

CONCLUSION



This book aims to provide insights into how deportation and deportability translate into social reality and how it impacts upon the lives of those whom it affects the most. It shows that the experience of deportation cannot be looked at in isolation – it is part of a wider process that entails state surveillance and control, chronic uncertainty and limited scope for political action. Three key elements have emerged from this examination: that deportation is a process, not an event; that deportability is lived as a legal category, a socio-political condition and as a state of mind (De Genova 2002; Willen 2007); and that deportation affects and reshapes perceptions of justice and entitlement. Whilst not speaking directly to the issue of the moral or political justification for deportation as a policy, these elements have implications for the way deportation is viewed by academia and others directly involved in it. This chapter re-examines each of these three elements before reflecting on the wider significance of this anthropological study of the removal process.

Deportation as a Process

As noted in the Introduction to this book, deportation studies are a growing field of enquiry within and beyond the discipline of anthropology. This study is located at a juncture often overlooked: the intersection between deportation and deportability, that is, the stage when the state has already wielded its power in seeking to deport someone, but is not yet able to remove the unwanted migrant who is appealing against deportation. This is a stage wrought with uncertainty and the suspension of lives, where migrants' deportability is not experienced in relation to illegality, as before criminal conviction most were living legally in UK for a number of years. As such, most research participants did not experience living in fear of being caught

by immigration officials prior to their first time in detention. Their deportability was nevertheless an embodied experience, one expressed not in relation to 'being caught' but in appealing at the Asylum and Immigration Tribunal (AIT) and performing a good case, in complying with state orders and enduring uncertainty. In this sense, deportation was experienced as a process, not as an event.

The findings presented in this book suggest that for research participants, whether 1.5 or first-generation migrants, deportation is tantamount to exile. The way they see it, they are being banished from their residence of choice. They are being removed not just from their homes and families but also from the lives they have built and the future lives that they had planned. Considering departure from the UK as an alternative to deportation was presented as a coping strategy, one that prevented research participants from directly facing a dreaded reality and allowed them to focus instead on better futures. It is also testament to the fact that, for research participants, deportation meant above all 'leaving the UK', rather than 'returning home', again reinforcing the parallel between deportation and exile.

The narratives of deportation present in the previous chapters also highlight how the interruption of migrants' existence in the UK is affected long before their actual removal from the territory. It is a process developing from the embodiment of their deportability, as their present and future lives become suspended by the threat of expulsion from their residence of choice. Unwanted in their country of residence, prevented from working and supporting their families and feeling responsible for the impact of their own deportability on their relatives, the everyday lives of research participants became marked with extreme nervousness, anxiety, irritation, guilt, fear, anger and suspicion.

Their lives became suspended from the moment they realised exactly what it meant to receive notice of deportation. They become absent, not when they leave UK soil through removal, but long before through their deportability – their absence is not an event, but a process that develops through the embodiment of their deportability and ensuing chronic stress and long-term uncertainty. Enduring uncertainty is extremely tiring and exhausting. In enduring it, appellants and relatives navigate the legal appeals system in the hope that it will bring a positive outcome. As long-term waiting produces an intense desire for closure (be it deportation or leave to remain), migrants feel their will to endure dwindling. Yet even George, who claimed he could not take another period in detention (see Chapter 3),

has found the strength and will to endure not one but two more episodes of detention since his last interview with me.

The experience of deportation cannot be separated from the experience of state surveillance over deportable migrants – they are intertwined and embedded in each other. Migrants find themselves in detention or in queues to report due to their deportability. Foreign-national offenders are thus not just imprisoned and deported. Between one and the other they are often stripped of their right to work (and to support their families), to travel and even of their freedom of movement when placed under detention. Between imprisonment and deportation, migrants and their families live in limbo, their lives unsettled, ungrounded and uncertain. Family members are not just affected by the prospect of family separation. They are involved in the making of the appeal, they provide statements and attend court hearings whether or not they are giving evidence. They take on the migrant's tasks and roles when they are in detention, and together they share the material and emotional burden of the deportation process.

Living the Law

A second key element highlighted in this book is how, in the course of their deportation, research participants began considering themselves as 'rights-bearing subjects' (see Peutz 2007). Whereas prior to conviction the family was seen as a social and personal matter involving personal choices and social relationships, they now take family life as a human right, as something they are entitled to in international law. Finding themselves embroiled in the legal processes, migrants soon learn the importance of 'learning the law', of understanding as much as possible how they can appeal against deportation, what is going on in their cases and how to better their chances. For many, 'learning the law' translates into 'speaking the law' – they have appropriated a rule-oriented narrative for their case, often sounding like legal caseworkers. They do so without discarding a relational orientation that is structured nevertheless within a framework of rights and entitlement. This is particularly evident in the efforts appellants deployed in making their cases and in their own understandings and readings of procedures. Appellants may adopt a rule-oriented approach in court (see Conley and O'Barr 1990), but they still read the faces of immigration judges to infer what the determination will be, and they still

perceive as unreasonable the idea that ‘broken’ families have better chances than traditional family units (see Chapter 2).

Furthermore, both appellants and their families emphasise getting legal representation from someone who cares for them and knows them well, much the same way that the importance of voicing regrets and concerns in court – and being heard – is seen as a vital element in their efforts to make the tribunal see that they are sincere and deserving of a second chance. That appellants feel a need to be seen as persons, and not merely appellants and/or offenders, by both their legal representatives and the AIT is testament to their relational orientation.

In adopting or furthering behaviour and activities that strengthen their cases and in complying with their conditions of bail, appellants are also ‘living the law’ in some sense – they bear the impact of deportation policies on them but also live their lives in accordance with their cases and the restrictions set on them by the Home Office, and experience on a daily basis the anxiety, uncertainty and distress attached to their case and their will to stay.

Deportation is thus a state of mind as much as a legal procedure, where embodied experiences pervade everyday life and impact upon their sense of time and space, social relations and sense of self (cf. Willen 2007). In his discussion of border politics, Khosravi (2011) addresses the process of making borders out of people. As states reinforce border control and implement increasingly restrictive migration policies, unwanted migrants are excluded, penalised and regulated. They are forced to live with immobility through detention or reporting, the pervading threat of deportation, and racialised border controls. Through these everyday experiences, the border is dislocated from its geographical and political spaces: ‘undesirable people are not expelled by the border, they are forced to be the border’ (Khosravi 2011: 99). As this book shows, deportability intrudes on migrants’ lives in pervasive and overpowering ways. My research participants may not feel that they are the border as such, but they do nevertheless feel the border in their everyday lives: when they cannot work, when they cannot enrol at university because they cannot afford overseas fees and are no longer entitled to home fees, when they report to the UK Border Agency (UKBA), when they are detained, when they cannot join their families on holiday, when they cannot provide for their families, when they meet with their legal representatives, when they are in court. Furthermore, they feel the border every time they spot white vans, hear the sound of keys or of aeroplanes going by, and when the post comes through the door.

The Right to Stay

This book also reveals how deportation affects and reshapes perceptions of justice and entitlement. I have shown, for instance, how migrants feel they are being punished for having successful family units, which hinder their appeal; how conditions of bail and forms of state surveillance are also taken as punishments for wanting to stay; how they feel it is not right that they cannot appeal against deportation on their own merit but must involve their families in the process; how the strong element of arbitrariness in appeals (in particular bail applications) reinforces their vulnerability; and how they feel rehabilitated and deserving of a second chance that is denied them.

In the UK, migrants' deportability is a direct consequence of their criminal convictions, for which they have already been punished with custodial sentences. As much as deportation and related state practices of surveillance are justified at the policy level as administrative practices, they are nevertheless experienced as (undeserved) consecutive punishments. The feeling research participants had that wrong was being done to them, and that there was little to protect them from it, should not be underestimated. It instilled in them a consuming sense of vulnerability, powerlessness and injustice. This is exacerbated by the lack of public support towards them, as foreign-national offenders.

I have shown in Chapters 3 and 5 how migrants consider the policies of deportation legitimate, contesting only that these are so broadly applied (as opposed to being restricted to serious repeat offenders and terrorists) and how, in parallel, none could conceive of a reasonable justification for detaining people or submitting them to continual reporting appointments. The same process that has made them aware of themselves as subjects of rights has also made them feel deprived of humanity and of those rights. I have shown how surveillance narratives in particular were marked by concerns that detainees were no longer people – 'they were just there', to put it in George's words. This was counterbalanced with constant reassertions that migrants and detainees are in fact people, with their own history, regrets, hopes and ambitions. Fischer (2015) argued that it is of concern when we reach a point where it is not the political agency or identity of migrants that is being reclaimed, but rather their human essence. In fact, migrants' human essence is reclaimed not just in narratives of surveillance but also in their court narratives where emphasis was placed on being seen as a person, not just as an appellant and offender. I have shown in Chapter 2 how

this was vital in migrants' understandings of the appeal hearing, where the perception of a fair hearing was not determined by its outcome (whether the appeal was allowed or denied) but rather by its process. Particularly important for migrants in this sense was whether they not only had a chance to voice their concerns and anxieties, hopes and regrets, but also, and most importantly, a chance of actually being heard.

Living in a liberal democracy, this was hardly an experience migrants were expecting. Prior to deportation, they believed Britain to be protective of human rights and devoted to justice. The experience of deportation and deportability has impacted greatly on migrants' perceptions of the UK as a country of opportunities and protection. They felt disenchanted with the UK to the extent that, even if the appeal was allowed and they were able to remain, many were now reconsidering their long-term residency in the country (see Chapter 4).

As Coutin argues, 'the stripping away of a prior legal identity is a violent act' (Coutin 2010: 205). Most migrants participating in this research project had leave to remain prior to conviction, and they felt that their criminal conviction in particular was not serious enough to warrant the cancellation of their right to reside in the UK. Although acknowledging that a criminal offence is a serious matter, migrants also emphasised their conduct as good, working, tax-paying residents prior to conviction, and their conduct following release from prison, as testament that their record as residents in the UK should not be reduced to the particular moment of their criminal conviction (cf. Stumpf 2011).

Narratives of belonging were seldom reported though. Rather, what was present was a strong sense of entitlement to reside in the UK, not only framed within the 'good citizen' arguments above but also through having their lives and families established in the country, through thriving and having successfully built a life despite the many difficulties faced upon arrival, and through having had a legal identity before – of having been worthy of an existence in the UK prior to conviction. Their narratives were focused both on their rejection as a danger to society, and a constant reinforcement that they were acting as good citizens prior to their conviction, and after release. Experiences and feelings of belonging or identification with British ways of being and seeing and of shared values were not present in these narratives. Maria and Samuel were the only exceptions to this, as they had arrived in the UK under the age of five and the UK was the only reality they knew – as Maria said, 'everything

that is relative to who I am, is going to be left here'. Research participants also felt entitled to remain in the UK because they rejected the notion that they were a threat to society, and hence, as shown in Chapter 5, they were not resisting policies of deportation, which they agreed with, but through compliance they were resisting the very notion that they themselves were a danger to the public and hence had no entitlement to stay. They also strongly felt the weight of their new label as 'offenders' undeserving of second chances. As Maria said, 'When does a person stop being an ex-offender? I mean, please, somebody let me know. How many good deeds do I have to do to make up for my one bad deed?'

As seen in Chapter 5, research participants resist deportation by acknowledging and accepting state power over them. While they consider the power to deport to be legitimate, they do not consider legitimate the restrictions and control ensuing from deportation because they see them as strategies for rendering their lives impossible to the point of agreeing to leave the country. Yet, the threat of deportation and detention, and the imposition of reporting appointments, also work to discipline them. Defiance of reporting, as seen in Chapter 5, was seldom enacted and often short lived, but the disciplining effect goes beyond lack of defiance. When combined with migrants' own perceptions on deportation it leads to compliance with state orders and seriously disciplined bodies. I have mentioned that research participants were in favour of deportation policies, contesting only their broad applicability (as in, they should be restricted to serious offences like terrorism, rape, murder) or the unsatisfying consideration of the merits of their own cases. In particular, migrants contested the notion that they are a danger to society. They see the harsh living conditions of deportability and conditions of bail as a trap to make them fail and turn to crime, rendering them ever more deportable. They thus resist that goal by complying with state restrictions and control and not agreeing to removal. It is important too to remember here the high stakes for migrants: deportation will mean family separation and the end of all they have accomplished since their arrival in the UK. By complying with state orders and performing a good legal case, they are able to fight to stay and resist the notion that their deportation is in the best interest of British society. It is thus precisely the punitive effect of such practices in inducing intolerable living conditions in a situation where migrants have a high stake in wanting to stay that works as an incredibly successful disciplinary tool. Arguing that compliance can be a form of resistance reveals how resistance

is linked to perceptions of legitimacy and how it can be acted in counter-intuitive ways even when political action is seriously constrained. In complying with state orders that research participants consider illegitimate, they seek to earn once more their right to stay.

Beyond an Ethnography of Deportation

The findings presented in this book, and summarised above, elucidate both the period of uncertainty and the experience of anxiety that is lived by both appellants and their families while deportation is being appealed at the AIT, and its impact on their perceptions of justice. These elements have significant implications for the way deportation is viewed, by academia, and also by those – judges, lawyers, NGO workers, human rights activists, family members, and deportees themselves – directly involved in it. Of particular relevance is a need for further debate on legal interpretations of what disruption to family life entails. This book has emphasised that for research participants the disruption of family life runs deeper than the AIT envisages, as not one appellant considered relocating their family outside the UK (see Chapter 4), and in fact none did relocate the family. For all, deportation meant family separation, or even termination.

Chapter 2, on experiences of appeal hearings, highlights some central findings. For judges in immigration proceedings, it reveals the importance to appellants of being heard in court and how perceiving the panel of judges as interested in what they have to say is vital for both appellants and their families when giving evidence. Providing a relaxed atmosphere when the case is examined, in opposition to only enquiring into facts that justify deportation, was vital for research participants' perceptions of being given a fair chance even when the appeal was dismissed. For legal representatives, the findings show how important it is for appellants and family members to know what to expect and to feel prepared. Whereas it is clear that legal representatives cannot coach their witnesses, they may ease their anxiety and facilitate their experiences by letting the appellant and other witnesses know how the hearing will proceed and informing them that the Home Office Presenting Officer (HOPO) may cross-examine them in a hostile manner.

This book also underlines the importance of making clear to foreign nationals that they are deportable even if they have leave to remain in order to eliminate the element of surprise and, in

particular, of ensuring that foreign nationals understand the immigration consequences of a guilty plea on a criminal charge. This is particularly relevant both to legal representatives and migrant support groups who are well positioned to inform migrants about this.

The findings presented throughout this book, and in particular in Chapter 5, suggest that foreign national offenders have conflicting notions about their removal and their 'right' to protest and campaign against it. This is of particular relevance to Anti-deportation Campaign (ADC) support groups. Emphasising, especially in their written materials, their desire to assist foreign-national offenders in campaigning against their deportation and helping them in their fight to stay may in itself be much needed encouragement. ADC support groups are unlikely to change their premises, which as seen in Chapter 5 are incompatible with the way research participants understood their own removal. Yet, reinforcing their right to campaign alongside other deportable migrants might challenge foreign-national offenders to rethink the exceptionality of their own deportation, and re-assess its accountability. Understanding how foreign-national offenders perceive their own deportation may assist ADC support groups in devising other means of catering to this segment of the deportable population and showing their support.

With reference to the above summarised points, the present work contributes to the academic as well as wider debate about deportation and its consequences 'on the ground'. Yet, this book, with its inevitable limits in scope, could only address a cluster of aspects associated with this. In fact it exposes a number of additional areas of research that to date remain under-explored. One such area concerns the long-term effects of winning an appeal and being allowed to stay in the UK. Here my two respondents in this position already show an interesting pattern of heightened awareness of their deportability. Closure was certainly the end of extreme uncertainty for Hamid and Samuel, whose appeals were allowed. Even so, their deportation experiences have made them all too aware that their lives in the UK are not to be taken for granted. In our last interviews, they both stated feeling vulnerable to deportation even though they now had leave to remain. Their deportation experience made them realise that they are in fact deportable. Samuel told me how he was a man of peace, but what if something happened and he was caught up in a fight and accused of assault? The end of the deportation process meant that both Hamid and Samuel could move on

with their lives, but obtaining citizenship to secure their stay in the UK was now a significant concern. Of relevance here would be a further examination of the legacy of deportation for those who won their appeals and 'recovered' their leave to remain. Another related point concerns the post-deportation experiences of both appellants whose appeals were dismissed and their relatives who remained in the UK after their deportation. The end of the deportation process is far from being the moment of closure that research participants longed for. For Tania, Louise, George and Andre, closure did not mean the end of uncertainty. Whereas they, or their relatives, have left the UK, they all seek to return and their lives are now structured around that eventuality.

In a scenario where foreign-national offenders are increasingly subjected to deportation and related practices of state surveillance after serving prison sentences, it becomes relevant to examine the impact that these policies are having on the ground. In this book I have examined how people responded to policies of deportation, and how these are interpreted, understood and experienced. However, my research was limited by time and funding considerations which resulted in difficulties in obtaining access to certain locations and groups of people. It is thus limited to a specific segment of foreign-national offenders – those who were appealing against their deportation; a particular moment in the deportation process – that of appealing against deportation; and a particular geographical location – London.

This book has not addressed deportation from the point of view of the state and the institutions and officials working on its behalf, nor did it focus on public perceptions and the media. Equally important to future studies of deportation in the UK is a thorough examination of the processes that constructed, and maintain, foreign-national offenders as a danger to society that can only be addressed through immigration policy. Looking at strategies of control and governance at sites of immigration control (the Home Office, UKBA, AIT, IRCs, reporting centres and so on) is likely to offer a better understanding of the processes that produce securitised border controls. The work of Alexandra Hall (2012) on the daily operation of a detention centre in the UK reveals the value of such approaches. Of interest too would be an examination of the circumstances, experiences and decision-making processes of those foreign-national offenders who chose not to appeal against their deportation and were thus deported from or left the UK under the Early Removal Scheme (ERS) and Facilitated Removal Scheme (FRS).

An Anthropological Study of Removal

In 2006, Peutz made a call for an anthropology of removal, that is, an anthropology that would ‘make its contribution to the endless but vital interrogation of the “natural” order of things’ (Peutz 2006: 231). Anthropologists, in her words, ‘are well placed for locating deportees, witnessing their ordeal, and finally, translating their narratives for an audience of citizens who may not view these punishments as arbitrary’ (Peutz 2006: 231). Such ethnographies, or translations as Peutz calls them, can reveal how deportation goes beyond the removal of individuals from one nation to another, how it is lived continuously.

Yet ethnographies of removal present a methodological and epistemological challenge to anthropology. Not only are deportees hard to locate and deportation sites difficult to access, as Peutz herself admits, but the nature of this phenomenon means that often there is little available to observe and participate in. In the Introduction to the book I detailed how I had to expand the boundaries of the field in order to both identify and access foreign-national offenders and to obtain data about the institutional sites that form part of their experiences. Studying a phenomenon where participant observation was not viable demanded a creative use of a combination of different methods and positionalities that allowed me to reach the kind of insights that participant observation traditionally offers. Yet, as I explored in the Introduction, the study of non-spatially bounded social phenomena is being increasingly better addressed within anthropology, as well as other disciplinary fields.

Answering the call for anthropological examinations of removal, this book set out to examine the experiences of deportation and the deportability of migrants convicted of a criminal offence in Britain. Empirically, its original contribution lies in the case study examined, that of foreign-national offenders in the UK, seldom explored before, and its particular location within the deportation process – the point when the state has acted to remove a particular migrant but is not yet able to do so – which has highlighted that deportation is a long and distressing process, even before removal takes place. Furthermore, in not limiting my research and analysis to deportable migrants but including their close relatives, I have also emphasised how deportation and deportability affects the whole family, even if they are British citizens and thus protected from deportation themselves. Overall, this book portrays deportation as a process that develops from the embodiment of migrants deportability while their present and future

lives become suspended by the threat of expulsion from their chosen country of residence.

As migration is increasingly tied to security concerns (Bigo 2008; Guild 2009; Inda 2013), it would perhaps make sense to end by asking whose security is being served by deportation policies. In this book I have sought not so much to answer this question as to formulate why we need to ask it and why it is important to reflect more on it. Despite its dubious effectiveness both in managing migration and protecting national security, deportation has come to be regarded as the unavoidable way of dealing with those foreign nationals who are deemed unwanted. This is so not just the case in the UK but also in an ever increasing number of countries across the globe (see Aas and Bosworth 2013; Anderson, Gibney and Paoletti 2012; De Genova and Peutz 2010). I have examined here how security concerns and the state's control of migration translate into migrants' everyday lives, affecting their sense of self and instilling in them an overriding sense of vulnerability. The deportation narratives presented here are illustrative of how those who are deemed a threat to security and hence are subject to surveillance and banishment constantly feel vulnerable and in need of protection, and how their sense of security is affected by such policies.

In her study of cultures of immigration detention in the UK, Hall argues that detention is not operationalised as the answer to a problem of border control, such as illegality. Rather, through detention the government has an effective tool 'through which individuals and mobile populations become managed as illegal, undesirable or threatening' (Hall 2012: 7). Much the same way, this book suggests that discourses of security in the context of deportation policies in the UK have been successful not in addressing a threat to security but in producing and managing the category of foreign-national offenders as dangerous to the public. This segment of the population has thus come to be understood as a threat to security and governed accordingly (cf. Bigo 2008). The policy imperatives to deportation are far from tested and call for further discussion, if not questioning.