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Title: *Beyond the camp: the biopolitics of asylum seeker housing under the UK Border Agency's COMPASS project*

Abstract

In early 2012, the UK Border Agency established contracts with three of the nation's largest private security firms – G4S, Reliance and Serco - to provide initial and dispersed accommodation for asylum seekers throughout the country. As current providers of asylum detention and removal services, these companies have established themselves as profiteers of migrant management while concurrently developing a reputation for poor handling of those in their care (Lewis & Taylor, 2012; Taylor, 2012). Upon learning that G4S was a preferred bidder to house asylum seekers under the UKBA's COMPASS project, a Zimbabwean asylum seeker summed up a common anxiety, stating: 'I do not want a prison guard as my landlord' (quoted in Grayson, 2012a).

Bülent Diken has referred to asylum detention centres as modern camps and cities as zones of inclusive exclusion where the detained asylum seeker lives within a 'permanent state of exception' as 'the ultimate biopolitical subject whose life is stripped of cultural and political forms' (2004: 83, 99). In this paper, I seek to extend the metaphor of the camp beyond the walls of the detention centre and into the very homes of dispersed asylum seekers, where biopolitical control is increasingly expressed as a form of diffuse power exerted by non-state actors in carrying out the sovereign agenda of population management. However, I abandon the representation of asylum seekers as 'homo sacer', as this classification implies a lack of resistance, which asylum seekers have continually displayed a capacity for, such as an engagement in lip sewing as a form of protest (Edkins & Pin-Fat, 2005) or one mother's public denunciation of the living conditions she and her daughter were exposed to in a G4S-managed hostel (Z. Williams, 2013).

I begin the paper with a review of literature covering asylum policy in the UK and the expansion of asylum detention practices, where private security firms have become the dominant provider of asylum services. This is followed up by a discussion of asylum seekers' housing experiences following the introduction of dispersal practices in the 1999 Immigration and Asylum Act. I continue with a discussion of more recent experiences under the COMPASS program and offer a few illustrative accounts of experiences living within G4S housing in the North of England. I conclude with a theoretical statement on biopower, which positions resistance not in the hands of a 'multitude' as Hardt and Negri (2005) would suggest, but within the combined efforts of individual asylum seekers and small groups of concerted lawyers, activists and volunteers.

The precedence of exclusion

In Giorgio Agamben's *Homo Sacer*, the refugee is positioned as the ultimate incarnation of the 'banned' individual threatening state sovereignty 'by breaking the continuity between man and citizen, *nativity* and *nationality*' (Agamben, 1998, p. 131). The state's solution to this perceived crisis, according to Agamben, has been the practice of the ban, an inclusive exclusion that denies persons seeking refuge both membership and representation in the host society. In the UK, this has largely been achieved through law and the institution of exceptional rules acting on migrants, with the most restrictive measures placed upon asylum seekers. Legislation limiting asylum seekers' right to work and their access to public funds and social housing has highlighted the state's attempts to ensure the 'separation of the rights of man from the rights of the citizen' (ibid, p. 133). This is perhaps most clearly demonstrated in legislation instituted from the early 1990s onwards, including Section 4 of the 1993 Asylum and Immigration Appeals Act which removed local authorities' duty to house asylum seekers under homelessness legislation if asylum seekers could occupy any other accommodation 'however temporary'.

A history of legal distinctions between migrant and citizen go back centuries, with the more recent restrictions placed upon asylum seekers representing a culmination of exclusionary policies designed to keep particular populations of foreign nationals out of Britain. At the start of the 20th century, the 1905 Aliens Act provided immigration officers with discretionary control to deny entry to those migrants deemed 'undesirable' due to disease, illness or the inability to provide for themselves (Wray, 2006, p. 311). The 1914 Aliens Restriction Act allowed for the control of migrant entry and movements during

wartime, and subsequent legislation in 1919 extended this into peacetime; this effectively instituted a permanent state of exception in relation to the entry of foreign nationals, as the provisions of the act were renewed annually until the introduction of the 1971 Immigration Act (Bloch & Schuster, 2005, p. 494; Roscoe, 1930, pp. 69–70). Between 1962 and 1968, the entry of Commonwealth immigrants was restricted to those in possession of a limited number of work vouchers; being a British passport holder no longer equated to free entry into the United Kingdom (Freeman & Spencer, 1979, pp. 66, 68).

The 1971 Immigration Act condensed the provisions introduced from 1919 onward and established new policies of securitisation and expulsion. Automatic British citizenship was no longer conferred upon Commonwealth and Irish citizens and the Home Secretary was issued the authority to deport anyone so long as the action was seen as ‘conducive to the public good’ (A. C. Evans, 1983, p. 433; J. M. Evans, 1972, p. 510). In addition, individual immigration officers were granted the ability to detain anyone believed to be in breach of the immigration rules (Hassan, 2000, p. 188). It is on matters of detention that the Immigration Act represented a watershed moment. While a provision for the detention of foreigners existed in the 1914 and 1919 legislation and was ‘codified in the 1920 Aliens Act’ (Hall, 2010, p. 882), it was the 1971 Act that gave rise to the detention establishment as a key immigration control mechanism. Immigration officers were empowered to issue removal or detention orders (IA 1971, s. 4(1-2)) and migrants subject to examination or removal orders could be ‘arrested without warrant by a constable or by an immigration officer’ (IA 1971, Sch. 2, 16-18). During this period, prisons served as detention centres until more ‘purpose built facilities’ were established throughout the

1990s and beyond (Bloch & Schuster, 2005, p. 499). This punitive form of immigration control and the carceral response to suspected immigration infractions reflected a positioning of the outsider as threat and illuminated the state's default stance on migrants as a population in need of surveillance and control. Suke Wolton (Wolton, 2006, p. 460) writes: 'When the 1971 Immigration Act was introduced, the issue of immigration detention was posed as a mere administrative necessity'.

Developments within immigration policy during this period coincided with changes to legislation related to nationality and citizenship. Couper and Santamaria (1984) explain that 'the 1971 act removed the statutory rights of the Commonwealth citizen, whose rights were now conditional and aligned to those of aliens' (p. 440). This was achieved through the distinctions established between 'patrials' and 'non-patrials' to determine who could freely enter the United Kingdom. A person's 'patriality' was dependent upon his or her being a 'citizen of the United Kingdom and Colonies' whose parents or grandparents had been born in Britain. Alternatively, any Commonwealth citizen who had resided in the country for five years or more would be considered 'patrial' (IA 1971, s.2). Section 2 also included provisions for wives of UK citizens and those children adopted to British parents. The establishment of these categories of exclusion provided a foundation for the 1981 British Nationality Act, which narrowed the parameters of citizenship even further, granting citizenship only to those that could claim at least one UK-born parent or a parent who was settled in the United Kingdom; being born on British soil was no longer a guarantee that one would benefit from the rights of citizenship (Blake, 1982, p. 184).

It was not until the early 1990s that immigration controls turned to specifically to the restriction of asylum seekers' entry. The United Kingdom's commitment to the 1951 Convention on Human Rights meant that it had an obligation to entertain asylum applications from those seeking refuge from persecution. However, the rising number of asylum applications made from 1987 onward resulted in new concerns that the entry of refugees, if unchecked, would lead to extreme social and economic challenges. Scott Blinder (2013, p. 3) reveals the extent of the increase in asylum claims in a recent report on the long-term migration of asylum seekers into Britain, stating: 'As a component of overall migration to the UK, asylum accounted for all or nearly all net migration as estimated by the [Office for National Statistics' Long-Term International Migration] figures in the early 1990s.' The number of asylum applications rose from 4,256 in 1987 to 44,840 in 1991 before reducing to 24,605 the following year (Refugee Council, 1998, p. 2).

Within the UK government, the reaction to steep increases in refugee migration elicited impassioned appeals. In response to proposed changes to the legal assistance offered asylum applicants, Patrick Nicholls, MP for Teignbridge, stated: 'It is clear [...] that our present asylum procedures are being abused' (HC Deb 07 Nov 1991 vol 198 c561). For some, the rise in immigration rates amongst asylum seekers represented a concerted effort on the part of illegitimate claimants hoping to take advantage of the British state. In July 1991, during a discussion of supposed abuses of the asylum system, Conservative MP Michael Shersby of Uxbridge exclaimed: '[M]any bogus asylum seekers are coming to Britain as part of a carefully planned racket, which is having a disastrous effect on the confidence of people in [Britain] in the whole system' (HC Deb 02 July

1991 vol 194 c173). Roy Hughes of Newport East inquired of the then Home Secretary, Kenneth Baker, if the Home Office had plans to increase the number of asylum seekers in detention in response to the rise in applications and the suspicions of false claimants. The Under Secretary of State for the Home Office, Peter Lloyd, assured Hughes that there were 'no present plans' to change the policies of detention introduced in the 1971 Immigration Act (HC Deb 28 June 1991 vol 193 c572w). While an expansion of detention practices was not immediately adopted as the most appropriate solution to combat rising asylum claims, policy makers soon began drafting legislation intended to reduce the numbers coming in. Peter Lloyd indicated that new rules would help 'reduce substantially the current misuse of asylum procedures, while protecting the position of genuine refugees' (HC Deb 07 Nov 1991 vol 198 c216W). The assumed need for a set of exclusive controls acting specifically upon asylum seekers developed from concerns of systematic abuses. Given the attention paid to asylum seekers' supposed exploitation of welfare services, it is little surprise the first attempts at restrictions centred on asylum seekers' access to housing.

Detention and extending the 'camp'

Agamben's notion of the 'camp' has become a useful model for understanding spaces of exception in which inhabitants are reduced to a form of bare life subject to active exclusion, often through the use of discretionary rules embedded within formal legislation. The proliferation of the use of immigration detention in the UK has prompted comparisons with Agamben's 'materialisation of the state of exception' (Agamben, 1998: p. 174). For instance, Alexandra Hall explains that the 'camp' is a useful way of conceptualising immigration detention

centres, as they exist as “spectacle[s]” of enforcement’ concealing the ‘rights, political status and nationality’ of those within (Genova, 2002 in Hall, 2010: p. 883; Hall, 2010, p. 884). However, Hall is cautious in extending the metaphor of the camp too far, as Agamben’s notion of ‘bare life’ within camps does not fully reflect the experiences of detainees in removal centres, as these centres can also be ‘spaces of resistance’ where residents may still achieve a modicum of political action (Isin and Rygiel, 2007 in Hall, 2010: p. 884-885).

Experiences within detention have consistently demonstrated the detainee’s life as one of both extremity and periphery. Indeed, it has often been a life ‘exposed to death’, as Agamben describes the political inception of ‘bare life’ in *Homo Sacer* (1998: 88). This exposure to extremity is reflected in common news reports revealing conditions within detention facilities. The former chief inspector of prisons, Dame Anne Owers, said that the Dover detention centre was ‘more like a prison’, and many spend months in periods of stasis awaiting uncertain outcomes in facilities all round the country (BBC News, 2009). The effects upon children in detention have been particularly revealing, as the depression and anxiety experienced in prison-like conditions are often accompanied by memories of dawn-raids and the cries of others being removed for deportation (Richardson, 2010). In their article, *Driven to despair: asylum deaths in the UK*, Bourne and Athwal (2007) describe the experience of detention as a second form of torture for those who have fled violence in their countries of origin. Citing instances of suicide within immigration detention centres, they point to the lack of appropriate mental health and medical support as particularly worrisome (p. 110).

Suicides, attempted suicides and deaths within detention have continued to undermine the UK Border Agency's attempts to depict removal centres as institutions providing 'care with the utmost sensitivity and compassion' (BBC News, 2008). The deaths of an 84 year-old Canadian detained in Harmondsworth and an asylum seeker leaving detention at Colnbrook in early 2013 illustrate the precariousness of detainees' health and wellbeing, as did a 10-year-old Nigerian girl's attempted suicide at Tinsley House in 2009 (Allison, 2013; Athwal, 2013; Taylor, 2009). Juliet Cohen reveals in her 2008 study of self-harm and suicide in immigration removal centres, instances of self-harm are higher amongst detained asylum seekers at 12.79 per cent compared with the mainstream prison population with rates ranging between 5 per cent and 10 per cent. Cohen contends that past experiences of torture and violence perhaps play a role in explaining this difference; she suggests that 'the mental health needs of [asylum seekers] should not be underestimated and the potential for prevention of suicide by improving health assessments in detention [...] is very real' (Cohen, 2008, pp. 237, 243).

While the asylum seeker's experience within the UK detention estate is one of both isolation and abjection, this abandonment is concurrently accompanied by a state of constant surveillance, often by private security personnel operating under the Detention Centre Rules 2001.¹ In this regard, the links between the camp and immigration removal centres becomes clear. However, the conceptual links between the camp and detention facilities are

¹ Private firms (including G4S, Serco, Mitie, Reliance and Geo Group) under contract with the UK Border Agency manage nine of the twelve immigration removal centres currently operating in the United Kingdom (Home Office website, 2013).

weakened by Agamben's limited representation of biopower where 'bare life' is the object of subjection with little or no recourse to agency and resistance. In many cases, asylum seekers accommodated in immigration removal centres have staged forms of protest to change surveillance practices or draw attention to their illegal detainment. In recent years, a notable though desperate act of defiance has been some asylum seekers' use of hunger strikes. In early 2010, 84 detainees at Yarl's Wood immigration centre joined together in a hunger strike with demands for better medical care and an end to child detention (Michaelson, 2010). Hunger strikes have also resulted in some detainees' release, however, only in the most extreme cases has this been an effective method of escape. In June 2013, four men were released from Harmondsworth removal centre following hunger strikes; one detainee had refused food for 56 days (Allison & Pidd, 2013). Other acts of protest have included two asylum seekers' ascent to the top of a building at Morton Hall in 2012 (BBC News, 2013a). In May 2013, following legal action by former torture victims claiming that they had been wrongfully detained, the high court ordered the Home Office to pay out compensations (Travis, 2013). These examples underscore detainees' capacity for resistance. However, they do not undermine the use of the camp as an illustrative framing of life within detention. Indeed, there is much scope for the concept to be extended to other spaces of exception that are not necessarily bordered by walls and barbed wire, but nevertheless operate through exclusive rules encapsulated within direct legislation or the discretion granted the Home Secretary and individual immigration officers.

Mark Salter (2006) has argued for the extension of the concept of the camp to state borders where 'one may claim no rights but is still subject to the

law' (p. 169). With reference to Alison Mountz's 2005 work, Salter suggests that the areas between an arriving aircraft and immigration officials represent 'denationalised' spaces of exception (*ibid*: p. 170). Indeed, the death of an asylum seeker under restraint by G4S security guards on a deportation flight out of Heathrow in 2010 (BBC News, 2013b) highlights the type of outcome that might be expected in the amorphous zones of exclusion both within and between borders.

The concept of the camp can be extended further to the lived experiences of asylum seekers awaiting decisions on their claims for months and years. Given a minimum of financial support and disallowed from working, asylum seekers exist in a perpetual limbo in which lives are put on hold and skills atrophy. The recent privatisation of asylum housing provision to companies like G4S and Serco, which also manage detention and transportation services within Britain, reveal the degree to which the net of securitisation has extended over migrant communities in private spaces.

COMPASS Housing

Since the introduction of the 1999 Immigration and Asylum Act, the UK Government has engaged in a dispersal project that offers accommodation to asylum seekers on a no-choice basis in select localities across the country. While local authorities no longer have a duty to house asylum seekers following the institution of Section 186 of the 1996 Housing Act, the UK Border Agency awarded a series of housing contracts to regional consortia consisting of local authorities, housing associations, and private accommodation providers at the outset of its dispersal program. While these contracts were renewable, economic

stresses in the late 2000s encouraged some local authorities to opt out of contract renewals and the Home Office tendered a new series of contracts with the ultimate aim of cutting costs.² The final COMPASS contract, worth around £600 million, was awarded to preferred bidders in regions across Scotland, England and Wales: all were private security firms (Grayson, 2012a).

For some, the acquisition of the COMPASS contracts by three major private security firms represented a consolidation of control, with G4S, Serco and Reliance acting as state-hired gatekeepers. In many respects, these corporations are in the business of population management, given their backgrounds in offering contracted custodial services. G4S's 2011 Annual Report reveals a category of services titled: 'Secure Solutions'. Among these solutions, which include 'manned security' and 'support for front-line policing', G4S is engaged in the 'management of juvenile and adult custody centres' and two asylum detention facilities near Gatwick Airport. In addition, the company provides for the 'transportation of prisoners and asylum seekers between courts, police stations and custody centres' (G4S plc, 2012, p. 28). G4S currently manages five prisons around the UK, having lost its sixth contract – the running of Wolds prison – in November 2012 (BBC News, 2012). Those prisons still managed by the firm include facilities in Liverpool, Birmingham, Wolverhampton, Bridgend and Rugby (G4S website, 2013). Serco, the primary asylum housing provider in the North West and Scotland, manages four prisons in London, Nottingham, Staffordshire, and Kilmarnock, Scotland (Serco website, 2013a). Serco, like G4S, is also involved in the transport of asylum seekers and holds a contract with the

² The cities of Birmingham and Glasgow made headlines when asylum housing deals with local authorities and the UKBA broke down (See: BBC News, 2010; Twinch, 2010).

UK government to 'escort' deportees that have been issued removal orders by the UK Border Agency and operates both the Yarl's Wood and Colnbrook Immigration detention centres (Serco website, 2013b).

Upon learning of the contracts between the UK Border Agency, G4S and Serco, many within the asylum service sector were concerned that companies with poor human rights reputations would be placed in charge of housing asylum seekers. Both Serco and G4S have received complaints regarding the standard of care in their respective asylum detention facilities. Considerations of G4S's failings during the 2012 Olympics heightened concerns that the company would be able to deliver on its housing promises, potentially leaving hundreds of asylum seekers homeless or accepting any accommodation – no matter the condition – that could be acquired in a short span of time (Grayson, 2012b).

The transition into COMPASS housing has been far from smooth; the relationship between contractors and subcontractors has proven tenuous, as revealed in a leaked letter from Steven Small, a G4S executive, to share holders. In it, he states: 'It has become increasingly evident over the past few months that a number of our Accommodation Partners are finding it difficult to manage aspects of this contract' (Sambrook, 2013). The UK Border Agency identified some providers as wholly unsuitable for the task of housing asylum seekers. At the beginning of the transition process, United Property Management, a private landlord subcontracted by G4S to house asylum seekers in Bradford, issued notice to a woman and her three-month old baby that they would be moving to Doncaster within a week. Upon arrival in Doncaster, the woman and child were left in a flat without any appropriate cooking facilities or communal furniture and far from the support networks available to them in Bradford. Following

protests by activists in both cities, the UK Border Agency inspected the property and found that it breached the contract and was 'not suitable in its present state for mothers and babies' (Grayson, 2012b). A month later, the UKBA removed UPM from their list of subcontractors and replaced it with CASCADE Homes Ltd. and Live Management Group (Grayson, 2012c). In November 2012, G4S missed its contractual deadline to house a further 339 asylum seekers, which were left in council properties. G4S then tendered a contract with the local authorities to house asylum seekers still within their accommodation for another month while it attempted to find properties amongst its subcontractors (Twinch, 2012a).

So far, the COMPASS project has not proven to be a tightly managed housing solution. While concerns remain that G4S and Serco operate the state's 'deterrence' model through constant control and surveillance, the more immediate concern for the wellbeing of asylum seekers seems to be the organisations' inability to offer a consistent standard of service. Due to the unavailability of low-cost housing, subcontractors are beginning to send asylum seekers further away from the centre of dispersal regions where much-needed support and advice services have developed over the last decade. This has been a particular issue in Newcastle, as a subcontractor to G4S, Jomast, forwards asylum seekers on to Stockton and Middlesbrough where the company owns more affordable housing. In Glasgow, Orchard & Shipman, a subcontractor operating under Serco, is sending asylum seekers dispersed to the city further afield to areas like Easterhouse. Some residents are walking several miles for meetings with GPs or to complete their requisite signing with the UK Border Agency. As money is limited, public transportation has become an occasional luxury. On the part of the main housing providers, the lines between deliberate neglect, passive

disregard and unintentional ineptitude are blurred, as is demonstrated in the seemingly retributive eviction of a pregnant woman who vocally expressed her dissatisfaction with the conditions she was living within in a Stockton hostel. G4S claimed that 'neither G4S nor our subcontractors can remove an individual from their housing without the prior approval of UKBA' (Z. Williams, 2012). As Stephen Small of G4S stated in a February 2012 meeting, G4S is in the business of making money for its shareholders (Grayson, 2012d).

COMPASS Housing: 'Camp' or 'Shambles'

In describing the camp, Agamben explains that it is not a space dependent upon law 'but on the civility and ethical sense of the police who temporarily act as sovereign' (1998, p. 174). Expanding on this, Bülent Diken has likened detention centres to prisons due to the constant police presence and the 'latent threats of violence'; he suggests, as Agamben has, that 'the logic of the camp is generalized throughout the entire society' (Agamben, 1998 in Diken, 2004, p. 97; Diken, 2004, p. 94). Through policy, negative media representations, lack of tenancy rights and enforced destitution, asylum seekers' political lives are considerably compromised. Whether they constitute a form of 'bare life' in the strictest interpretation of Agamben's concept is, however, questionable. Like those resisting their unlawful incarceration in immigration removal centres, asylum seekers in COMPASS housing have achieved some success in pursuing legal avenues toward improving their conditions. The law firm Public Interest Lawyers operating out of Birmingham brought forward two judicial reviews in Autumn 2012 against G4S and the UKBA for housing asylum seekers in unfit homes and locations (Twinch, 2012b). Around the same time, lawyers in

Glasgow launched cases against Ypeople, the former housing provider for asylum seekers in the city, for breaching residents' human rights through inhumane eviction practices (Twinch, 2012c). A special parliamentary select committee holds regular sessions to discuss some of the problems surrounding the housing of asylum seekers. In addition, asylum seekers have relied upon the support of smaller support organisations to pass their complaints on to G4S, Serco and their subcontractors. Others have gone to the press to reveal the conditions they have lived in. One woman exposed the conditions of her cockroach-infested property to the *Independent* in late 2012 (Philby, 2012). While asylum seekers voices may be muffled, they are not altogether silent. This is perhaps what distinguishes them from the internment camp detainees whose recourse to any form of support or advocacy is virtually non-existent.

It would be a mistake, however, to accept that asylum seekers' needs are being fully met by the legal and voluntary community. Cuts to legal assistance and charitable organisations, including crucial asylum advice and support services, have impacted remaining agencies' ability to address the needs of a highly vulnerable community. In addition, there exists a danger that voluntary organisations will be co-opted into carrying out the services that were once fulfilled by statutory agencies. In more troublesome scenarios, humanitarian organisations may enter partnerships with the private security sector to carry out the population management aims of the Home Office. Barnardo's, a children's charity, has faced scrutiny for providing childcare services at Cedars pre-departure accommodation centre, which is managed by G4S. The organisation has defended its position, stating: 'If not us, then who?' (R. Williams, 2012). To what extent other charities will follow similar trajectories in order to meet the

needs of vulnerable people (or pursue profit) remains unclear. Amongst all else, the deployment of the COMPASS contract has been one of absolute inconsistency. As one asylum seeker recently described following a relaying of his housing experience under COMPASS, the whole process is one of 'un-harmony'.

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