over 38,000 immigrants were tagged in the US with GPS technology, and the Department of Homeland Security (DHS) highlighted the high success rate and 'strong alien cooperation' with such control measures.²⁹ Similarly, in Britain, commonly used alternatives are reporting and EM (which are used in combination). The reporting population is approximately 60,000, with a total cost of £8.6 million per year and a 95 per cent compliance rate.³⁰

There are around 500 individuals currently monitored using a radio frequency bracelet, costing £515 per person/per month.³¹ Despite the existence of these measures, the spending on detention in Britain still remains high. The annual cost of detention for the year ending March 2018 was £108 million and this does not include the compensation for wrongful confinement.³² Also, the increase in alternatives over the past decade or so (in both the US and Britain) have not led to any serious reductions in the detention population. Therefore, EM (and other alternative measures) represent a net-widening of interventions and they supplement (rather than replace) immigration detention – resulting in the growth of private profit and simply treating migrants as cash cows.³³

The international evidence that supports (non-enforcement based) alternatives to detention, also opposes EM surveillance. For instance, ICE’s Family Case Management Program (FCMP), in which families received caseworker support without having to wear an ankle monitor, had 99 per cent compliance with court appearances and ICE appointments.³⁴ A similar pattern was noted across another ICE programme where individuals who were released from detention between 2001 and 2016 appeared for *all* immigration court hearings, making the rate of compliance 100 per cent and rate of absconding 0 per cent.³⁵ The studies around absconding in Britain are limited, but the few that exist counter the official ‘flight risk’ narrative. In one of the studies, researchers analysed the records of a charity organisation called Bail for Immigration Detainees, to trace ninety-eight asylum detainees who were bailed between July 2000 and October 2001.³⁶ They concluded that over 90 per cent complied with ordinary bail conditions and did not abscond. Another piece of research found that absconding rates varied between 3 and 12 per cent, indicating a high degree of inefficiency – because as many as 97 per cent of individuals due for deportation did not abscond.³⁷ Of course, simply being tagged does not help individuals to resolve their cases or navigate the legal system – on the contrary, it makes it

more difficult to participate in community-based assistance.³⁸ Therefore, EM is an ineffective non-alternative alternative, and it simply extends enforcement measures.

In Britain, EM cannot be imposed unless individuals have fixed accommodation. This is because radio frequency tags require a fixed location for the equipment to be set-up.³⁹ However, such a requirement does not exist in the US as ICE uses GPS monitors. In recent months, the use of GPS in migration control has raised very serious privacy concerns and erosion of rights. On 7 August 2019, ICE executed criminal search warrants at seven food processing plants in the state of Mississippi, and apprehended nearly 700 migrants – one of the biggest worksite enforcement actions in the country’s history.⁴⁰ In a coordinated sting, ICE tracked the movement of individuals wearing GPS devices and recorded patterns around times spent at specific locations. The tag provided actionable intelligence and assisted authorities in arresting illegalised and deportable migrants who were not given the permission to work. In this case, the tracking went well beyond its original purpose and goal of stopping people from absconding and was used as a ‘drag-net’ to trap and draw migrants into the criminal justice sphere.

In 2016, the court ruled that the Home Office had no legislative authority to automatically impose curfews and restrict individual liberty.⁴¹ As a result of the judgement, viable claims for false imprisonment can be bought forward if one can prove that curfew requirements were imposed unlawfully. Nevertheless, the practice of tagging/curfew itself has not ceased and is rather evolving to become more expansive and invasive. In Britain, GPS trackers are not used in the immigration domain as yet; however, the bail guidance indicates that the accommodation requirement is likely to be removed when the Home Office moves to using GPS technology (which has already been rolled out by the

criminal justice system since 2019).⁴² When combined with the enforcement visit system already set in place,⁴³ changes to the bail regime introduced through the Immigration Act 2016⁴⁴ and ever growing crimmigration controls⁴⁵ are likely to create another layer of punitive dragnet. Also, the number of those subjected to tagging is very likely to increase, as the technological limitations of the old devices will be removed.

The aim of this article is twofold: firstly, it critically explores the use of EM in the migration arena as a racial surveillance practice. Second, by presenting narratives and experiences of migrants, the article uncovers the psychological effects and mental health impact on those subjected to this surveillance technology. It draws data from eighteen months of ethnographic fieldwork, which includes participant observation at three refugee charity organisations, gathering and analysing case files and other documentary evidence, interviews with specialist practitioners (n=6; and included two charity social workers, a Primary Care Trust doctor, a clinical psychologist and managers from a homeless shelter and a migrant rights charity, respectively) and people seeking asylum (n=22). The individuals quoted in this article were imprisoned for committing immigration offences (mostly possessing or using a false passport), released on completion of sentence and consequently tagged for being considered ‘at risk of absconding’. And at the time of interview they were awaiting decision on their asylum claims. It should be noted that EM is also extended to those on control orders and Terrorism Prevention and Investigation Measures,⁴⁶ however, these individuals were not a part of the study. To maintain the confidentiality and anonymity of participants, pseudonyms are used throughout this article (and for further discussions on ethical and practical issues faced, see Bhatia⁴⁷).

Electronic monitoring as racial surveillance

The idea of surveillance as a disciplinary tool can be traced back to the eighteenth century panopticon writings of Bentham. In 1975, Foucault revisited the idea and used the panopticon metaphorically as a way to exemplify disciplinary societies.⁴⁸ It is often argued that Foucault's work led social theorists to take 'surveillance seriously in its own right'.⁴⁹ In the book called *Dark Matters: On the Surveillance of Blackness*, Browne subjects the panopticon to interrogation through the reading of the slave ship.⁵⁰ By rethinking Bentham's ideas through the architectural plan of *The Brooks*, Browne shows that historical formations of surveillance are inextricably linked with the historical formations of slavery and colonialism. Further, she critically reinterprets Foucault's panopticon and demonstrates the ways in which the techniques of disciplinary power were always violent towards the black body – which continued throughout slavery and beyond. Browne builds a theory of racialising surveillance – spaces where surveillance practices, policies and performances define what is in or out of place. The absented presence of the history of racial formation and policing bodies of colour is central to understanding how different forms of surveillance reify borders and boundaries along racial lines.

The connection between today's surveillance and migration control must be viewed in the context of slavery, colonialism and empire. According to Sharma, since the late fifteenth century, European empires actively engaged in moving people through slavery, debt bondage, penal labour, and in late imperialism, nascent immigration regimes.⁵¹ What we have today is a globalised system of controls in which it is nearly impossible to move freely across nationalised borders – more specifically for the poor from the Global South. The contemporary social sorting has rapidly expanded new forms of borders and boundaries, some of which rely on new technologies and aim to control and exclude the poor and dispossessed.⁵² Surveillance operates at external and

internal borders, and also through everyday bordering, and it targets migrants constructed as ‘unwanted’ and ‘risky’.⁵³ For instance, within Britain, a number of surveillance measures have been deployed: in 2009/10, the Home Office made use of genetic and isotope testing for border control purposes. The aim of molecular tests was to ascertain ancestry and geographical origins of subjects through the use of a DNA database, and the intention was to include results of genetic ancestry in live asylum applications to detect ‘bogus’ claims. Whilst the practice was terminated due to wide spread criticisms from the scientific community, it nevertheless shed light on genomic surveillance and profiling, the willingness to subject negatively racialised groups to experimental technologies (circumventing ethics) and the extent of border control’s entanglement with discourses on race and crime.^{54,55} Further, in 2019, reports emerged of the Home Office subjecting asylum seekers to street-level surveillance by tracking the usage of ASPEN card⁵⁶ spending.⁵⁷ And since 2013, and through an amendment of the Police Act 1997,⁵⁸ immigration officials are granted power over property interference, including interference with equipment, which can involve planting listening devices, as well as hacking into phones or computers.⁵⁹ The emergence and rapid growth of ‘crimmigration controls’ in Britain has led to surveillance and technologies traditionally used for crime control purposes being drawn into migration control. The following section takes this further and explains the impact of surveillance on people seeking asylum.

Psychological harms of racial surveillance

There are no academic studies that highlight the lived experiences and voices of migrants and racialised groups who are subjected to constant surveillance through EM.⁶⁰ More importantly, the psychological effects and harms on migrants resulting from this surveillance are not fully understood. The rest of this article draws on ethnographic data to address some of these voids in migration, race and ethnicity, and surveillance studies literature.

The pains of (non-punishment) punishment

The use of EM is linked to the hysteria around the racialised figure of ‘foreign national criminals’ – a group that is doubly damned for its ‘foreignness’ and for committing a crime – and thereby subjected to highly unjust and harsh treatment.⁶¹ All the participants in this study who were placed on EM had completed custodial sentences for immigration offences and a few had also spent additional time in immigration detention (held under administrative powers). On release, they were asked to appear at the immigration reporting centre in person, either weekly or fortnightly, and tagging was used as an additional measure. Participants were not offered an explanation as to why the device was attached to their ankles and why they were placed on curfew (which lasted anywhere between 8 and 12 hours). Individuals were told that breaking the monitoring conditions or tampering with the device could result in arrest and/or negative decision on their immigration and asylum cases. EM was used for immigration control purposes – an administrative decision taken by the Home Office. Nevertheless, since it occurred soon after participants were released from confinement (and completing a prison term), they experienced it as continuation of punishment. This had harmful consequences for their health and well-being. For instance, Inam explained the impact of indefinite monitoring, confinement and lack of liberty on his mental health. He started consuming large amounts of drugs and psychoactive substances to distort the perception of time, escape punishment and numb the feeling of becoming trapped. Inam mentioned:

They said prison is over, but it was not. I felt in prison with that thing [i.e. tag] ... they came every week to check the tag. I was very upset and thinking, I keep talking to myself: ‘what has happened to me?’. All I did was smoke drugs, take pills at home and fall asleep. So much pressure and depression and no freedom ... I have not done

anything wrong. I just wanted life. This is shit life, this is no life. Whenever I don't take drug, I felt like suicide. My pain was going away after smoking drugs. You take drugs and fall asleep and don't think ...

(Interview with Inam)

Inam was an asylum-seeking individual from Iran and fleeing persecution. His mental health rapidly deteriorated after arriving in Britain, and he went through a prolonged period of destitution and homelessness. After being refused asylum, Inam chose to 'escape'⁶² Britain with the help of a false passport, and was subsequently caught and prosecuted. Elsewhere I have argued that the British government has created a 'dragnet' by moving immigration breaches from the civil domain and into the domain of criminal law.⁶³ As a result, people who commit these 'offences' are trapped in the penal circuits and treated as 'dangerous' foreigners. The subsequent imprisonment and punishment exacerbate their mental distress and/or create new conditions, and this results in (re)traumatisation. The British government's treatment of migrants must be viewed through the state racism and violence framework, as people are deliberately trapped and corralled in excruciating conditions and punishment and suffering is a result of strategic and carefully calculated shifts in laws, policies and practices.⁶⁴ The use of EM surveillance is another way through which racist violence is inflicted on migrants.

On release from prison, Inam was not offered Home Office support. He started living with another individual from Iran who was recognised as a refugee, and whom he met at a community centre and became friends with. Due to Inam's situation, the friend agreed to host him for few weeks and also agreed for the EM contractors to fit radio frequency equipment at his property. Inam received a small amount of pocket money from his friend, and did not contribute towards

food, rent or utility bills. A few months later, Inam was asked to leave the property and make other arrangements as he had overstayed his welcome. Also, the friend started experiencing financial problems and could not support him any further. The social workers at a local refugee charity organisation intervened and applied for Section 4 Support⁶⁵ on Inam's behalf, which was subsequently refused by the Home Office. The monitoring officers were informed about the change in circumstances and they arranged for the removal of the tag. Somehow, destitution and homelessness resulted in Inam getting released from monitoring (which lasted for approximately *seven months*). As mentioned earlier, due to its technical limitations, EM can only be applied to persons who have fixed addresses. Having a fixed address also makes them easy to track and of low flight risk; therefore, the stigma and pain of EM is grossly disproportionate to the so-called 'flight risk' individuals pose. Once again, Inam started sleeping in homeless shelters and on the streets, and his mental health continued to deteriorate.

In the criminal justice context, community sanctions and non-prison alternatives (including EM) are often justified on the basis that they keep individuals out of custody and therefore avoid harms associated with imprisonment, realise rehabilitative objectives, enable community reintegration, allow them to continue with work and other commitments, and at the same time introduce daily structure into their routine.⁶⁶ According to the analysis, the use of EM in immigration controls does not achieve any of the above. Individuals who were tagged (following the completion of their sentences) did not receive any supervision or support. Also, since EM forms a part of an administrative process (and not a criminal sanction), it was not clear as to how it stopped people 'reoffending' – especially since evidence of its effectiveness in reducing recidivism in the criminal justice context remains inconclusive. There are no governmental audits or evaluation of the use of EM technology in immigration

control (and even if such reports exist, the information is not made publicly available).

The main goal of the immigration system is not to integrate or rehabilitate, but segregate and confine illegalised and racialised bodies into designated ‘waiting zones’ (which can be in community or detention centres), subject them to surveillance and eventually deportation and banishment – Kalir terms this the ‘Departheid’ system.⁶⁷ The individuals in this study were not granted permission to work, and only three out of seven tagged were given accommodation and cashless support in the form of a prepaid card. Within the psychiatry literature, it is highlighted that the lack of work and material deprivation amplifies post-migratory stress.⁶⁸ This results in the intensification of suffering more generally. Like Inam, another individual called Rizwan was also seeking asylum and was not offered any material support or granted the right to work. He was also living with a friend. Officers fitted him with a tag and imposed awkward curfew hours upon him, which made it difficult for him to participate in social activities, resulting in deeper exclusion and isolation. Besides the tag, he was also asked to present himself weekly at the reporting centre which was located in a different city. He explained:

One day they just said you are getting released and then asked me to report at the Home Office signing centre every week. The signing centre is far and I have to spend £5-6 in bus/train. It may not sound like a big money to you, but how will I get this money? They don't let me work and they don't give me money and it is they who are asking me to sign. It is not easy £5 for me. They also came and put this [tag] ...

Sometimes they [monitoring officers] call me to ask: ‘where have you been?’ When I say that I’ve been here or there, then they ask:

‘why did you go there?’ If you don’t go out, they give you a call and ask ‘why have you not been out?’ and once they ask me ‘*you are alive, yeah?*’ [emphasis added by the participant]. That is stupid! They don’t give me money and they don’t understand that if I go out for anything, even to XYZ [supermarket name] – I will have to spend money ... When I was inside in the prison everyone said ‘one day you will be released’. This is not release!

(Interview with Rizwan)

Having gone through a suicidal phase in prison, on release Rizwan approached the doctor for anti-depressants and was taking control of his health and trying to manage the condition. Nevertheless, the intensity of punishment, the constant feeling of being watched and uncertainty about the future often triggered negative thoughts and made him ‘feel down’.⁶⁹ At the time of the first interview, Rizwan mentioned that he had been tagged for over eight months (and his tagging lasted in total for *seven months*). Both the Home Office and the EM contracting company were made aware of his suicide and self-harm history and the doctor requested authorities to lift the curfew hours and remove the device on several occasions to prevent further damage to his health. Instead of acknowledging and accepting the doctor’s requests, monitoring officers called Rizwan occasionally and asked highly intrusive and stigmatising questions about his mental state. Not only does this demonstrate a lack of acceptance of mental distress as genuine health problem, but also negligence and failure in their duty of care.

Surveillance, mental health and the culture of disbelief

The Home Office can be requested to remove the tag from bail conditions, if it can be demonstrated that the tagged person is particularly vulnerable to the distress it causes. The analysis of data indicates that authorities only considered

removing the device if the individual showed signs of ‘visible’ physical ailments. Due to its apparent lack of ‘visibility’, mental distress was often disbelieved, and individuals exhibiting distress were viewed as ‘faking it’⁷⁰ to escape surveillance and controls. In one observed case, this disbelief eventually resulted in a severe physical health reaction. One of the female asylum seekers suffering from Post-Traumatic Stress Disorder (PTSD) and anxiety was tagged for over three months. All her requests to remove the tag were largely ignored and eventually she started exhibiting high blood pressure and severe chest pain, and was consequently admitted to the hospital. The information was once again passed on to the authorities, who eventually acknowledged her medical note and agreed to lift the EM condition. According to a Primary Care Trust practitioner, Dr McDonald, the Home Office decision-making (or lack of) is ill-informed and problematic. He explained:

... [Home Office] have always hesitated to accept sick notes ... and there are cases where they have actively discriminated between physical and mental health. They will phone up or fax to say that: ‘you have sent us this letter and we cannot accept. However, if you write a sick note outlining a physical illness then we “might” be able to consider that’. I had to write to the management saying that you are discriminating and frankly speaking this is on false premises and dodgy grounds ... Now all this only takes place when they choose to reply to the sick notes or letters that we write.

(Interview with Dr McDonald)

Such practices indicate a strong reluctance amongst officials to accept mental health as a genuine condition and treat it as a ‘get out clause’. The medical sick-notes were also ignored on the false premise that mental health and psychiatric issues can only be treated by the psychiatrists in secondary care, and

immigration case workers, monitoring officers and private security staff frequently demanded specialist reports. While secondary care is necessary in acute cases, the National Health Service has a series of guidelines for referrals to the secondary care. Also, the referral process can be time consuming and until then the patient is often looked after by a general practitioner. The authorities frequently challenged general practitioners' sick notes and this was repeatedly observed during the fieldwork. Therefore, Dr McDonald was asked the following during the interview:

M: Do you think that your status as a Primary Care Doctor makes it difficult to get the message across that a patient is facing mental health issues?

Dr M: Yes, all the time. Quite often they say 'why haven't you referred them to a psychiatrist', and I go back and say that management of post-traumatic stress is within primary care and it is appropriate for me to be managing people in primary care ... We have at any one time here about 150 patients with PTSD on DSM-IV-TR criteria. We are very stringent about the diagnosis ... and on occasions we also refer cases to trauma focused psychological treatments ... If you look at the guidelines and criteria of managing PTSD, it is ideally in the community. I've gone back to the officials and have said this on several occasions.

M: So, do they consider your sick note after that explanation?

Dr M: Well, it is random really, sometimes they do, sometimes they don't. It is very inconsistent. It is very frustrating ... There doesn't seem to be any consistent policy on what they accept, who they accept it from. It sometimes depends on the individual case worker; at times

on a particular [private security] employee ... Sometimes it feels as if you are running in circles.⁷¹ It is very frustrating!

(Interview with Dr McDonald)

It was noted that increase in the severity and visibility of health breakdowns led to authorities treating individual sicknesses as ‘genuine’. Another practitioner, a charity social worker called Anita, emphasised that: ‘*you literally have to be on the deaths door to prove you are sick and honest*’. Since the focus is on enforcement and controls, the racialised bodies whose suffering is not ‘visible’ or ‘serious enough’ often gets ignored by the bureaucrats – who have already been granted the permission to be cruel by the British state.⁷²

The impact of being placed under constant watch

Those tagged often felt their privacy and space had been invaded, and their homes and every living moment became subjected to the gaze of surveillance. Participants explained this in various ways – for instance, during a repeat interview, Rizwan mentioned: ‘this is me, and this is [pointing at the tag] my “friend” Home Office’. Whereas, an asylum-seeking woman called Gracie said: ‘... anything I do – sleep, eat or cry – it is there on me like a dirty ghost’. Similarly, another individual called Ali from Iran, who was given accommodation support by the Home Office and relocated to an area away from his social network, explained the suffocating feeling of being constantly watched and perceived as a ‘dangerous’ (non-white) person in public spaces:

Rather animals are better off. I can’t play football or go to the gym... Every time I sit some where I have to check 100 times that no one can see it. The minute I sit on a chair, I look down several times just to make sure that it is not visible to the people

... when people look at it, they look at my face. I know they must think I am dirty or dangerous person. Sometime they look angry, other times they just look at this [tag] and walk away ... I can't sleep very well during nights, I am tired of this shit.

(Interview with Ali)

Ali explained that he served time in prison and was consequently released, and therefore should be treated as a former offender and not a 'criminal for life'.⁷³ According to him, the punishment should have ended with the completion of prison term. Just as other participants, Ali explicitly rejected the label of 'criminal'. He also repeatedly highlighted the sheer injustice of disproportionate custodial sanction for an immigration breach. At the time of his first interview, Ali was tagged for 10 months (and tagging lasted for *eighteen months* in total). The final decision on his asylum case had not yet been made and he continued to live in uncertainty and limbo. The curfew hours were making it impossible for him to lead a normal and stable life. Ali stated that not only were his requests to remove the tag and ease the curfew conditions ignored, but every attempt was made by the system to keep him excluded and isolated:

Immigration people did not even reply back to my GP and he has written to them more than seven times requesting to remove the tag... I have been to the GP and hospital *so many times* [emphasis added by participant]. Wait – see this [showing a file containing medical evidence and doctor notes] ... I wanted to get enrolled at the college and college told me that because you have Section 4 support you can enrol for free. I requested them [it was unclear whether participant was referring to Home Office or EM officers or both] to change my tag times ... so that I can be at college on time. They told me 'why? Who asked you to study? Who told

you about the course? You are not allowed to study! You have to pay for it!’... College people came to know about my prison sentence and this tag ... College people thought I was a dangerous person ... and they took my ID card away. I explained them and told them everything about what happened to me [migratory history, asylum case rejection, attempting to escape UK with false documents and getting caught and prosecuted] ... and I am not a terrorist. Then the head said that ‘you will study here’ and trusted me. However, Home Office did not change the tag timing. Every day I go 45minutes late and my tutor is very kind and helpful.

(Interview with Ali)

The system placed the participants under constant surveillance without giving any serious consideration to their needs or potential health-risks. For Justine, prison and EM had caused profound emotional damage and also affected her relationship with her son (who turned three years of age while she was serving a prison sentence). While the curfew hours were not so much of a concern for her, it was the fear of her device becoming visible as well as the feeling of confinement that made it difficult to carry on with her parenting duties. Justine spent seven months in prison for an immigration offence and her son Kenneth was taken into foster care. On release, she was desperate to re-connect with the child, but felt obstructed due to poor mental health. To make the condition worse, the events leading to her release from the prison made her paranoid and anxious about becoming separated from her child a second time. She said:

... because he [Kenneth] did not answer when people called his name, social workers asked me ‘is he your child?’... they said ‘where did you born the child’, I told them ‘I born the child here’. Then they asked me: ‘what is the name of your midwife? which

hospital did you give birth?'. Why you ask me so many questions, I said ... then they did DNA test ... then they took the result to the court and gave me the child after twenty days of release ... the XX [EM contracting company] just walked in one day and said Home Office has asked to tag me and they did it ... if I hear even a little sound in the morning, I feel that police is coming to arrest me again. I can't sleep ... I can't take my child in the park, I can't take him for swimming like other mummies do ... I can't sit like that. People just think 'is she a criminal?' You know my tag is from 8-10 in the night and 6-8 in the morning ... if I want to run, I can run away between morning and night. But what's the point? My case is still pending .. even when I go out, I just want to get home. I just don't feel like staying out much.

(Interview with Justine)

The Home Office maintains that it safeguards and promotes the welfare of children, and while children are not subjected to EM, the tagging of family members has an equally damaging impact on their development and well-being. Justine stated that she had gotten used to living the prison life and suffered from a constant feeling of oppression. The EM made it difficult to overcome the institutionalised personality, which had started to affect her son. A child support worker had accompanied Justine for two research interviews, and she mentioned Kenneth's learning difficulties and rapid behavioural changes, and that he was referred to a specialist paediatrician for a detailed medical assessment. In cases such as Justine's, the imposition of monitoring may fail to pass the test of necessity and proportionality, as she was a low flight risk and parent to a young child. It was also noted that the tag did not 'deter' her from

absconding, since she was more likely to benefit from complying with authorities while her case was being processed (and it did not deter other participants either for exactly the same reason).

Conclusion: resisting surveillance

All the above narratives and experiences of participants have shed light on the sheer impact and violence inflicted through EM surveillance. However, individuals were not passive and rather actively resisted such coercive measures.⁷⁴ Some approached the elected Member of Parliament in their area, either on their own or through gathering support (and accompanied by Church authorities, charity social workers, doctors and other individuals in authoritative positions), and demanded the removal of EM. Some frequently delivered speeches at events and raised awareness of the practice, and called for solidarity and support. One of the interviewees was in the process of suing the Home Office and seeking compensation for the harms caused due to the imposition of monitoring and curfew. Whereas, during a repeat interview, Ali mentioned his intention to go on a hunger strike to protest against the monitoring, as follows:

M: Do you not think a hunger strike is an extreme step?

A: No, not really. If I die, I will die with dignity ... I will die fighting for freedom. You know in my country people are killed for having an opinion, they are killed because they want freedom. I come here thinking I am free, but look at this thing [pointing towards the tag]. I feel like a prisoner in my own body. I go anywhere, this thing follows me.

M: Have you spoken to your doctor?

A: I asked him to assess my mental health condition before I go on strike ... so that they don't take me to psychiatric unit ... I am taking my medicine. But this is not because of depression, this is because of frustration ... My doctor recently wrote to the Home Office [Note: The final three lines of the letter clearly mentioned that mental distress caused by the tag was too much for the patient. The doctor also mentioned that he had written several letters in past and was 'upset with the lack of response from the Home Office] ... Just to make sure that doctor does not force me into psychiatric unit – I will listen to him and take multivitamin to protect my liver and kidneys. Doctor cannot force me to eat ... It is not a suicide – it is a fight for freedom!

(Interview with Ali)

Those subjected to coercive state surveillance and controls have resisted the practices by speaking in various ways and engaging in (desperate) acts of dissent. This includes suicide attempts, escapes, hunger strikes, mutilating fingers to avoid biometric detection and so on.⁷⁵⁷⁶ It is important for researchers to identify and document such acts wherever possible, and at the same time, highlight the psychological violence of surveillance and controls, and in the process confront state racism and white supremacy. A few weeks after the interview, Ali embarked on a hunger strike and made it clear that the strike was a last resort to free his body from the constant gaze of surveillance, dehumanisation and racial entrapment by a sadistic state. The doctor kept in touch with him via phone. The strike lasted for around a week and he was consequently hospitalised. Approximately one month after the strike ended, Ali was released from monitoring.

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