



**Abject Asylum: Degradation and the Deliberate Infliction of Harm against Refugees in Britain**

Author(s): Victoria Canning

Source: *Justice, Power and Resistance* Volume 3, Number 1 (March, 2019) pp. 37-60.

Published by EG Press Limited on behalf of the European Group for the Study of Deviancy and Social Control electronically July 2020

URL: <http://www.egpress.org/papers/abject-asylum-degradation-and-deliberate-infliction-harm-against-refugees-britain>

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## Abject Asylum: Degradation and the Deliberate Infliction of Harm against Refugees in Britain

Victoria Canning<sup>1</sup>

### Abstract

*The prospect of gaining refugee status in the United Kingdom is ever diminishing for people seeking sanctuary in Europe. The long term agendas of dualistically offshoring border controls and embedding bureaucratic barriers to gaining refugee status within British borders has narrowed the scope for safe passage and asylum. They have bolstered a spatial and temporal limbo which grinds at the wellbeing of refugee populations. This article draws a zemiological focus to argue that, rather than bi-products of a failing system, the outcomes of such practices are deliberate inflictions of harm in a system designed to ostracise, isolate and Other. Drawing from interviews and oral history in Britain, three key harms are unpacked: autonomy harms; relational harms; and temporal harms. By taking a social harm perspective, and naming deliberate inflictions as such, we gain potential for creating a language that mirrors the reality of everyday harms in asylum, thus finding collaborative ways to mitigate these.*

**Key words:** Borders, Harm, Women, Asylum, Violence

### Introduction

I've committed a crime of seeking protection in this country at the age of 18. I'll be 26 soon. So I have spent the most important stage of my age while completing the sentence of this sin. So even if I get status I'll still be a refugee for next five years. If life is all about running after papers... I don't wanna spend my rest of life to run after this fucking shit. Where I don't have meaningful life at all... I don't want this kind of protection. Not more than a prison. (Amina, survivor of trafficking, England, 2018).

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<sup>1</sup> Victoria Canning is Senior Lecturer in Criminology at the University of Bristol, co-coordinator of the European Group for the Study of Deviance and Social Control, trustee at Statewatch, and an associate director at Oxford's Border Criminologies. She has spent over a decade working on the rights of women seeking asylum, specifically on support for survivors of sexual violence and torture. Vicky is author of *Gendered Harm and Structural Violence in the British Asylum System* and acted as consultant on the documentary series *Exodus: Our Journey to Europe*.

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As the ongoing crisis in global responses to migration has escalated, so too has the study of border controls and crimmigration (Stumpf, 2006; 2015). Now more than ever, criminological analyses of the impacts of illegalisation have shone light on the correlations between border militarisation, unsafe passage, and border related deaths or harm (Andersson, 2014; Weber and Pickering, 2011). Significant focus has been placed on arbitrary confinement in Immigration Removal Centres; increased imprisonment of foreign nationals in various European countries; the increase in border surveillance and control; and the non-adherence to rights-based agendas where migrants (illegalised or otherwise) have been concerned (Bhatia, 2015; Bosworth and Turnbull, 2015; Hasselberg, 2016; Khosravi, 2018a; Turnbull, 2018; Webber, 2012).

These have been important developments, offering timely critical analyses of controversial and indeed highly problematic practices. Within the proliferation of research has been a marginal but important focus on the everydayness of life in detention (Bosworth, 2014) and the impacts of controls on migrant populations more broadly. Interestingly, however, zemiological concerns regarding the infliction of harm, and everyday experiences thereof, are less developed.

This article thus moves the focus of studying immigration and asylum in Britain away from discourses of crime, and toward the concept of social harm. Since 'crime' is a construct which requires processing through law and criminal justice systems, too vast a space is left for identifying crimes which migrants are subject to. Moreover, and as will be discussed in more depth, although aspects of the asylum system do mirror those which relate to 'crime' (immigration detention, finger printing etc.), the lived reality is more reflective of zemiological concerns, since many such aspects do not actually go through formal criminal justice procedures.

In all, the article draws reflections from over a decade of empirical research and activist academic engagement with people seeking asylum, and specifically addresses findings from a two-year empirical analysis of social harm in the process of seeking asylum. In so doing, it moves away from normative or administrative definitions of individualised forms of crime, and instead trains focus on the micro and meso level impacts of social control, gendered violence, and the embedding of criminalisation of everyday activities in the lives of people seeking asylum generally (Stumpf, 2006; 2015), and the impacts of these on women specifically.

## Social harm as a preferable framework for understanding the social realities of asylum

As Hillyard and Tombs have highlighted (2017), the study of social harm has expanded significantly since their initial efforts to conceptualise it in *Beyond Criminology: Taking Harm Seriously* (2004). The original collection sought to provide a framework within which academic scholars and activists might consider avenues of study in the direction of harm infliction and mitigation, and has since influenced empirical study (Canning, 2017; Pantazis and Pemberton, 2009; Pemberton, 2015) and theoretical development (Cain and Howe, 2008; Copson, 2016; Yar, 2012) in this field.

Considering such proliferations, this article does not aim to revisit lengthy conceptual debates or discussion of what harm is broadly (for this, see Boukli and Kotzé, 2018), since these points are raised elsewhere (Canning, 2018a). Drawing from Hillyard and Tombs, the premise that ‘crime’ excludes many serious harms (2008: 10) is fundamental to both this article and the broader study<sup>2</sup> overall. Whilst concepts of crime and criminalisation are centralised in policy and legislation where immigration is concerned, not all immigrant or in this case specifically, people seeking asylum, understand their lived experience as related to crime. Indeed, crime is often a one-way narrative where immigration is concerned: either in criminalising people for transgressing borders, or creating conditions, such as living in destitution with no right to work, under which people seeking asylum are criminalised for crimes of the powerless. As much research indicates, however, it is often border transgressors themselves who experience significant levels of harm including physical and sexual violence, exploitation, state violence or arbitrary detention and imprisonment, and death at the border (Weber and Pickering, 2011). As such, a move away from limited constructions of crime (Hillyard and Tombs, 2008) arguably facilitates a more accurate understanding of everyday harms in seeking sanctuary.

In previous work, I have focussed in-depth on Hillyard and Tombs’ typology of harms (2004, 19-21), and in particular on emotional and physical harms; sexual harms; and psychological harms in the context of asylum and indeed migratory journeys (Canning, 2017: 67-87). This article, however, aims to further evidence two forms of harm which were highlighted by Hillyard and Tombs (2004; 2008) and expanded upon by Pemberton (2015: 29-31), namely *autonomy harms* and *relational harms*. From this, I conceptualise one

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<sup>2</sup> Entitled Gendered Experiences of Social Harm in Asylum: Exploring State Responses to Persecuted Women in Britain, Denmark and Sweden, grant number ES/NO16718/1.

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additional harm which is in part inherent to the process of seeking asylum, and in part a broadly avoidable infliction: *temporal harms*.

### Methodology

The broad arguments drawn out here stem from multiple projects over a ten year period. Primary empirical data included in this chapter are based on interviews across three periods: reflections from a decade of activist participation and ethnography with women seeking asylum in the North West of England<sup>3</sup> (2008-present); interviews with sexual violence counsellors, psychologists, social workers, medical doctors and general practitioners including a two year ongoing project funded by the Economic and Social Research Council (ESRC) (2008-2011; 2016-2017); and oral histories and focus groups with women seeking asylum during these two periods. Overall the ESRC project (2016-2018) incorporates 74 in-depth semi-structured interviews with psychologists, support workers, border agents, refugee rights activists and other such social actors working with people seeking asylum in Britain<sup>4</sup>, Denmark and Sweden. Twenty of these are in Britain, supplemented with over 500 hours of ethnographic activist research with women seeking asylum during this period. For the purposes of this article, only data from Britain is included so as to facilitate a case study approach (see Flyberg, 2006), in this instance as a means of evidencing the forms of harm identified in depth and in a singular context so that the micro-level implications of harm might be identifiable to others working this area elsewhere.

Interview responses were coded using NVivo 8 and analysed from an interpretive perspective (Mason, 2002), read literally first and then deconstructed in relation to wider literature and the socio-structural and political context from which they responded. Analysis of parts of a woman's oral history included in this article was more complex. Considering the number of recordings and depth and volume of data, linear structure first had to be re-constructed to read the history literally, before applying a dual interpretive analysis from myself and Asma. It is important to note, however, that themes were also informed by the longer-term participation with women seeking asylum, through which I was able to focus on aspects of the process which can otherwise be invisibilised or determined as a 'by-product' of the asylum system. The correlations between women's stories, interviews and organisations I have worked or volunteered with based in this area

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<sup>3</sup> See Canning, 2013; 2017 for further information on this aspect of work, activism and method.

<sup>4</sup> Note that the terms 'Britain' and the 'United Kingdom' are included in this article. The research area did not include Northern Ireland, but the UK is referred to when discussing aspects of border controls and asylum which affect Northern Ireland.

(approximately ten), supplemented with evidence from wider research such as the reports mentioned above, indicates a more concrete set of themes. These are then drawn out through lived experience of borders as projected through oral history with Asma collated between 2016-2018, a woman seeking asylum in the North West of England.

### **False safety in sanctuary: seeking asylum in Britain**

Contrary to popular opinion and media representations (Berry et al, 2015), seeking asylum in the United Kingdom is no easy feat. The neo-colonial landscape of contemporary British borders means that bordering itself is often external to the UK. The externalised boundaries created to control mobility, have gradually intensified, creating an externalised border force I have elsewhere termed *exoborders*<sup>5</sup> (Canning, 2019). Since 2015 the British state pledged £25 million to build a prison in Jamaica for returnees from British prisons, offered an undisclosed amount for a reception centre for Nigerian returnees in Lagos, and made an £80 million offer to commission corporations for the private securitisation of the Calais/Britain border (BBC, 2015; Corporate Watch, 2016). Controls are already in place through visa restrictions and carrier sanctions, meaning people are often unable to physically reach Britain in the first place (see Andersson, 2013; Carr, 2012; Fekete, 2008; Infantino, 2015; Webber, 2012; 2016). This is particularly the case since the late 1980s, cementing both physical and bureaucratic buffer zones between the UK and the rest of Europe in terms of responding to inflows of people seeking asylum (Carr, 2012; Crawley et al, 2016; Infantino, 2015).

The result has been the decrease of non-EU citizens in being able to legally reach the UK. This is perhaps most easily evidenced in the refugee reception crisis of 2015 onward, during which the UK was almost completely unaffected by increased applications for asylum at a time when many of its Northern European neighbours received unprecedented increases in applications, as the following graph indicates<sup>6</sup>:

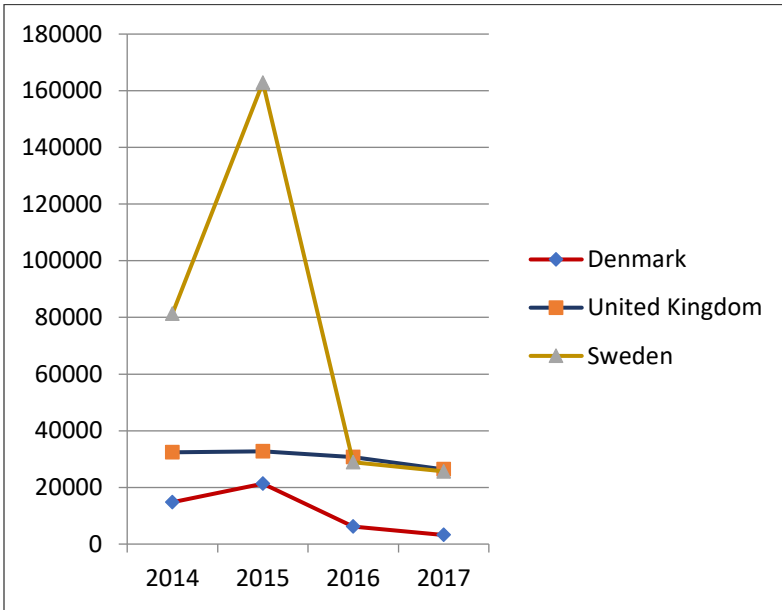
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<sup>5</sup> Paralleling the etymological origins of *zemiology* (from the Greek *zēmia*), I use the term *exoborders* to combine the Greek *éxō* (external or outside of) with borders.

<sup>6</sup> The examples of Denmark, Sweden and the UK are included here as these are the case study focusses of the broader ESRC project (2016-2018).

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**Table 1:** Applications for Asylum in Denmark, Sweden and the UK, 2014-2017<sup>7</sup>:



As we can clearly see, whilst the two comparative examples here - Sweden and Denmark – saw varying degrees of increases in asylum applications in 2015, the UK remained largely unaffected (see also Home Office, 2017). Likewise, the effectiveness of exoborders in creating externalised buffers are evidenced in the sharp reduction in applications in Denmark and Sweden who – like the UK – quickly closed the border between the two countries, as well as Denmark with Germany, in November 2015. In effect, the UK (led by Westminster) had already scaffolded an almost impenetrable defence against potential increases in refugee flows to Europe.

<sup>7</sup> This information is collated from the Refugee Council (2018); Migrationsverket (2018); Clante Bexdixen (2018).

## Autonomy Harms: infantilisation and the internalised border

As has been demonstrated, it is incredibly difficult to actually reach the United Kingdom to seek asylum. If and when people do reach the UK, the micro-level complexities of *endoborders*<sup>8</sup> - the internalised borders based on micro and meso level controls which restrict everyday interactions and civil liberties - are just beginning. Many of the controls that people seeking asylum face in Britain are well documented – finger printing is undertaken at the point of entry; applicants are expected to re-register with the Home Office fortnightly or monthly; and those who are seen to be a ‘flight risk’ may be electronically tagged (Tyler, 2013).

Autonomy is a facet central to liberty, the freedom to make plans or decisions for oneself without sanction. According to Pemberton, autonomy harms ‘result from situations where people experience ‘fundamental disablement’ in relation to their attempts to achieve self-actualisation’ (2015: 29) as well as role-deprivation, or ‘the absence of available opportunities to engage in productive activities’, (ibid). Although difficult to quantify, autonomy harms are central to the overall degradation of people seeking asylum in Britain, reducing the potential for people to make decisions not only about their own futures – of which they are uncertain whilst the claim to asylum is being processed – but in their current and everyday lives.

### *Sanctuary in asylum?*

As Webber documents, for those ‘stuck’ in the British asylum system engaging in ‘normal’ or everyday activities has become ever more difficult (Webber, 2016). Whilst awaiting an asylum decision, or if the decision taken has been a refusal, people are not entitled to work in the UK unless they have been resident or the application has been on-going for more than one year (UK Visas and Immigration, 2014), despite access to employment being a basic human right (Article 23 of the Declaration of Human Rights, 1948). Even then, dependents (most of whom are women and/or children) of the main applicant cannot apply to work. Briscoe and Lavender argue that this further increases social exclusion and ability to integrate (2009) but also ultimately renders individuals state dependent and increases poverty within asylum communities (Burnett and Whyte, 2010).

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<sup>8</sup> As with *exoborders*, *endoborders* parallels the etymological origins of *zemiology* (from the Greek *zēmiá*). I use the term *endoborders* to combine the Greek *endo* (internal or inside of) with *borders*.



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In terms of depriving people seeking asylum the right to work and increasing the likelihood of destitution, the Joint Committee on Human Rights went as far as to say that, ‘the government’s treatment of asylum seekers breaches the Article 3 ECHR (European Convention on Human Rights) threshold of inhuman and degrading treatment’ (2007: 5). In 2018, individuals seeking asylum over the age of 18 were eligible to receive £37.75 per week which amounts to just over £5 per day. This money is to pay for food, clothes, travel and any other expenses. This, alongside reduced opportunities to learn the English language, creates space for autonomy harms where isolation replaces integration for some people. As one social worker reflected regarding an encounter with a man whose case he was supporting,

The gentleman I saw today, he said he’s in a five-four foot room all day long, no television, no activity, nothing at all, doesn’t speak any language, doesn’t wanna talk to anyone because of his sexuality, talk to his people. Basically he’s got nowhere to go because he hasn’t got any money (2016, England).

Here, autonomy over daily freedoms are depleted, an experience that resonates with many people I have spoken with in the asylum system.

Importantly, the small amount of welfare that people do receive is much less than other benefit recipients, and thus cements the idea that people seeking asylum are underserving (Bloch and Schuster, 2005). For example, in 2018, people living as British citizens and receiving Jobseeker’s Allowance received between £57.90 and £73.10 per week. It is also worth noting that although hearings are held in immigration courts across the whole of the UK, all cases will continue to be processed in London until a point at which a fresh claim is made in Liverpool (when all other options are exhausted). Although seemingly a minor detail, applicants who have been refused and receive no asylum support must pay their own travel expenses when attending interviews.

Autonomy over time, travel and even where or what one can eat is structurally reduced. This in itself is a tool for disempowerment, since ‘if you force someone to live with no money, no freedom and no access to a normal life then sometimes you can’t get out of that mindset’ (asylum support co-ordinator, England, 2016).

Alongside the everyday inflictions of autonomy harm, immigration detention sits at the end of a continuum of autonomy harms, where the arbitrary removal of freedom structurally depletes autonomy in a more carceral sense (Bosworth and Turnbull, 2015; Turnbull, 2016), and on a significant scale. The United Kingdom continues to detain more immigrants

than any other Western European country, with numbers detained fluctuating between 27,000 and 33,000 between 2009-2018 (Silverman and Griffiths, 2018). Unlike any other European country, people are held indefinitely, not knowing if and when they might be released once detained (Griffiths, 2014). For people outside of detention, this reality looms as a constant threat, regularly inducing fear when reporting to the Home Office or on receiving official letters and documentation.

### **Relational Harms: Facilitating Abjection and Isolation**

As is evident thus far, the removal of ones' autonomy creates little space to engage in socially meaningful activities, including restricting peoples' capacity to build relationships due to reduced opportunities for social interaction outside of asylum communities – which are themselves a site of transit rather than permanency. As discussed, in the UK, people are not permitted to work whilst their case is ongoing, and access to higher education is almost non-existent. Governmental pushes for people to integrate more readily, or learn skills and English language, are thwarted by the very means within which people otherwise might socially engage. Meanwhile, the rise of far-right ideologies (Fekete, 2018) coupled with anti-immigration sentiment prior to and since the vote for Brexit in 2016 - with which the United Kingdom is on course to exit the European Union in 2019 – has facilitated exacerbations in Islamophobia and xenophobia (Burnett, 2016). As such, and building on this, we move to focus on *relational harms*, the direct or indirect outcome of forced exclusion from social relationships<sup>9</sup> and the harms of misrecognition.

#### *Forced Exclusion from Social Relationships*

Relational harms are strongly connected to emotional harms (see Canning, 2017: 69-82): support networks, friendships and activist involvement are impeded by some of the many barriers people seeking asylum face, and yet each of these can be particularly important for mental and emotional wellbeing (Refugee Women's Strategy Group, 2014). Some of these are, at the surface, inevitable outcomes of migratory journeys in that people fleeing violence, persecution or poverty are inherently taken from immediate networks. Whilst these may not necessarily break down, relationships inevitably change and feelings of loss often still reside, even if the action of migrating was based on a personal decision to do so (Khosravi, 2016).

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<sup>9</sup> For further reading on its counterpart, *harms of misrecognition*, see Canning, 2017: 82-83.

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Relational harms are not necessarily by-products of movement, however, and often relate to policies and processes of migration governance. For example, and as will be highlighted in the context of temporal harm in the following section, the reduction in access to family reunion across almost all European states has worked to keep families separated and/or stuck at borders (Crawley et al, 2016; Turnbull, 2016), increasing the potential for deaths at sea or land when safe passage is no longer available. At the base of this is the desire to hold back increased numbers of people who would seek asylum (a form of bureaucratic *exoborders*) whilst facilitating the breakdown of both familial relationships and individuals' wellbeing.

On a more regional scale, relational harm in the UK is a direct outcome of policies of dispersal and spatial control – in the name of saving money, local councils regularly move people (with little notice) to small towns on spatial peripheries with limited specialist support. As one social worker noted, 'I see most of these people being accommodated in areas that are more rural where there is lack of support and support services that cater for asylum seekers' (England, 2017). Access to friends or family can deplete due to unaffordability or unavailability of transport, as some towns are 'literally in the middle of nowhere, there's no public transport, there's no buses, no trains nearby' (refugee family support co-ordinator, England, 2017).

Herein lies disproportionate gendered implications. For some women with children that I speak to, being moved means involuntary changes of school, or long journeys from new areas. For Zainab it means two bus changes to drop off and pick up her children because, whilst the council did not want to affect the children's study, they took no consideration of their mother having to travel up to three hours per day to ensure they arrived and left safely. For Sanam it is living in an almost all-white area without being able to access halal food or the group that we work with, her community prior to dispersal. Neither is she able to attend Mosque with her friends unless she is able to organise funds from her network there in advance – a difficult feat for a mother of two. I recall a day with Amina – the woman whose words opened this article – when she received a message by text to say that, after nearly two years, she would be moving to a housing complex in a city 30 miles away within the next 48 hours (we were able to collectively stop that one dispersal in advance). But even as a survivor of trafficking, there was no initial regard for her counselling network or what impact diminishing that might have for her mental health. As one sexual violence counsellor<sup>10</sup> also notes, 'finding their own food, food that

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<sup>10</sup> Note that the role of this person to counsel survivors of sexual violence. However, as asylum systems have become more all-encompassing, people who access specialist services often do so with multiple traumas. As psychologists I have interviewed indicate, the harms inherent in the system often become the primary concern for the survivor and as such focussing on past experiences of violence, abuse or

they really want to get hold of, African shops and things like that, it depends where you are, a lot of people are in [names small town in England] now, there's nothing there' (England, 2016). In short, as one asylum rights support worker highlights, 'women typically aren't accessing the town or the city that they live in, that are really isolated, that go from their house just to the food bank or whatever and then home again and then hide in their home and feel unsafe to leave' (England, 2016).

The spatial control of people seeking asylum generally, and women specifically, thus has the capacity to negatively affect their everyday relationships. The banality of borders regularly affects children who are moved between schools through dispersal, as well as facing forms of Othering through policies which restrict their own movement (for example, as I recently saw with two brothers, not being able to travel to another European country as part of a football tournament, even though one had been born in England, and the other had lived there for 10 years). If and when support networks are broken down or isolation is holistically embedded, the potential for facilitating deportation increases, since resistance is reduced. It is here that the sometimes permeable line between *endoborders* and *exoborders* collide, with spatial controls thus inflicting further relational harm as an outcome.

### *Harms of Misrecognition*

Bolstering relational harms is the harms of misrecognition, which 'result from the symbolic injuries that serve to misrepresent the identities of individuals belonging to specific social groups' (Pemberton, 2015: 31). The current Islamophobic climate embedded in pockets of British culture have also arguably affected relations between Muslim immigrants and communities broadly, as well as settled non-Muslim populations who have increasingly been targeted in attacks since the Terror attacks in Paris in 2015. A recent report by *Tell Mama*, an organisation which measures anti-Muslim attacks, showed more than a 300% increase in attacks in the following week in Britain. These were significantly gendered: as The Independent synopsised, 'Most victims of the UK hate crimes were Muslim girls and women aged from 14 to 45 in traditional Islamic dress. The perpetrators were mainly white males aged from 15 to 35' (Wright, 2015).

The limits of understanding social interactions through a criminal justice lens have been illustrated on everyday levels – the times I've seen men mutter at Darfuri women wearing Burqas I have been walking with in Liverpool; the

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torture become secondary to the immediate concerns built by uncertainty and poverty (see Canning, 2016).

woman who arrived at one of our groups asking for a safety alarm because she had been chased from the bus stop and spat at; or even the general feeling of suspicion when driving with women in Hijabs and Burqas and being stared at on every traffic light we stopped at. These processes of Othering are not all criminal, nor are they necessarily violent. However, they are potentially *harmful* in inducing feelings of exclusion, and the extended norm of these forms of Othering is violence and the fear of violence.

In the North West of England, I have regularly been made aware of the informal barriers set for women leaving their homes after dusk in some areas of the city I worked in. On one occasion when we attended an evening fundraiser, only a handful of the group turned up as most women did not feel that they could leave their homes after dark. When I later asked how else this fear might affect the women involved, four women, all of whom are Muslim, told me they did not socialise in the evening in Winter, that they only go to shops during the day, and that the three who had children did not allow them to leave the house out of daylight hours. The verbal abuse they had each experienced had incurred fear of further victimisation, raising barriers to participation in ways that are spatially controlled outside of the direct responsibility of the state, but within ways that are an extension of the normative processes of structural exclusion which are embedded in a post-911 landscape.

### **Temporal Harms: the Stealing of Time<sup>11</sup>**

As has been highlighted so far, however, the point at which someone reaches a perceptively 'safe' country, time ironically becomes marred by unanticipated senses of unsafety. Uncertainty for the future restricts one's capacity to make plans, and the threat of detention and/or deportation remain a central aspect of temporal control. This particular period has the potential to exacerbate feelings of isolation or unbelonging (Yuval-Davis, 2006), and indeed compound earlier trauma or inflict new traumata, since safety and security are recognised as fundamental requirements for emotional and psychological wellbeing (Women's Refugee Commission, 2016). These, I will now argue, are diminished by the structures within which people wait whilst their futures are decided upon.

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<sup>11</sup> This draws from the term 'Stealing Time', a forthcoming edited collection by Monish Bhatia, Shahram Khosravi and myself (due for publication with Palgrave MacMillan, 2019). This is an attempt to firmly conceptualise the meaning of 'temporality' in the context of migration, and – based on evidence developed in work by the three editors – specifically addresses the role of states in diminishing the time – and thus the actual lives – of people who migrate.

### *Contextualising 'waiting' (and its implications)*

Temporality is central to migration. As Melanie Griffiths points out, 'Time is a challenging concept to discuss. It is at risk of meaning both too much and too little, and is simultaneously over-analysed and taken for granted' (2013: 2). For people seeking asylum, time is dualistically a friend and an enemy: for as long as an asylum claim is under review a person can gain a short term sense of safety from whatever it is that one has fled from.

Many aspects of the asylum system take an incredibly long time. Indeed, 'The asylum system itself is often a slow process, one beset with bureaucracy, applications, appeals and judicial hearings' (Griffiths, 2013: 7). At the end of 2015, 26,409 of applications received since April 2006 from main applicants were pending a decision (initial decision, appeal or further review), 15% more than at the end of 2014 (22,974) (Home Office, 2016). Case decisions are often flawed or highly problematic and thus result in lengthy reviews, leaving women and men suspended in a kind of temporal limbo for years at a time. As one asylum support worker highlighted,

I've known people for years. I've been working with people seeking asylum for over five years; people have been seeking, in the same case, for nine years, ten years and on repeated cases and fresh claims and things because errors have been made for up to 15 years, which is ridiculous! So you don't really have a life. The waiting is a huge issue, you're completely in limbo, you haven't got any chance to really make roots and to really make a life, so instead you live in a weird cycle of drop-in centres and advice centres and groups instead of having a real life (England, 2017).

To give a further illustration, in one focus group with five women from four countries in 2014, I asked how long each had been awaiting a final asylum decision. One had been in the asylum system since 2013, one since 2012, one since 2009, one since 2010 and one since 2002. In just one small group, that is an accumulation of 24 years of waiting - hardly conducive to their time, or anyone else's.

### *Time Takes its Toll*

The physical and emotional cost of this time takes its toll. Friendships, skills and relationships can break down or become affected. As the Refugee Women's Strategy Group (2014) have also shown, women can lose their sense

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of self-worth in a system that renders them incapacitated. For some women, the micro-level level impacts of these failures can be disastrous. Some years ago in one of the now defunct activist groups I worked with, one woman who had been refused asylum and was receiving Section 4<sup>12</sup> support for herself and her child, was diagnosed with cancer. Technically, since the support she received entitled her to urgent medical care should have gained her treatment for her aggressive form of cancer. Misinterpreting her rights, and with little guidance, support or access to language interpretation, her health deteriorated rapidly. She died of cancer around three weeks after her diagnosis.

The impact of having an asylum application rejected can be one of the lowest points of an individual's experience of the process. Support organisations often try to find ways to prepare people for refusal in the first instance, for example I have even seen posters stating, 'Only one in four asylum seekers will receive refugee status. Prepare for an alternative'. As a refugee services manager indicated, the impacts of such decisions can also be grave, since 'people's mental health is very much tied up with their asylum claim, and if they go through the whole process thinking they're going to be successful and then they fail, that is a tremendous blow', and considering the flaws highlighted so far, sometimes erroneous. Discussing the impact of incorrect information distribution, a women's HIV support officer relayed one such example,

I have had experiences with case owners who have known the system and have made mistakes and haven't dealt with it... I had someone who tried to commit suicide a couple of months ago who was pregnant, because the discontinuation letter, she didn't get it in time... her case owner said she needed to leave her accommodation, but NASS (National Asylum Support Service<sup>13</sup>) was saying 'no you don't have to leave your accommodation'. She was being pulled back and forth, back and forth. And it was actually the case owner's mistake for not sending the discontinuation letter to her in the first place that got her in the mess that she was in. It resulted in this woman trying to commit suicide. She was eight months pregnant' (England, 2011).

As this indicates, the outcomes of erroneous decisions can be incredibly harmful – waiting, or in Khosravi's term, 'waithood' (2016: 176) – is mentally

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<sup>12</sup> This refers to reduced welfare that some people can receive if their claim has been refused.

<sup>13</sup> Note that some practitioners and people seeking asylum might still refer to 'NASS' as asylum support, even though the system itself has been changed.

and emotionally inescapable. Tied to some of the above points are erroneous decisions on behalf of the Home Office, where people's claims are incorrectly refused, leaving them little option but to appeal against the initial decision. To contextualise the extent of this, recent statistics from the Home Office showed an almost 50 percent rate of overturn, meaning the original refusals of almost half of asylum claims in 2017 were flawed (Law Society, 2018).

Although such flaws have long been identified (Asylum Aid, 2011; Canning, 2014; Smith 2004) the context has not changed in almost two decades. Instead of shifting towards a rights based framework, subsequent legislation has worked to reduce people's access to lodging appeals instead (Immigration Act 2014; Immigration Act 2016). Appealing rejections based on Article 8, the right to family life, was substantially reduced, as was access to legal aid to lodge such appeals. Moreover, the current landscape of cuts to legal aid generally means that accessing adequate legal support takes more and more time, and more and more money. One barrister reflected that, 'the quality of representation is falling quite rapidly and drastically, and the firms that are out there representing individuals are often charging people who don't have any money, who have been exploited' (England, 2018). In her oral history, Asma highlighted that, 'I don't buy shopping. Last year I was keeping money, I collect £200 from my money to save, like I pay my friend, 'Please can you do shopping for me and give me money please, I don't have money' so I keep £200. I collect £200. I say to my friend I need £300 more but my sister gave me them £300 more and £500 I give to my solicitor. But we have sacrifice for ourself, we don't eat, we live hungry and eat less'.

To give a lived example of the extortionate cost, I recently received an invoice from the solicitor of a woman I have known for half a decade. It requested fees of £2100 to be paid within 14 days. The woman receives just over £37 per week in a prepayment card, and no cash. The irony was not lost on her.

### *Naming temporal harm*

Each aspect of the above is directly linked to socio-political decisions: decisions to reduce the right to access refugee status; decisions to change laws so that time can be sped up to easier facilitate deportation (or 'frenzied time', see Griffiths, 2013); and to make the time spent between application and refusal or granting status as hostile as possible. This time is littered with uncertainty and anxiety, where even the banal and everyday is linked with immigration status, papers and unbelonging. For example, many women I have spoken with over the years speak of increased anxiety when post is being delivered in case



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it is a refusal letter or deportation orders. Asma sums up here concerns for her child every time she has a meeting at the Home Office: 'I was very scared when I go to Home Office because they can detain with children as well. Oh yeah, I feel very, very scared.' Likewise, as one asylum women's case worker summarised,

the very fact that they've got a letter from the Home Office has put them in a complete panic... those letters are a direct reminder that when you're an asylum seeker you're not in control of your own life. The Home Office decides where you live, they decide how much money you get, they decide where you can and can't go, they pretty much delineate where your children go to school and most importantly, they decide whether you can stay in the country or not. (England, 2017)

A temporal period where autonomy over one's present or future is so heavily reduced is *harmful*. As the clock ticks on, fears over the threat of detention exacerbate, particularly for those who have already experienced detention and who regularly still recall, for example, the sound of keys (see Canning et al, 2017). For people awaiting family reunification – the right to which has also been reduced (Red Cross, 2015) – stories of border deaths or conflict related deaths in their country of origin perforates time and emotional wellbeing (Khosravi, 2016).

What is evident here is the *stealing of time* (see Bhatia et al, 2019; Khosravi, 2018b). It is no accident that unwanted bodies are often isolated or kept in temporal limbo, but a deliberate strategy to wear down one's resolve to the point that any other viable alternative is preferable, persecution included. To reiterate the powerful message conveyed by Amina, a survivor of trafficking, at the beginning of this article,

I've committed a crime of seeking protection in this country at the age of 18. I'll be 26 soon. So I have spent the most important stage of my age while completing the sentence of this sin. So even if I get status I'll still be a refugee for next five years. If life is all about running after papers... I don't wanna spend my rest of life to run after this fucking shit. Where I don't have meaningful life at all... I don't want this kind of protection. Not more than a prison. (England, 2018)

Whilst time goes by, people often reflect on losing important years of their life. As Asma reflected, 'I am here ten years now and my life has gone. I'm nearly 45. What I will do if I get status now? How I can do work? If ten years ago I got status, I would be able ... I had to do the job, I was young, I can do

everything.’ What Asma identifies here is time as capital (Khosravi, 2018b), when she otherwise had little else. Having left her abusive husband, Asma’s status as a woman seeking asylum, now with a young child, has reduced her capacity to fulfil her own dreams or take part in life as she had planned it.

This is the self-actualisation of socially induced degradation, where ones’ own identity, freedom and self-worth are reduced by externalised processes of Othering and degradation. As time goes by, worth reduces. This is not temporality: it is the infliction of temporal harm.

### **Moving Toward Harm Mitigation**

As this article shows, harmful practice is deeply embedded in the British response to people seeking asylum. Pemberton argues that, ‘A notion of preventable harm is articulated as being constituted by either foreseeable events or resulting from contexts that are alterable social relationships’ (2015: 25). Likewise, Boukli and Kotzé argue that ‘Zemiology can help reprioritise harms in the social justice system and push for interpersonal community and structural actions’ (2018: 4).

Without over-blowing the potential for a systemic overhaul on the basis of a zemiological perspective, it is through these points that hope for some semblance of social justice might be further realised in the longer run. Although mobility has increasingly been criminalised, people seeking asylum do not necessarily see themselves as part of a system related to ‘crime’ (Hasselberg, 2016). Whilst detention might mirror the punitive carceral estate, people often reject such language, emphasising that they are not guilty of any criminal act (Bhatia, 2015; Bosworth, 2014; Hasselberg, *ibid*). Many people do, however, recognise that the everyday *harms* they experience as part of an otherwise confusing bureaucracy. Thus a social harm approach has potential for creating a space and language that more readily reflects the everyday experiences of people seeking asylum in Britain, indeed border transgressors more broadly.

The pitfalls of a social harm perspective, and which this research is attuned to, is the premise that all aspects of such a focus are wholly negative. To this I would argue that identifying and addressing the harms disproportionately affecting powerless populations gives us further tools for naming, and thus resisting, such harms. It also provides scope to engage people outside of academia or criminology by building a common approach that is more encompassing of the forms of control which have come to permeate contemporary society broadly, and in this case the lives of people seeking asylum specifically. For example, shifting from discussions of ‘wasted time’ during long asylum reviews to ‘temporal harm’, as I have done here, moves

the focus from only individuals to the collective entities which create and shape the structures under which an individual's time is wasted. It pulls accountability toward the *wasters of time*, those who create the very policies and social conditions under which autonomy is reduced, relations are fractured and – in Amina's words earlier - where the most important stages of people's lives taken. Here we create space to discuss *harm infliction*, itself built through systems of subjugation, which can thus be rebuilt with collaborations between those studying social harm – zemiologists – and those who are experts of harm by experience.

## Conclusion

The current architecture of the British Asylum System is increasingly one of harm, where degradation and denigration have replaced a sense of safety or belonging. Destitution has become commonplace; access to social justice in the form of refugee status has been diminished by reductions to legal aid; and poverty keeps some women tied to violent partners, dependent on spousal visas or financial income.

A recent surge in focus on the hostile environment within media and political debates has facilitated increased public insight into policies and practices implemented at macro and meso state levels, and indeed the micro-level implications of these. Detention and deportation are certainly two such factors, both of which are, more than ever, seen for the harm that they cause individuals and families affected. What still goes unnoticed, however, is the grinding banality of the problems faced by people seeking asylum in the everyday. The *impacts* of detention and deportation can be long lived, even constant, in the lives of those who experience them (see De Genova, 2009; Khosravi, 2018a; Turnbull, 2018). However, the literal infliction of them are, on the whole, short-term temporal experiences in a much larger temporal landscape within which human autonomy and relations are affected or diminished by relentless bureaucratic challenges to rights, civil liberties and human decisions.

Centralising a social harm perspective, this article has evidenced the ways in which policies and legislation negatively affect people's sense of worth, reduce the capacity to engage in everyday activities or even make decisions about food choices or where one can travel. Such infantilising techniques are not accidental, but deliberate strategies for deterring people from staying, to instead give up on claims to asylum which might otherwise have gained refugee status. Whilst some of the harmful outcomes of the process of seeking asylum are, as Pemberton would term (2015: 8), the by-product of omissions to act, the whole architecture of the British asylum system is deliberately built

to degrade. The harms of detention are *known*; the impacts of dispersal are *known*; the consequences of destitution when seeking asylum are *known*.

It is here that intention is central, since the potential for harm is predictable and as such, socio-political decisions to maintain certain approaches are themselves deliberate inflictions of harm. Naming them as such is thus a step toward resistance.

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