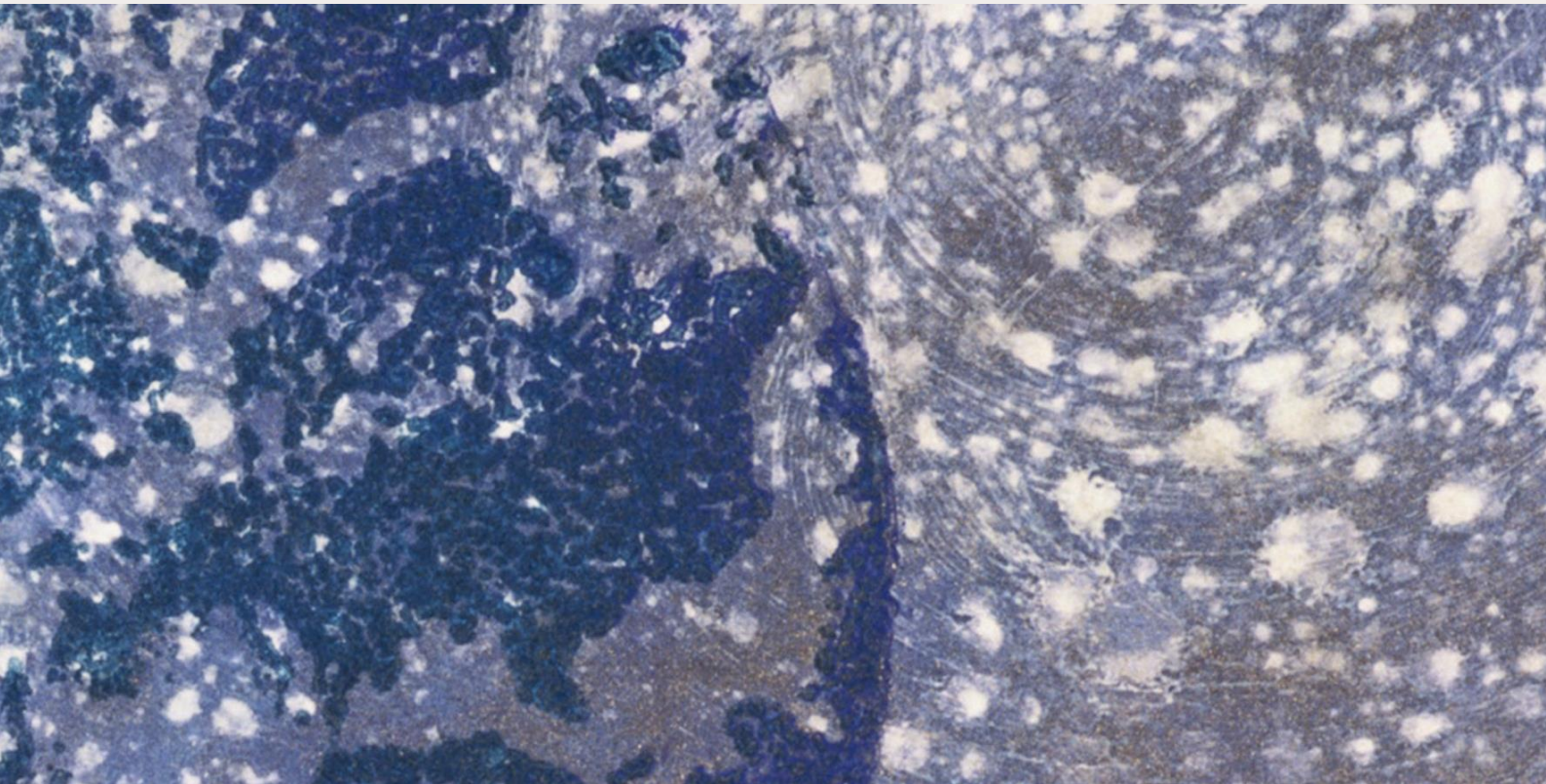


‘Our lives aren’t valued’

A critical suicidology perspective on the right to life in
British immigration detention centres

Maisie Florence Fitzmaurice

ARENA report 10/2023



ARENA Centre for European Studies



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Oslo, December 2023

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List of abbreviations

AAR	Adults at Risk Policy
ACCT	Assessment, Care in Custody and Teamwork
ACDT	Assessment, Care in Detention and Teamwork
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
CRPD	Convention on the Rights of Persons with Disabilities
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
FNO	Foreign National Offender
FOI	Freedom of Information
HRA	Human Rights Act
HRC	Human Rights Committee
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILPA	Immigration Law Practitioners Association
IRC	Immigration Removal Centre
NGO	Non-Governmental Organization
STHF	Short-Term Holding Facility
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UNCAT	UN Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
UNCR	UN Convention on the Rights of the Child
UNHCR	United Nations High Commissioner for Refugees

Chapter 1

Introduction

Something really needs to be done. Sooner or later people are so depressed, they start cutting themselves, they are getting suicidal, this is not okay. And then when the officers know about this they start checking on you every hour.

They should be asking why [do] these women, who have children and families, want to take their own lives.¹

Suicide is, by definition, self-inflicted death.² However, in places of state custody, the responsibility for that such deaths lies not only with the individual. The right to life is a fundamental principle in international human rights law.³ Article 2 of the European Convention on Human Rights (ECHR) states that “Everyone’s right to life shall be protected by law. No one shall be deprived of his life intentionally”.⁴ The right is inherent, meaning that protection by law is required. Article 2 includes two substantive positive and negative obligations: 1) to protect by law the right to life, and 2) the prohibition of intentional deprivation of life. This means that states must not only refrain from intentional deprivations of life such as unlawful killing, (negative obligation), but must also take measures to safeguard the lives of those within its jurisdiction and prevent death where possible (positive obligation).⁵ In places of state custody, such as immigration detention centres, the substantive obligations to protect life are more extensive than in the general public domain due to

¹ Statement 51

² Leenaars, ‘Suicide and Human Rights’.

³ McCann and Others v. the United Kingdom.

⁴ ‘Guide on Article 2 of the European Convention on Human Rights’.

⁵ Ibid.

the vulnerability inherent in being a ward of the state. Consequently, states must take reasonable measures to prevent self-harm and self-inflicted deaths.⁶

Every year, tens of thousands of people without regularised status are detained in Britain's immigration removal centres (IRCs),⁷ awaiting either deportation or release. The centres, built much like prisons, isolate people from their social networks for indeterminate lengths of time, and present them with the threat of permanent removal from the United Kingdom (UK). Since the year 2000 there have been fifty-eight deaths within these centres, more than half of which by suicide, and an undetermined number by medical negligence.⁸

Suicidality – the presence of suicidal ideation and intent, and self-harm, are primarily considered to be a result of mental health issues. Correspondingly, suicide prevention policies in places of state custody tend to centre around risk assessments for individual vulnerability, mental illness, and limiting 'opportunity'⁹ for suicide. Simultaneously, immigration detention is widely acknowledged to be harmful to mental health. Research from across different fields consistently finds that detention exacerbates or causes mental health issues.¹⁰ Concerns over the high levels of distress, anxiety, and depression in detention facilities are expressed by medical practitioners and charities alike,¹¹ and immigration detainees in the UK are found to be highly vulnerable to self-harm and suicide.¹² In the summer of 2018, it was reported that on average two

⁶ Ibid.

⁷ Home Office, 'How Many People Are Detained or Returned?'

⁸ See Appendix A

⁹ Such as suicide watch, and confiscation of objects that could be used for self-harm.

¹⁰ von Werthern et al., 'The Impact of Immigration Detention on Mental Health'; 'Becoming Vulnerable in Detention'; Kellezi and Bosworth, 'Mental Health, Suicidal Thoughts and Self-Harm Inside Immigration Detention'; Fazel and Silove, 'Detention of Refugees'.

¹¹ Robjant, Robbins, and Senior, 'Psychological Distress amongst Immigration Detainees'; von Werthern et al., 'The Impact of Immigration Detention on Mental Health'; "'Every Day Is like Torture": Solitary Confinement & Immigration Detention'.

¹² Kellezi and Bosworth, 'Mental Health, Suicidal Thoughts and Self-Harm Inside Immigration Detention'.

people per day attempted suicide while in detention.¹³ Accordingly, the British Home office have often come under scrutiny about conditions in IRCs, the detention of vulnerable people, and safeguarding practices.¹⁴ In response to these criticisms, the Home Office argue that the “dignity and safety of those in its care is of the utmost importance” and emphasise that support regarding mental wellbeing is offered to all individuals in detention.¹⁵ They present a picture of detention as a benign institution within which deaths and injuries, self-inflicted or other, are tragic, unexpected, and unpreventable incidents. However, in light of the extensive evidence of the harmful nature of detention, this project seeks to question if wellbeing is truly addressed as a matter of utmost importance, and whether a critical analysis of detainees’ experiences –in conjunction with reflections on the right to life – can offer new perspectives on suicidality in immigration detention.

An alternative way of formulating the substantive obligations on the right to life is, that *everyone has the right to not be killed*. Subsequently, this thesis considers: *What does it mean to die by suicide in immigration detention?* Perspectives from the emerging field of critical suicidology contend that social and political contexts and structural and systematic inequalities are strongly related to the seemingly individual phenomenon of suicide.¹⁶ Critical suicidology contributes a counter-discourse to that of suicide as a primarily private, mental illness driven issue for which the individual themselves is ultimately responsible.¹⁷ Building on scholars who use this critical lens to understand how ‘hate kills’,¹⁸ how ‘austerity kills’,¹⁹ and

¹³ Taylor, Walker, and Grierson, ‘Revealed: Two Suicide Attempts Every Day in UK Deportation Centres’.

¹⁴ Taylor, ‘Number of Potential Trafficking Victims Locked up in UK Triples in Four Years’; Taylor, ‘Worse than Prison’; Gentleman, “What Crime Have I Committed to Be Held like This?”; ‘Home Office Holding Torture Victims with “high Level” Mental Health Needs in Detention, Watchdog Finds’.

¹⁵ ‘Calls for Immigration Centre to Be Shut down after G4S Guards Filmed “choking” and Mocking Self-Harming Detainees’.

¹⁶ Button and Marsh, *Suicide and Social Justice: New Perspectives on the Politics of Suicide and Suicide Prevention*.

¹⁷ Ibid.

¹⁸ Reynolds, ‘Hate Kills: A Social Justice Response to “Suicide”’.

¹⁹ Mills, “‘Dead People Don’t Claim””.

how 'struggle kills',²⁰ this thesis aims to understand how detention 'kills', and what this perspective might mean for the right to life. Accordingly, this thesis utilises a novel approach – combining critical suicidology and human rights in order to contextualise and re-politicise suicidality in immigration detention centres in the UK.

1.1. Aims and research questions

The overarching aim of this thesis is to explore how detention 'kills', and what implications this may posit for the state's protection of life in places of immigration detention. In addition to this, there are three secondary aims of this research. Firstly, this thesis aims to bring perspectives from critical suicidology into conversations about mental health and suicide prevention in detention. Secondly, drawing on its empirical findings, the thesis intends to highlight detainees' framing of their experiences in order to make theoretical and practical contributions to the conceptualisation of suicidality in places of incarceration, and to examine the often-neglected role of the context in which suicidality in detention occurs. Thirdly, the thesis aims to illuminate the tensions between the legal obligation to protect life and the practice of immigration detention, and challenge the current framing of the right to life, ultimately joining other border scholars in calling for a more critical conceptualisation of and approach to the right.²¹

To address these aims, the research is guided by the following overarching research question:

Q: What does it mean to die by suicide in immigration detention?

The subsequent two sub-questions are used to operationalise the main question and focus the empirical investigation:

sQ: What role does immigration detention play in the formation of suicidality?

²⁰ Scherer, 'I Am a Suicide Waiting to Happen Reframing Self-Completed Murder and Death'.

²¹ Franko, 'Lives That Matter'; Puggioni, 'Border Politics, Right to Life and Acts of Dissensus'.

sQ: How do death prevention practices interact with broader understandings of self-killing?

The research project is a qualitative single country study. It draws on research literature, case law, and empirical data from detention across the UK from the years 2017-2019. The extant data used was collected from a website called *Detained Voices*.²² The website is run by members of detainee support groups in the UK, and collects, transcribes and publishes mostly oral testimonies from people in immigration detention. The methodology used for collecting and analysing this data will be explained in more detail in chapter 6.

Multiple intersecting factors likely play a part in explaining the links between detention and suicidality. Specifically, this thesis draws on qualitative research literature, as well as empirical material from detainees themselves, to understand how detention and deportation play a key role in producing conditions of suicidality. To frame this research, I begin with the following quote:

Suicide is not something that happens to one person, and it is not something that one person does. Nobody simply kills themselves. Events occur in context, and [...] we have to structure into our analysis of a person's death the context of social injustice in which they lived"²³

1.2. Structure of thesis

The chapters of the thesis will be organised as follows. The proceeding chapter provides a brief overview of immigration detention practices in the UK, and contextualises suicidality in detention. Chapter three investigates the legal framework of immigration detention, and the mechanisms for protecting the right to life and preventing harm. The fourth chapter outlines the relevant literature on detention, mental health, and the right to life, and situates my study in conversation with these three spheres. Next, I present my analytical framework and the concepts and theories utilized in this thesis. Chapter six explains presents the

²² 'Detained Voices'.

²³ Reynolds, 'Hate Kills: A Social Justice Response to "Suicide"', 170.

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methodological approach, and in chapter seven I analyse the empirical data and discuss the findings in relation to the literature and theories presented in chapter five. In the concluding chapter I summarise the research and reflect on implications for future research and policy.

Chapter 2

Immigration detention in the United Kingdom

Detaining migrants deemed not to have the legal right to reside is a firmly established mechanism of migration management. This mechanism is utilised by many states, including the UK. The practice is part of the increasing securitisation and militarisation of borders, which are increasingly expressed as observable physical and symbolic places of national and carceral power.²⁴ Within Europe, the UK's detention regime is an outlier for its lack of legislated upper time limit, meaning the period of detention can effectively be indefinite.

The practice of detention for migration management has been utilised in the UK for just over five decades. The first detention unit opened in 1970 as a temporary solution for commonwealth citizens appealing denied entry, and had a capacity of just 44. By the late 1970s the centre had become a source of polarising discussions in parliament, with speakers raising concerns about human rights standards and “contemptible treatment”.²⁵ Rather than ending after fulfilling its initial temporary purpose, the practice expanded, with capacity in the late 1970s increasing to approximately 100 people. Politicians in opposition to detention regarded it as inevitably discriminatory, “un-British”, and causing hinderance to Britain’s “championship of human rights”.²⁶ Similar arguments are still being made in parliament more than four decades

²⁴ Aas and Gundhus, ‘Policing Humanitarian Borderlands’, 1.

²⁵ ‘Immigration Control - Hansard - UK Parliament’.

²⁶ ‘Illegal Immigrants - Parliamentary Debate’.

later.²⁷ By 2019 the immigration detention estate had reached a capacity of roughly 3,500,²⁸ with plans underway to expand further in 2023.²⁹

From the year 2009 to 2021, between approximately 1,600 to 3,500 people were detained at any one time, excluding 2020 which saw numbers below 1000 due to the Covid-19 pandemic.³⁰ Despite the number of people detained, total returns³¹ from detention have been falling since 2015.³² In the same years that the empirical material in this thesis is from, the percentage of detainees returned fell from 38% in 2017 to 22% in 2019.³³ Given that the majority of people detained are ultimately not deported, the purpose and nature of detention invites closer consideration.

There are currently seven operational IRCs, with additional capacity in prisons and Short-Term Holding Facilities (STHFs).³⁴ The management of the centres is outsourced by the Home Office to private companies for profit.³⁵ The centres are dispersed across the country, often close to airports or in rural areas, generally away from populated places. They function under a degree of secrecy, with no cameras permitted inside, and very limited access for independent researchers.³⁶ Due the lack of legislated upper time limit, detainees do not know how long their detention will continue. As this thesis will demonstrate, this absence of time limit is deeply unsettling for many detainees, and is considered a key characteristic of the British detention regime.³⁷

²⁷ See, for example: 'Immigration (Time Limit on Detention) - Hansard - UK Parliament'.

²⁸ The detention estate includes immigration removal centres, prison spaces for immigration detainees, and short-term holding facilities.

²⁹ Taylor, 'Home Office to Reopen Immigration Detention Centres with £399m Deal'.

³⁰ 'Immigration Detention in the UK'.

³¹ Total returns includes so called voluntary departures, deportations, and forced returns.

³² 'Deportation and Voluntary Departure from the UK'.

³³ Home Office, 'Issues Raised by People Facing Return in Immigration Detention'.

³⁴ 'United Kingdom Immigration Detention Profile'.

³⁵ 'Mitie to Manage Dungavel and Derwentside Immigration Removal Centres'; McIntyre, 'Private Contractors Paid Millions to Run UK Detention Centres'.

³⁶ Although, see: Hall, *Border Watch*; Bosworth, *Inside Immigration Detention*.

³⁷ Bosworth and Kellezi, 'Doing Research in Immigration Removal Centres'; Bosworth, *Inside Immigration Detention*.

2.1. Purpose and power

The Home Office position on the practice of detention is that, “The detention of people without the right to remain in the UK who have refused to leave voluntarily is key to maintaining an effective immigration system.”³⁸ However, despite being regarded as key, the specific purpose or aim of detaining non-citizens is not well defined. As highlighted by Bosworth,³⁹ the only stated purpose of immigration detention given in the applicable legislative instrument is: to detain.⁴⁰ The General Instructions for detention give a similarly vague conception, stating that “the power to detain must be retained in the interest of maintaining effective immigration control”.⁴¹

Broadly, the objective of immigration detention can be understood as to conclude someone’s immigration status. That is, “to effect removal; initially to establish a person’s identity claim or basis of claim; where there is reason to believe that the person will fail to comply with any conditions attached to grant of immigration bail”.⁴² So, while the practice is not used exclusively as a means of enforcing a deportation, if a person’s claim to regularise their status is deemed illegitimate, the ‘purpose’ of their detention will advance from establishing a claim to detention for the purpose of removal.⁴³ In this way, deportation is inseparable from detention as it is always a theoretically possible outcome of being detained. Even when deportation is not the given purpose of detention, removal remains a risk depending on the result of detainees’ claim to legal status in the UK, and a multitude of extrinsic circumstances.

Critics challenge the view that detention is key for managing migration. Research and reports from different sectors, including charities,⁴⁴

³⁸ ‘Calls for Immigration Centre to Be Shut down after G4S Guards Filmed “choking” and Mocking Self-Harming Detainees’.

³⁹ Bosworth, *Inside Immigration Detention*, 3.

⁴⁰ The Detention Centre Rules 2001.

⁴¹ Home Office, ‘Detention General Instructions’, 6.

⁴² Ibid.

⁴³ In legal terms, *deportation* and *removal* differ, but both refer to forced expulsion from the UK. *Deportation* is usually used for FNOs while most others are *removed*. This paper will use the two interchangeably to refer to any kind of forced expulsion.

⁴⁴ ‘Evidence from the First Ever Public Inquiry into Immigration Detention’.

members of parliament,⁴⁵ medical practitioners,⁴⁶ and social scientists⁴⁷ present an alternative perspective. According to their findings, detention is ineffective, inhumane, and ultimately detrimental to individuals' health and mental wellbeing.⁴⁸

2.2. Suicidality in British detention centres

The first loss of life in immigration detention was recorded in 1989, when Siho Iyiguveni, a Kurdish refugee facing deportation burnt to death after barricading himself inside his cell and setting his bedding alight in protest.⁴⁹ Since then, there have been fifty-nine deaths of people detained under immigration powers,⁵⁰ eleven occurring in 2017 alone.⁵¹ The most recent death happened at the time of writing this thesis: Frank Ospina died on the 26th of March 2023, reportedly having taken his own life, though a formal investigation is yet to conclude.⁵²

The rates of self-harm and suicide attempt in detention are high. Clear distinction is not drawn between self-harm and suicide attempts, neither in data provided by the Home Office in Freedom of Information requests (FOIs),⁵³ nor in wider debates on the issue. Liebling notes that there is no consensus on what makes an act of self-injury a suicide attempt.⁵⁴ There may be a willingness on the part of custodial institutes to categorise self-injurious behaviours as self-harm rather than attempted suicide, so as to

⁴⁵ 'Immigration (Time Limit on Detention) - Hansard - UK Parliament'.

⁴⁶ von Werthern et al., 'The Impact of Immigration Detention on Mental Health'; Steel et al., 'Impact of Immigration Detention and Temporary Protection on the Mental Health of Refugees'.

⁴⁷ Griffiths, 'Living with Uncertainty'; Kellezi and Bosworth, 'Mental Health, Suicidal Thoughts and Self-Harm Inside Immigration Detention'; *ibid.*; Hall, *Border Watch*.

⁴⁸ Shaw, 'Review into the Welfare in Detention of Vulnerable Persons'.

⁴⁹ 'Deaths in Immigration Detention'.

⁵⁰ Appendix A

⁵¹ Figures for 2017 are conflicting, with various sources reporting between 7 and 11 deaths. See appendix for detailed overview. Taylor, 'Ombudsman Called in after Death of 11th Immigration Detainee'.

⁵² As of 14.04.23; Taylor, 'Death of Detainee near Heathrow Prompts Immigration Detention Crisis Fears'.

⁵³ 'Self-Harm in Immigration Detention 2007-2020'.

⁵⁴ Liebling, 'Prison Suicide and Prisoner Coping', 304.

keep statistics of the latter low.⁵⁵ Nonetheless, the categories overlap significantly, with people who die by suicide often having a history of self-injury.⁵⁶

In detention monitoring, data provided by the Home Office in response to FOI requests does not provide separate figures for attempted suicide and self-harm, nor suicide risk and self-harm risk.⁵⁷ Rather, they provide figures on self-harm incidents requiring medical treatment. These figures are widely reported as 'suicide attempts' in the media, and the Home Office has not disputed this naming.⁵⁸ Self-injuries not requiring medical treatment are not recorded. Based on the above, in this thesis I consider 'self-harm incidents requiring medical treatment' as suicide attempts.

Due to the scope of the empirical data of this thesis, I present statistics for suicide watch and suicide attempts between 2017 and 2019, corresponding to the years in which my empirical material was produced.

In 2018 alone, it was recorded that there were 428 self-harm incidents requiring medical treatment,⁵⁹ and 1819 individuals on formal risk of self-harm.⁶⁰ The Guardian reported that there were two suicide attempts per day during that summer.⁶¹ Similarly, in 2019 there were and 480 recorded incidents of self-harm and 2123 people on self-harm risk.⁶²

	2017	2018	2019
Individuals on formal self-harm risk (suicide watch)	2272	1819	2123
Self-harm requiring medical treatment (suicide attempts)	446	428	480

Additionally, between 2017 and 2019 alone, there were thirteen deaths in detention – eight of which attributed to suicide.⁶³ Two have been

⁵⁵ Liebling, 'Prison Suicide and Prisoner Coping'.

⁵⁶ Ibid., 304.

⁵⁷ 'Self-Harm in Immigration Detention 2007-2020'.

⁵⁸ As far as I have seen through my extensive research.

⁵⁹ 'Self Harm in Immigration Detention 2018'.

⁶⁰ 'Self Harm in Immigration Detention 2019'.

⁶¹ Taylor, Walker, and Grierson, 'Revealed: Two Suicide Attempts Every Day in UK Deportation Centres'.

⁶² 'Self Harm in Immigration Detention 2019'.

⁶³ Deaths by suicide have also been attributed to systematic neglect, see: Ali, 'Jury Finds "Systemic Failures" Contributed to Death of Marcin Gwozdziński'.

attributed to neglect,⁶⁴ one of which found the secretary of state to be in violation of the procedural obligation under Article 2 of the ECHR for deporting key witnesses of the death before they could give testimony.⁶⁵ Another death from that time period remains under inquiry,⁶⁶ and the details of the two remaining have not yet been disclosed.

The Home Office insist that self-harm is taken seriously, and that “every step is taken to prevent it”.⁶⁷ They utilise the Adults at Risk Policy (AAR) and suicide prevention mechanisms laid out in the Assessment, Care in Detention and Teamwork policy (ACDT) in an attempt to prevent harms in detention. Both of these policies have been regarded by legal practitioners, the Chief Inspector of Borders and Immigration, and the Court of Appeal, to be at best ineffective and at worst unlawful.⁶⁸ It appears paradoxical that the state assert mental wellbeing to be of the utmost importance, and point to the 24-hour primary healthcare provided on site. Under the power of territorial sovereignty, adverse reactions to this form of border control, such as self-harm and suicide, become pathologized. In this way, it is clear that IRCs centre their safeguarding responsibilities around the positive obligation to prevent death where possible, but say nothing about the role being detained plays in suicidality.

In sum, people frequently attempt to take their lives while detained in immigration removal centres (IRCs) across the UK. Someone has died every year for the last 20 years, in spite of new safeguarding procedures and apparent prioritisation of dignity, welfare, and mental health. In light of these stark numbers, this thesis considers what causes these deaths, and whether they are unexpected and unpreventable.

⁶⁴ Brennand, ‘State Custody Related Deaths: Carlington Spencer’.

⁶⁵ Lawal, R (On the Application Of) v The Secretary of State for the Home Department [2021] UKAITUR JR006262020; ‘Home Office Breaching Human Rights Law by Failing to Investigate Detainee Deaths, Court Rules’.

⁶⁶ ‘Notice of Date of Inquiry: HAM-B351-20’.

⁶⁷ ‘Algerian Man Dies in London Immigration Detention Centre’.

⁶⁸ ‘Submission of the Immigration Law Practitioners’ Association to Stephen Shaw’s Further Review into Immigration Detention’; Neal, ‘Third Annual Inspection of “Adults at Risk Immigration”’; ‘SSHD Acted Unlawfully Regarding Torture Claims’.

2.2.1. Note on numbers

NGOs and activist groups such as INQUEST⁶⁹ and no-deportations⁷⁰ attempt to keep track of and publish figures of deaths in detention. The Home Office also provide some yearly data, but, record deaths of people detained under immigration powers in prisons separately from deaths in IRCs. Therefore, it is difficult to ascertain a comprehensive total. Inquest, no-deportations, and the Home Office all report different numbers, as do news outlets, for example reporting that in 2017 there were 11 deaths in detention,⁷¹ while other counts show only 9.⁷² For this reason, I have compiled my own list, collating different sources in an attempt to get a complete and accurate total. To not mistakenly count the same death more than once, I used reported names (if available) and dates of death. The total number I find is 60, slightly higher than the total reported by Inquest.⁷³ The full list is provided in Appendix A. Any errors are my own.

⁶⁹ 'Inquest'.

⁷⁰ 'No-Deportations'.

⁷¹ Taylor, 'Ombudsman Called in after Death of 11th Immigration Detainee'.

⁷² 'Deaths of Immigration Detainees'.

⁷³ Ibid.

Chapter 3

Detention, deportation, and human rights law

Formally, immigration detention is an administrative procedure rather than a criminal one, and therefore is under the purview of the Home Office rather than the judicial system. IRCs are thus not governed by the same rules, standards of protection and legal oversight as prisons are. Statutory powers for detention and deportation are granted in the 1971 Immigration Act,⁷⁴ and supplemented by the 2002 Nationality, Immigration and Asylum Act which expanded powers for authorisation and extension of detention, allowing Home Office caseworkers to make the decision to detain.⁷⁵ Decision making is guided by the Detention General Instructions⁷⁶ and Detention Centre Rules.⁷⁷ As stated in these legislative documents, detention can only be lawful if there is a “realistic prospect of removal within a reasonable period of time”.⁷⁸ This standard of lawfulness is based on the *Hardial Singh* principles, which are as follows: “(i) The Secretary of State must intend to deport the person and can only use the power to detain for that purpose; (ii) The deportee may only be detained for a period that is reasonable in all the circumstances; (iii) If, before the expiry of the reasonable period, it becomes apparent that the Secretary of State will not be able to effect deportation within a reasonable period, he should not seek to exercise the power of detention; (iv) The Secretary of State should act with reasonable diligence and expedition to effect

⁷⁴ Immigration Act 1971.

⁷⁵ Nationality, Immigration and Asylum Act 2002.

⁷⁶ Home Office, ‘Detention General Instructions’.

⁷⁷ The Detention Centre Rules 2001.

⁷⁸ Home Office, ‘Detention General Instructions’.

removal."⁷⁹ Notwithstanding, the UK's practices of detention and deportation must also comply with their obligations to domestic, European, and international human rights law. The UK is party to seven of the nine core UN international human rights instruments,⁸⁰ as well as the European Convention on Human Rights (ECHR). At the domestic level, the 1998 Human Rights Act (HRA) imbues the rights given in the ECHR into domestic law.⁸¹

Detaining people for administrative convenience begs the consideration of several fundamental human rights laws, including the right to liberty, the prohibition of torture, and the right to life. This thesis focuses specifically on the right to life, though liberty and torture will also be touched upon.

3.1. The human right to life

The right to life is the most fundamental human right. The right is enshrined in core conventions including the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the European Convention of Human Rights (ECHR). Article 2 of the ECHR protects the right, declaring that "Everyone's right to life shall be protected by law". The right demands that states not only refrain from intentional deprivations of life, such as unlawful killing, (negative obligation) but must also take measures to safeguard the lives of those within its jurisdiction and prevent death where possible (positive obligation).⁸²

⁷⁹ "R v. Governor of Durham Prison, Ex Parte Singh"; See "Lumba (WL) v Secretary of State for the Home Department [2011] UKSC 12" for an authoritative formulation of the principles.

⁸⁰ The ICESCR, ICCPR, UNCAT, CERD, CEDAW, CRPD, and the UNCR.

⁸¹ The current government has proposed to repeal and replace the HRA with a new Bill of Rights, which many argue would weaken protection of rights and state accountability. One of the key aims of the proposed bill is to increase the government's ability to deport people. Recent news articles suggest the bill has been shelved amid fears it will lead to more cases going to the ECtHR and damage the UK's reputation: Davies, 'Rishi Sunak Told to Ditch Plans to Overhaul Human Rights Laws'.

⁸² 'Guide on Article 2 of the European Convention on Human Rights'.

The European Court of Human Rights (ECtHR) emphasises the fundamental quality of Article 2, and confirms it to be “one of the most fundamental provisions in the convention” and one of the most basic values of democratic societies.⁸³ The positive obligation to preserve life highlights that the conception of ‘life’ under the ECHR is not only about states abstaining from killing, but also about a more expansive condition that human life be respected.⁸⁴

Within places of state custody, the positive obligations are more extensive than in the general public domain, due to the vulnerability inherent in being a ward of the state. For example, when an uninjured person taken into police custody has an injury upon release, the state is bound to explain how that person came to be injured. In cases where a person dies, the standard required in accounting for the circumstances of death are particularly high.⁸⁵

Based on the ECHR Guide on Article 2, for a positive obligation to arise in cases of self-harm, “it must be established that the authorities knew or ought to have known at the time of the existence of a real and immediate risk to the life of an identified individual” and, in knowing this, they failed to take measures within the scope of their power which “might have been expected to avoid that risk”.⁸⁶ In establishing whether the authorities knew or ought to have known that there was a real and immediate risk to life, several factors are considered: “1) whether the person had a history of mental health problems; 2) the gravity of the mental condition; 3) previous attempts to commit suicide or self-harm; 4) suicidal thoughts or threats; and 5) signs of physical or mental distress”.⁸⁷

What becomes clear from this guidance is the prominence of mental health problems as the central consideration in risk assessments. Weight is not given to external factors which may contribute to suicidality.

⁸³ *McCann and Others v. the United Kingdom* at para 147.

⁸⁴ Wicks, ‘The Meaning of “Life”’, 202.

⁸⁵ ‘Guide on Article 2 of the European Convention on Human Rights’.

⁸⁶ *Ibid.*, 12.

⁸⁷ *Ibid.*

3.2. Preventing harm in detention

In order to meet human rights standards on the treatment of detainees, the Home Office issues guidance for staff responsible for making the decisions to detain. The instruction is designed to ensure that the detention of an individual is lawful in of itself, and further does not violate any other human rights principles. The current guidance is the *Adults at Risk in Immigration Detention Policy* (AAR), which sets out guidelines for determining whether an individual would be vulnerable to harm in detention, and if so, whether they should be detained considering that vulnerability.⁸⁸ The AAR policy was implemented in light of Home Secretary commissioned independent review by Stephen Shaw, on the detention of vulnerable persons,⁸⁹ which highlighted extensive failings in Home Office policy and practice. The review found that detainees deemed vulnerable were being detained for extended periods of time, at the expense of their wellbeing. As a result, they adopted “a policy whereby all decisions on immigration detention will consider whether an adult is at risk.”⁹⁰

The Adults at Risk policy, introduced in 2016, states vulnerable persons and unaccompanied minors should not be detained, nor should anyone with health conditions (physical or mental) that are considered to make a person vulnerable to serious harm in detention.⁹¹ The non-exhaustive list of risk factors in the AAR includes; mental health conditions or impairments, victim of torture, victim of sexual or gender-based violence, victim of human trafficking or modern slavery, pregnancy, serious physical disability, serious physical health condition or illness, age over 70, and being transgender or intersex.⁹² According to the policy, an individual is considered ‘at risk’ if they declare that they are suffering from one of these given indicators of risk, if those evaluating the detention are aware of medical or other evidence that indicates risk, or if observations from staff indicate that the person is at risk.⁹³ Upon

⁸⁸ Home Office, ‘Adults at Risk in Immigration Detention’.

⁸⁹ Shaw, ‘Review into the Welfare in Detention of Vulnerable Persons’.

⁹⁰ Taylor, ‘Suicide Attempts at UK Immigration Removal Centres at All-Time High’.

⁹¹ Home Office, ‘Adults at Risk in Immigration Detention’.

⁹² List summarised from *Indicators of Risk within Detention* in: Ibid. 8.

⁹³ Ibid., 6.

identifying any of these risk factors for an individual, the decision maker should then categorise the level of evidence and assess how likely the risk of harm to that individual is. The policy gives three levels of evidence which are: level 1) “self-declaration of being an adult at risk – should be afforded limited weight”, level 2) “professional evidence (e.g. from a social worker, medical practitioner or NGO), or official documentary evidence, which indicates that the individual is an adult at risk - should be afforded greater weight”, and level 3) which is the same as level 2, with the addition that the evidence states “detention would be likely to cause harm – for example, increase the severity of the symptoms or condition that have led to the individual being regarded as an adult at risk – should be afforded significant weight”.⁹⁴

As pointed out by the Immigration Law Practitioners Association (IPLA), the scope of protection for vulnerable people provided by levels 1 and 2 of the AAR policy is no greater than what is afforded by the *Hardial Singh* principles, which already apply to *all* detainees, not just those deemed vulnerable.⁹⁵ This is also reflected in the previous framework, which state a presumption against detention for *everyone* and a requirement to consider alternatives to detention in all cases.⁹⁶ The decision to detain should always include a consideration of compliance, public protection, and likelihood of removal – thus, AAR provides minimal if any improved protection for vulnerable people.

Upon assigning a level of evidence, the decision maker is then required to weigh that level against ‘immigration control factors’ which include criminal history, immigration compliance history, and imminence of removal. These elements almost entirely undermine the entire AAR policy, because they give the state leverage to disregard risk on the basis of immigration factors which almost everyone in detention can be deemed by the state to fall into.⁹⁷ When risk of harm is given less weight than immigration concerns, the state is able to prioritise deportation *over* the risk to life of a person, and thus considerations of vulnerability-based

⁹⁴ Ibid.

⁹⁵ ‘Submission of the Immigration Law Practitioners’ Association to Stephen Shaw’s Further Review into Immigration Detention’.

⁹⁶ *Enforcement Instructions and Guidance, Chapter 55*

⁹⁷ Travis, ‘Illegal Immigrants and Foreign Offenders “Left in Detention for Years”’.

harms are rendered meaningless. Furthermore, this categorisation system places emphasis on the quality of evidence, as opposed to the *actual* risk to the person. Many of the forms of vulnerability listed are not verifiable with evidence.

Overall, the framework for protecting life and preventing harm in detention aligns with the dominant view of pre-existing trauma and mental health issues as central risk factors. Similarly to the guidance on Article 2, the potentially detrimental impact of the context is not explicitly touched upon. Though, the AAR policy does acknowledge to a degree that detention itself can be harmful, but deems this only to be relevant for people already 'vulnerable'. Therefore, vulnerability and risk to harm are placed *inside* that individual, rather than on the external situation. The policy fails to recognise how the same harmful effects of detention associated with 'vulnerable' people can also be harmful to people not considered vulnerable.

3.2.1. Rule 35

Rule 35 of the Detention Centre Rules, though it pre-dates the AAR policy, is an essential mechanism for overseeing and thus abiding by the principle of not detaining Adults at Risk.⁹⁸ The rule stipulates that doctors working in IRCs must issue a rule 35 report to the manager on any (1) person whose health is likely to be injuriously affected by continued detention, (2) who is suspected of having suicidal ideations, (3) or who may have been a victim of torture.⁹⁹ The IRC manager is then to pass this information to the Home Office caseworker who will ultimately decide if continued detention is appropriate.¹⁰⁰

The introduction of AAR was intended to address the issues identified in Shaw's review and thus enable facilitate improved effectivity of the pre-existing Rule 35.¹⁰¹ However, since the introduction of the AAR policy, there has been a significant decrease in the release of detainees considered vulnerable, rather than an increase. In Q1 of 2016, prior to the introduction

⁹⁸ The Detention Centre Rules 2001.

⁹⁹ Ibid.

¹⁰⁰ Home Office, 'Adults at Risk in Immigration Detention'.

¹⁰¹ Shaw, 'Review into the Welfare in Detention of Vulnerable Persons'.

of AAR, 32.5% of people with a Rule 35 report were released from detention,¹⁰² while in Q1 of 2018 only 12.5% were released.¹⁰³

For suicidality in particular, the approach to Rule 35 appears to be extremely misaligned. Over 2018 and 2019 across the entire detention estate, there were only twelve Rule 35 reports on the basis of suicidal ideation submitted to the Home Office, and only three of those resulted in release from detention.¹⁰⁴ Over the same two year period, the Home Office reported that there had been 908 suicide attempts, and 3,942 people considered to be at risk of suicide.¹⁰⁵ Thus, while safeguarding measures to protect the right to life and prevent harm in place, they are evidently ineffective. This discrepancy between policy and practice reflects the 'culture of disbelief' within the British immigration system, in which asylum seekers and other non-citizens are cast as 'bogus', 'deceitful' and otherwise undeserving of Britain's hospitality.¹⁰⁶ These issues will be explored further in the following chapters.

¹⁰² 'Immigration Enforcement Data: May 2016'.

¹⁰³ 'Immigration Enforcement Data: May 2018'.

¹⁰⁴ 'Immigration Enforcement Data'; 'Freedom of Information Request - 5775: 2019-Rule-35':

¹⁰⁵ 'Self Harm in Immigration Detention 2018'; 'Self Harm in Immigration Detention 2019'.

¹⁰⁶ Gibson, 'Testimony in a Culture of Disbelief'; Fekete, 'The Deportation Machine'; Neal, 'Third Annual Inspection of "Adults at Risk Immigration"'.

Chapter 4

Literature review

The study of detention and deportations has come into focus rapidly during the last decade from a wide range of disciplines. In this research project, I draw on literature from criminology, sociology, psychology, and human rights law. The following chapter provides a brief overview of literature on mental health and psychological pain in detention, and discussions on bordering process and the right to life. By doing this, I frame the context of my research and highlight the intersection at which it contributes to the debate. The chapter is divided into two themes relevant for answering my research questions.

4.1. Mental health and detention

As noted in chapter 2, there is a wide body of research detailing the harmful impacts of immigration detention.¹⁰⁷ This includes academic research, clinical studies, key witness accounts, reports from NGOs, and government commissioned inquiries. Collectively, this research emphasises the negative effects of detention, and the high rates of mental illness, self-harm, and suicidality. These discussions and studies, however, tend to focus on the inherent vulnerability of the detained population. Particular attention is paid to asylum seekers, torture survivors, women and children, who are considered more at risk of harm in detention due to specific vulnerabilities.¹⁰⁸ Based on individual

¹⁰⁷ Kellezi and Bosworth, 'Mental Health, Suicidal Thoughts and Self-Harm Inside Immigration Detention'; Bosworth, 'The Impact of Immigration Detention on Mental Health'; Cohen, 'Safe in Our Hands?'; 'Becoming Vulnerable in Detention'.

¹⁰⁸ Bosworth, 'The Impact of Immigration Detention on Mental Health'; Cohen, 'Safe in Our Hands?'; Walawalkar et al., 'Suicidal Asylum Seekers Subjected to "Dangerous" Use of Force by Guards at Detention Centre'.

vulnerabilities such as pre-existing trauma, mental health problems, experience of abuse and vulnerability to further abuse, people who fall into these categories are considered more prone to harm and deterioration in mental health if detained, than other people not considered inherently vulnerable. Less attention is paid to the *cause* of mental health deteriorations.

While I do not dispute that certain groups are more vulnerable, focusing on vulnerability and mental health leads many research articles to conclude that assessment mechanisms for vulnerability need to be improved, as does the level of health care provided in detention.¹⁰⁹ Poor standards of care and the lack of upper time limit are highlighted. However, I argue that this approach neglects critical consideration of the fundamental functions and aims of detention, and the role these play in producing distress and suicidality. As early as 2006, this approach was touched upon by a British Medical Journal article, which links the Australian detention regime to, among other issues, high rates of suicide, self-harm, and hunger strikes.¹¹⁰ The article questions the value of providing “psychiatric treatment in a setting [...] that is the root cause of the mental disturbance”.¹¹¹ Thus, while some mental health focused approaches take a critical stance on the practice of detention, the vocabularies of vulnerability employed also run the risk of neglecting both the relevance of the socio-political context, and detainees framing of their own experience. This research project aims to draw attention to these elements.

There are few studies exploring these challenges in relation to detainee’s political agency. For example, McGregor demonstrates that suicide in detention can be a form of resistance. The author finds that detainee protests “most commonly take the form of hunger strikes, self-harm and attempted suicide”.¹¹² However, also notes that categorising self-harm and suicidality as either medical *or* political “implies a false opposition between the psychological and the political and allows no space for

¹⁰⁹ von Werthern et al., ‘The Impact of Immigration Detention on Mental Health’; Cohen, ‘Safe in Our Hands?’

¹¹⁰ Fazel and Silove, ‘Detention of Refugees’.

¹¹¹ Ibid., 252.

¹¹² McGregor, ‘Contestations and Consequences of Deportability’, August 2011, 599.

complex interactions or differences in individual cases".¹¹³ Similarly, Bosworth argues that the pains of immigration detention should be understood not purely as expressions of distress or suffering, but rather in political terms.¹¹⁴

4.2. Migrants and the right to life

The right to life has gained little academic traction in migration studies. Primarily, research on the protection of life has focused on the death penalty and voluntary euthanasia. However, a small number of articles touching on bordering practices and the right to life have emerged in recent years, in particular drawing scholarly attention to the high mortality rates in the Mediterranean.

Puggioni's article on border politics and the right to life explores the protest movement on the island of Lampedusa which emerged in response to the drowning of almost 400 migrants the autumn of 2013.¹¹⁵ She finds that the protests rallied against current border patrol methods – in particular the (non)protection of life.¹¹⁶ Puggioni argues that in calling for protection of *all* human life, the protests become political acts, highlighting the unequal protection of equally worthy lives and contesting the 'natural' order of EU border management.¹¹⁷

Similarly, Franko and Gundhus also discuss the right to life in the context of borderlands in their analysis on Frontex practices.¹¹⁸ Their article explores discrepancy between EU member states self-perception as humanitarian and human rights abiding, while simultaneously contributing indirectly and directly to the precarity of human life through the policing of borders.¹¹⁹ The study highlights the incoherence between border policing and human rights, in particular the absence of consideration to the right to life in their internal governance.¹²⁰ The paper

¹¹³ Ibid., 600.

¹¹⁴ Bosworth, 'The Politics of Pain in Immigration Detention'.

¹¹⁵ Puggioni, 'Border Politics, Right to Life and Acts of Dissensus'.

¹¹⁶ Ibid.

¹¹⁷ Ibid.

¹¹⁸ Aas and Gundhus, 'Policing Humanitarian Borderlands'.

¹¹⁹ Ibid.

¹²⁰ Ibid.

'Our lives are not valued'

argues that this incoherence characterises humanitarian borderlands, who legitimise their aims through the language of human rights while being complicit in producing in inhumane conditions.¹²¹

Franko further addresses the uneven protection of the right to life in her article on global security inequality.¹²² She explores the extent to which existing concepts for understanding inequality can be used for theorising global social cleavages. The article highlights, while despite being a universal human right, the right to life is “de facto unequally protected”.¹²³

What the three articles mentioned above have in common, is that they underline the stark difference in protection of the right to life between citizens and non-citizens, and highlight the need for a radically different way of approaching the protection of human life.

¹²¹ Ibid.

¹²² Franko, 'Lives That Matter'.

¹²³ Ibid., 22.

Chapter 5

Analytical framework

The analytical framework employed in this thesis takes inspiration from that which is developed by Mills in her article *Dead People Don't Claim*.¹²⁴ The framework, which she terms a 'psychopolitical autopsy', draws on critical suicidology, psychopolitics, and the psychic life of power in order to understand how welfare reform in the form of austerity 'kills'.¹²⁵ Autopsy as an analytical tool in sociology was developed by Klinenberg,¹²⁶ and used in relation to suicide by Scourfield et al.¹²⁷ Mills' development of autopsy into the area of psychopolitics results in exploration of how social context can become reconstructed as a matter of individual crisis, and the potential ramifications of this on government culpability.¹²⁸ My approach differs from that of the aforementioned 'autopsy', in that my empirical analysis focuses on testimonies of living people, rather than from friends and relatives of those who have died. Nonetheless, the core tenets of framework are instrumental for this project. The following chapter outlines the relevant theories and concepts which shape my analysis.

5.1. Critical suicidology

Suicidology is the study of suicidal behaviour, and the causes and preventions of suicidality. This thesis situates itself within the emerging field of critical suicidology, which seeks to conceptualise suicide beyond

¹²⁴ Mills, "Dead People Don't Claim".

¹²⁵ Ibid.

¹²⁶ Klinenberg, *Heat Wave*.

¹²⁷ Scourfield et al., 'Sociological Autopsy'.

¹²⁸ Mills, "Dead People Don't Claim".

the biomedical paradigms which views self-inflicted death as a result of individual pathology.¹²⁹ The field critiques the dominant portrayal of suicide as a question primarily of individual mental health.¹³⁰ Prevailing psy-discipline understandings of suicide mean that a medicalised approach to prevention is the logical outcome. In critical suicidology, social and political context is given significant consideration, thus disrupting dominant norms of suicidology. Through this lens, the systemic and structural factors which contribute to suicide are given the space to come to light. Nonetheless, as highlighted by Button, “a political approach to suicide seeks, first, to *supplement* (not fully dislodge) the dominant psychological and psychiatric approaches to the study of suicide”.¹³¹ In other words, critical suicidology does not argue that suicide is unrelated to mental wellness, or that the large body of clinical and psy-discipline research on suicide and mental health can be negated. Rather, it argues that these dominant understandings account for only part of the picture when it comes to understanding cause and prevention of suicide.

Marsh identifies three main assumptions which ground mainstream framings of suicide: 1) suicide is pathological, 2) it can be best understood using Western medical science and, 3) suicide is individual.¹³² The author argues that despite developments in approaches to prevention in the broader field of public health, suicide continues to be understood within these three points and subsequently, relevant political, social and economic contexts have been under-explored.¹³³ Alternative framings of suicide, for example, as a form of resistance, are present but ultimately muted in mainstream medicalised discourse.

For critical suicidology, suicide is not apolitical. According to Reynolds, it is taken for granted “that any death named suicide happens in apolitical

¹²⁹ White et al., *Critical Suicidology*.

¹³⁰ Button and Marsh, *Suicide and Social Justice: New Perspectives on the Politics of Suicide and Suicide Prevention*.

¹³¹ Button, ‘Suicide and Social Justice’, 270.

¹³² Marsh, ‘Suicide and Social Justice: Discourse, Politics and Experience’, in ed. Button and Marsh *Suicide and Social Justice: New Perspectives on the Politics of Suicide and Suicide Prevention*, 15.

¹³³ Marsh, ‘Suicide and Social Justice: Discourse, Politics and Experience’, 15.

contexts".¹³⁴ The very act of naming a death 'suicide' serves to minimise contexts of suffering and normalise situations defined by dehumanisation, discrimination and inequality.¹³⁵ In an example given by Reynolds, "when a torture survivor dies by suicide, the violence of torture is obscured" and what is focused on is how "depression, anxiety, or pills killed this person".¹³⁶ The dominant language of suicide obscures the individual's resistance to the torture, obscures the culpability of the people who tortured them or the government that sanctioned it, and blames the person for their own death.¹³⁷

5.2. Psychopolitics and the politics of affect

Building on Mills,¹³⁸ this thesis also draws on the work of post-colonial psychiatrist and philosopher, Frantz Fanon, to better understand how detention 'kills'. Fanon's psychopolitical work examines how colonisation involves not only political, social and economic domination, but also contains a psychopathological dimension by which colonialism 'gets under one's skin'. His work counters the colonial psychologism that seeks to pathologise the colonial subject by treating exploitation and oppression as a states of mind rather than structural components of colonialism. Fanon's psychopolitics thus presents both a means of exposing the psychological impacts of colonisation and how those psychological impacts are re-articulated as stemming from individual pathology.¹³⁹

Psychopolitics enables analysis of both how the detention regime 'kills', and how socio-political pressures come to be reshaped as individual failings, pathologized as character defects and mental illness – thus ultimately directing attention away from state culpability and towards individual character attributes. One demonstration of this is that of the 'foreign criminal', the notion of which is argued by Griffiths to have become modern conceptualisation of the British 'folk devil'.¹⁴⁰ The term

¹³⁴ Reynolds, 'Hate Kills: A Social Justice Response to "Suicide",' in ed. White et al. *Critical Suicidology*,

¹³⁵ Reynolds, 'Hate Kills: A Social Justice Response to "Suicide"'.

¹³⁶ Reynolds, "Hate Kills", in *ibid.*, 171.

¹³⁷ Reynolds "Hate Kills", in *ibid.*

¹³⁸ Mills, "'Dead People Don't Claim"'.

¹³⁹ *Ibid.*

¹⁴⁰ Griffiths, 'Foreign, Criminal'.

'foreign criminal' has come to represent the dangerous and deviant outsider who can be blamed for social problems, and who the continuous pursuit of can generate moral panic.¹⁴¹ The neutral figure of the migrant is reconfigured to constitute 'foreign', and the 'foreignness' is used to "entrench the wickedness of the Criminal".¹⁴² Issues of profound economic and social inequality are reduced and reconfigured into individual problems of 'ill-disciplined', 'violent', 'exploitative' and 'dependent'. In the context of this thesis, similarities can be seen in the ways the state approach mental health and suicide in detention. Almost 20 years ago Fekete argued that the state takes on the role of the victim in response to the 'blackmail' and 'manipulation' of suicidal and self-harming detainees.¹⁴³

The current development in UK immigration law seeks to further criminalise migration, including the criminalisation of seeking asylum. This expansion constitutes a conflation between the figure of the dangerous 'foreign criminal' and the 'vulnerable asylum' seeker casts unwanted migrants as dangerous and criminal by virtue of their foreignness. Broadening the net of the 'crimmigrant other'¹⁴⁴ minimises the category of migrants seen as worthy or deserving of the Britain's 'imagined hospitality'.¹⁴⁵ Franko demonstrates how the concept of the crimmigrant other enables states to utilise the vocabulary of criminal justice to create legitimacy.¹⁴⁶ Migration without permission becomes not only against the law, but inherently dangerous. In order to protect the victim (British citizens) from the ungovernable offender (migrants), "the use of force becomes not only a necessity, but the right thing to do".¹⁴⁷

Relevant also for this psychopolitical approach is the concept of 'psychic life', which combines Foucauldian understandings of power and subjectivity with psychoanalytical theory. In Foucauldian thought, power is a diffuse and pervasive force that is exercised throughout society by

¹⁴¹ Ibid.

¹⁴² Ibid., 540.

¹⁴³ Fekete, 'The Deportation Machine'.

¹⁴⁴ Franko, *The Crimmigrant Other*.

¹⁴⁵ Gibson, 'Accommodating Strangers'; Gibson and Molz, *Mobilizing Hospitality*.

¹⁴⁶ Franko, *The Crimmigrant Other*.

¹⁴⁷ Ibid., 185.

means of discourse. This power is not only repressive but also productive, shaping the ways in which those subjected to power think, act, and feel. Drawing on this, Butler's *Psychic Life of Power* theorises the ways in which power operates not only at the institutional level, but also at the level of the individual psyche – meaning that the values, norms and expectations of the dominant power become internalised and embodied.¹⁴⁸ The 'psychic life of power' has been utilised in recent years by Fortier¹⁴⁹ and Mills¹⁵⁰ respectively, to attend to socio-political phenomenon. Fortier explores the psycho-social life of citizenship policy in the UK – arguing that hierarchies of belonging are psychically reproduced through continual negotiation of desirability and anxiety.¹⁵¹ The citizenship policy's 'desire for desirable citizens' conflicts with the perceived 'desirability of citizenship' to produce anxieties for state agents and potential citizens.¹⁵² Similarly, Mills employs the 'psychic life of austerity' to argue how austerity logic, rooted in the logics of eugenics, both produces and stigmatises welfare dependency, and leads to the internalisation of market logics of productivity and burdensomeness. The outcome of which is exemplified in the high numbers of austerity related suicides.¹⁵³ In the case of immigration detention, this thesis argues that the 'psychic life' of detention is its manifestation of stress, anxiety and unbelonging-ness, and the nervous conditions produced by that.

This thesis employs critical theory for its potential to challenge the order of things lies in its ability to “contextualise and re-politicise the often messy, violent, and contested processes that seek to naturalise the *national order* as the *natural order* of things” (emphasis added).¹⁵⁴

¹⁴⁸ Butler, *The Psychic Life of Power*.

¹⁴⁹ Fortier, 'The Psychic Life of Policy'.

¹⁵⁰ Mills, “‘Dead People Don’t Claim’”.

¹⁵¹ Fortier, 'The Psychic Life of Policy'.

¹⁵² Ibid.

¹⁵³ Mills, “‘Dead People Don’t Claim’”.

¹⁵⁴ Lindberg, *Deportation Limbo: State Violence and Contestations in the Nordics*, 19.

Chapter 6

Methodology

This chapter details the research design, methodological approach, and methods employed in this project. It firstly explains how a qualitative approach using a single-country study was identified as best suited to the aims of the project. Secondly, it illustrates the rationale for using extant statements as the primary data source and describes the methods of data collection, sampling, and analysis. Finally, the ethical considerations and potential limitations of the research design are explored.

6.1. Research design

Research design must reflect the aims of the project, and methods used should enable the researcher to collect and analyse the data systematically and comprehensively.¹⁵⁵ Every research strategy offers a different approach to evidence and dictates the relationship between researchers and their evidence.¹⁵⁶ Considering the project aims to examine experiences of immigration detention, and is thus not purely juridical, an interdisciplinary approach that draws both on social sciences and legal norms is best suited to the project.

This project utilises qualitative methods. A qualitative method was selected because, as explained by Landman, they “seek to identify and understand the attributes, characteristics, and traits of the objects of enquiry, as well as the meanings, processes, and context”.¹⁵⁷ Qualitative methods are thus most compatible with my interdisciplinary approach and research aims because they enable me to conduct an in-depth

¹⁵⁵ Ragin and Amoroso, *Constructing Social Research*.

¹⁵⁶ *Ibid.*

¹⁵⁷ *Studying Human Rights*, 74.

examination with a focus on experience and modes of expression. The UK was selected as the focus of this study for several reasons. As noted in the introduction, a defining feature of the UK's detention regime is the lack of statutory limit on the length of time someone can be detained. This is unique within Europe, and the subsequent protracted uncertainty it causes produces a number of additional challenges for detainees, and for the state's legitimacy, thus opening many avenues for socio-legal research. Secondly, due to the limited access to British detention centres,¹⁵⁸ there are relatively few studies that explore experiences of deportability from within detention.¹⁵⁹ The majority of empirical research on the themes I explore, namely health and human rights, has been conducted in other European countries¹⁶⁰ or Australia,¹⁶¹ or inside the UK but outside of detention.¹⁶² Therefore, to conduct an empirical study using data from within British immigration detention centres was opportune.

6.2. Qualitative approach

The development of my qualitative research design has been influenced by the work of Luke de Noronha. One of the outputs from his research is a podcast called *Deportation Discs*,¹⁶³ a spin on the longstanding BBC Radio 4 show *Desert Island Discs*.¹⁶⁴ In the BBC original, celebrity guests are asked to choose eight pieces of music they would take if they were stranded on a desert island, and they discuss the music while sharing stories about

¹⁵⁸ Bosworth and Kellezi, 'Doing Research in Immigration Removal Centres'.

¹⁵⁹ For exceptions, see: Bosworth, *Inside Immigration Detention*; Turnbull, "'Stuck in the Middle'"; Turnbull, 'Living the Spectre of Forced Return'; Griffiths, 'Living with Uncertainty'; Kellezi et al., 'Understanding and Coping with Immigration Detention'; Hall, *Border Watch*.

¹⁶⁰ Puthooppambal, Ahlberg, and Bjerneld, "'A Prison with Extra Flavours'"; Campesi, 'Hindering the Deportation Machine'; van Houte et al., 'Globalised Citizenship and the Perceived Legitimacy of Immigration Control'; DeBono, "'Less than Human'".

¹⁶¹ Fiske, 'Human Rights and Refugee Protest against Immigration Detention'; Fiske, *Human Rights, Refugee Protest and Immigration Detention*; Bailey, 'Up Against the Wall'; Aitchison and Essex, 'Self-Harm in Immigration Detention'.

¹⁶² McGregor, 'Contestations and Consequences of Deportability', 1 August 2011; Klein and Williams, 'Immigration Detention in the Community'; Hasselberg, 'Balancing Legitimacy, Exceptionality and Accountability'.

¹⁶³ de Noronha, 'Deportation Discs - Deporting Black Britons'.

¹⁶⁴ 'BBC Radio 4 - Desert Island Discs'.

their life. In de Noronha's version he interviews people who have been deported from the UK to Jamaica and invites them to tell their stories of exile using selected music to punctuate their experience. In the first episode, de Noronha says, "I had the idea of doing desert island discs because I thought people might like to tell their story with music",¹⁶⁵ and I subsequently started to wonder how people in detention might like to tell their stories.

The podcast led me to think about narratives, production and output of stories that counter dominant discourse, and about alternative kinds of data collection and data generation. The *DetainedVoices* blog, which publishes the "stories, experiences and demands by people held in UK immigration detention centres",¹⁶⁶ is one such instance of alternative data generation. While there are existing studies which centre the voice to detainees,¹⁶⁷ because detention centres are closed institutions that present methodological challenges for empirical research,¹⁶⁸ more research has been written from the perspective of the state. Using this blog for research constitutes not only an approach focused on lived experience, but also an approach which prioritises data born out of self-expression, rather than solicited for the benefit of the researcher. To reiterate, it is a way in which people in detention are *already* telling their stories. The use of *DetainedVoices* data will be detailed in the following sections.

This project did not start out searching for indications of suicidality among detainees, but rather, this came about inductively through my initial exploration of the data, coupled with the political context of border control in late 2022 and early 2023, in which the UK government is attempting to restrict the human rights-based appeals against detention and deportation,¹⁶⁹ on the premise that people who are detained are

¹⁶⁵ de Noronha, 'Deportation Discs - Deporting Black Britons'.

¹⁶⁶ 'Detained Voices'.

¹⁶⁷ Bosworth, *Inside Immigration Detention*; Hall, *Border Watch*; Kellezi et al., 'Understanding and Coping with Immigration Detention'; Puthoopparambil, Ahlberg, and Bjerneld, "'A Prison with Extra Flavours'"; Turnbull, 'Living the Spectre of Forced Return'.

¹⁶⁸ Bosworth and Kellezi, 'Doing Research in Immigration Removal Centres'.

¹⁶⁹ Suber, 'First Legal Challenge to Criminalising Asylum Seekers Reaches Court of Appeal'.

dangerous, criminal, and 'abuse' human rights in order to exploit Britain's immigration policy.¹⁷⁰

6.2.1. Statements as narrative

As argued by de Noronha, "deportation requires a collective amnesia about Britain's history".¹⁷¹ Personal narratives demonstrate that there are alternative histories, stories, and experiences than those which come from dominant discourse. In their book, authors Schaffer and Smith demonstrate the importance of narrative testimony in the recent history of human rights campaigns.¹⁷² They argue that both in legal context and in the "court of public opinion", narrative is an essential mechanism for affecting recourse, mobilisation, and enabling social change.¹⁷³

Feminist scholar bell hooks writes that "oppressed people resist by identifying themselves as subjects, by defining their reality, shaping their new identity, naming their history, telling their story".¹⁷⁴ Through the platform of *DetainedVoices* people in immigration detention in the UK do as such, they define their reality, and resist the government narrative that attempts to silence their stories.

6.2.2. Extant data

In seeking to explore how people in detention express and situate their experiences, using extant data has multiple advantages over more traditional qualitative research methods such as interviews. Extant data are "documents that the researcher had no hand in shaping" and are used to address research questions although having been produced for other reasons.¹⁷⁵

According to Das Gupta, the method of using '*testimonios*' as evidence tells us *what* matters and to *who*.¹⁷⁶ For my research approach, *what* matters to detainees is central, and using extant data allows me to explore statements

¹⁷⁰ 'New Plan for Immigration'.

¹⁷¹ de Noronha, 'Deportation Discs - Deporting Black Britons'.

¹⁷² Schaffer and Smith, *Human Rights and Narrated Lives*.

¹⁷³ *Ibid.*, 3.

¹⁷⁴ hooks, *Talking Back*, 43.

¹⁷⁵ Charmaz, *Constructing Grounded Theory*, 35.

¹⁷⁶ Das Gupta, "'Don't Deport Our Daddies'".

given by detainees from their own position, rather than in response to me as a researcher, whose questions would reflect pre-determined ideas. What detainees themselves have felt compelled to express is at the foreground, rather than the hypothesis of the researcher. Extant data thus subverts the relationship between researcher and participant and the influence that relationship has on the data. That said, as noted by Smith and Schaffer, "all stories emerge in the midst of complex and uneven relationships of power, prompting certain questions about production".¹⁷⁷ In other words, the context of the telling and receiving are important. A narrative cannot be completely neutral because it is always influenced by the specific context in which it is produced. In the case of *DetainedVoices*, the testimonies are produced in the context of insider/outsider, with one person offering a listening ear and the other expressing themselves. There is a power dynamic and that one person is able to leave and the other is not.

Extant data is further suited to my research design because it allows for a large data sample. As noted by Landman, "method is a function of the epistemological orientations of the researcher, the theoretical perspective that is adopted, the nature of the research question, as well as the available time and material resources with which to carry out any research project".¹⁷⁸ Using extant data enables me to analyse a much broader sample than would be possible within the scope of this project had my method been interviews, because time and resources for data collection are not limited in the same way. The *DetainedVoices* blog provides an archive of over 200 statements dating from 2015, and includes submissions from people detained in each of the ten detention centres in the UK. This research benefits from the scale of data large in number and being wide in both time and space because the sample can be more varied and thus more reliable. It represents a large selection of experiences, rather than a snapshot representing only the time at which potential interviews were conducted.

Furthermore, from both an ethical and practical perspective, collecting data of this nature first-hand would be extremely challenging.¹⁷⁹ Many of

¹⁷⁷ Schaffer and Smith, *Human Rights and Narrated Lives*, 5.

¹⁷⁸ *Studying Human Rights*, 76.

¹⁷⁹ Bosworth and Kellezi, 'Doing Research in Immigration Removal Centres'.

the statements in this data sample include discussions of trauma, violence, and medical neglect. Asking people directly about suicidality would present serious ethical challenges, and in my position as a social sciences researcher, not medical professional, it would be inappropriate for me to take on such research alone. Re-traumatisation would therefore be a serious risk if one attempted to collect the same data through traditional interview methods.¹⁸⁰ Thus the decision to use extant data also reflects an ethical consideration.

6.3. Data collection method

The previous section discussed the strengths and limitations of my chosen methods. Next, the following section will firstly explain how the data was collected, and secondly how it was sampled. The validity, ethics, and potential limitations will be discussed. The empirical data on which this project is based comes from the *DetainedVoices*.

6.3.1. Detained Voices

The *DetainedVoices* blog make public the “stories, experiences and demands” of people held in detention.¹⁸¹ The website is run by supporters of detainees, thus functioning as a form of communication that circumvents potential “gatekeepers, such as the detention centre management, who were often unwilling to communicate about events inside”.¹⁸² Many detainee support groups operate across the UK, commonly offering support in the form of visiting and campaigning. People who wish to submit statement to *DetainedVoices* can acquire the phone number through one of these support groups, through word of mouth, or from seeing it written on banners at protests outside of the centres.¹⁸³ The phone number is not publicly available. The vast majority of statements are given over the phone and written down verbatim. The text is then read back to the author in case of any wanted changes, and to confirm that they wish for the statement be made publicly available. The

¹⁸⁰ Meffert et al., ‘Health Impact of Human Rights Testimony’; Smith and Smith, ‘Qualitative Methods’.

¹⁸¹ ‘Detained Voices’.

¹⁸² Kemp, ‘Prefiguration and the Post-Representational Politics of Anti-Deportation Activism’, 11.

¹⁸³ Ibid.

remaining few statements are received through fax and email. *DetainedVoices* do not edit, comment, or change the statements other than omitting any personal details for anonymisation.

The statements facilitate communication between people documenting and resisting deportation from within detention and campaign groups on the outside. They also enable detainees to “document their experience without censorship or gatekeeping”¹⁸⁴ by detention management, Home Office officials, or anyone on the outside. Kemp argues that this form of communication respects what Glissant terms the ‘right to opacity’,¹⁸⁵ meaning the retention of a certain degree of unknowability; freedom to not be understood on others’ terms.

The activist position of the organisation may shape the nature of the empirical material at hand, as detainees may know they are speaking to someone who is anti-detention, and thus be able to express things they may not in other circumstances. Similarly, they may feel the need to tailor their testimonies in order to appeal to the sympathies of an imagined type of public audience.

6.3.2. Sample

The sample of data used in the analysis are part of a larger archive which dates from March 2015 to November 2022. As Bradshaw and Stratford explain, sample size in qualitative research should depend on the purpose of research, logistics, and resources.¹⁸⁶ This project draws on 104 statements from the years between 2017 and 2019, and this frame was decided upon based on several factors. Firstly, the Covid-19 pandemic led to exceptionally low numbers detained and extraordinary limits on already limited access to detention centres, thus few statements were published - and so 2020, 2021 and 2022 were excluded. Secondly, since the purpose of my research is to explore inductively how deportability is experienced, a large sample was needed in order to capture a wide selection of experiences. The years 2017, 2018 and 2019 comprised 107 submissions. The statements vary greatly in length, the shortest being 16 words and the longest 4289 words, and therefore a sample of this size

¹⁸⁴ Ibid., 12.

¹⁸⁵ Ibid.

¹⁸⁶ Bradshaw and Stratford, ‘Qualitative Research Design and Rigour’.

ensured there was enough content to analyse. Time and resources were a factor to consider, though as the data is extant I was able to spend more on my analysis than if I were conducting primary data collection, and thus it was not necessary to limit the scope further. One statement from 2019 was excluded from the sample as it came from someone detained at Les Gilets Noirs airport in France and therefore does not fit within my single country case. Another from 2017 was from the collective who run the blog expressing solidarity in relation to an unrelated case, and thus has also been excluded. A small number of statements in the sample were submitted by people who had been deported, released from detention, relatives of detainees, and members of the public. These were included so as to provide additional context, but were not the focus of my main analysis. One submission was a selection of scanned images of protest placards. The total number of statements included in the sample then, is 104, including the placards.

Source	Total in sample
Detainee	97
Former detainee	1
Deportee	2
Relative/friend	2
Public witness to a deportation	1
Solidarity group	1

Statements are anonymised, and it is possible for someone to submit more than once to the blog, therefore I cannot say with 100% certainty in all cases that the author of one statement is not the author of another. For this reason, I do not use pseudonyms to mark the statements, but rather number them from 1-104.

6.3.3. Ethical considerations

The statements from *DetainedVoices* are already publicly available on the internet, and already anonymised. It is therefore not possible to acquire informed consent from the people who have given their testimonies to the blog because I do not have access to any of their personal details. They have however consented to have their testimonies published online. Any directly identifiable information is omitted from the statement by the collective who run the blog prior to publishing, and any information which could indirectly identify people has been omitted during my data

processing. Omissions and contextual additions are placed in square brackets. It is worth noting that some statements from the blog have been used in an article by Kemp.¹⁸⁷ Additionally, I have secured permission from *DetainedVoices* to use this data as a source material.

6.3.4. Limitations

This method has a number of limitations. Because the data was not collected by me, and was anonymised prior to being made publicly available, I do not have access to consistent data on personal characteristics such as age, gender, race, sexuality or nationality. Some of this data can be gathered from the text where it is mentioned or implied, but many statements do not give any indication of personal identity. This represents a limitation as I am not able to consistently use characteristics as part of my analysis, for example, as some other studies do by focusing on only asylum seekers,¹⁸⁸ foreign national offenders,¹⁸⁹ or black men.¹⁹⁰ However, as the aim of my study is not to represent the experiences of one specific group affected by detention, but rather to explore the ways detention is experienced, it does not prove to be a problematic limitation. The parameters of my analysis are: people who have been detained in the UK and have submitted a statement to *DetainedVoices*.

While statements can be given in languages other than English, this is dependent on the availability of volunteers who speak said language. Therefore, the blog likely has a bias towards people who can express themselves in English. Similarly, non-English speakers may be less likely to hear about the website, and thus may be underrepresented in the data sample. It could be likely that the longer a person is detained, the more opportunity they have to hear about *DetainedVoices*, and simultaneously the more distressed they become, thus it could be the case that people who have been detained for longer are overrepresented in the sample, though there are many statements noting that they have been in detention for relatively short time periods.

¹⁸⁷ Kemp, 'Prefiguration and the Post-Representational Politics of Anti-Deportation Activism'.

¹⁸⁸ Kreichauf, 'Detention as Social Space'.

¹⁸⁹ Hasselberg, 'Balancing Legitimacy, Exceptionality and Accountability'.

¹⁹⁰ de Noronha, 'Deportation, Racism and Multi-Status Britain'.

It may also be the case that people who are not so troubled by detention do not reach out, thus overrepresenting detainees who are distressed. However, based on other studies which have used more representative sampling methods and yielded very similar findings, in that detention is almost universally experienced negatively, I do not expect that this sample overrepresents misery.¹⁹¹ On the other hand, the data may also involuntarily exclude perspectives from people who experience a high level of suicidality, because they may not feel able to reach out.

6.3.5. Method of analysis

To analyse my data, I used the six steps laid out by Clarke and Braun which are as follows: data familiarisation; coding; searching for themes; reviewing themes; defining and naming themes; and writing up. Because my research design started with my data sample, the data familiarisation process began early on in my project. This method is borrowed from a grounded theory approach, in which data analysis precedes literature review, and data is collected and analysed in a continuous and cyclical fashion.¹⁹² A data driven approach is often adopted in constructivist-interpretivist studies because it allows the researcher to code their text “using labels that are close to the data without influence from existing concepts, constructs, or theories”.¹⁹³ To analyse the statements I used the qualitative data analysis software, NVivo. I uploaded each statement into NVivo, retaining the title used for each blog post as the title name for each statement.

¹⁹¹ Bosworth, ‘The Politics of Pain in Immigration Detention’; Bosworth, ‘Can Immigration Detention Centres Be Legitimate?’; Bosworth, *Inside Immigration Detention*; Shaw, ‘Review into the Welfare in Detention of Vulnerable Persons’.

¹⁹² Charmaz, *Constructing Grounded Theory*.

¹⁹³ Chandra and Shang, ‘Inductive Coding’, 92.

Chapter 7

Analysis

Every statement sampled for this study speaks negatively about experiences within the deportation regime. The only positive sentiments offered were those relating to protests or hope regarding immigration cases, in other words - the potential for a change in their situation. One of such passages reads “I heard about the protest. I’m so happy. I’m so grateful [...] Just keep doing it. When they [the government] see you doing it continuously they’ll listen”.¹⁹⁴ Another says: “I feel a great relief that the deportation was halted” before reflecting “but at the same time I feel sad when I think about all the nameless people that were herded onto charter flights days ago, no one knows their names, what happened to them or what could be happening to them right now”.¹⁹⁵ All of the statements present varying iterations of the following, concisely expressed sentiment, “Detention centres are a horrible place to be”.¹⁹⁶ In the following analysis, the ways in which people talk about distress and death give an insight into how suicidality in detention is produced.

The following chapter analyses testimonies from detainees, to understand how they experience immigration detention. To reiterate, this analysis is guided by the overall conceptual question:

What does it mean to die by suicide in immigration detention?

And the sub question:

¹⁹⁴ Statement 97

¹⁹⁵ Statement 16

¹⁹⁶ Statement 9

What role does immigration detention play in the formation of suicidality?

To address these questions, I present excerpts from the sampled statements, which offer a glimpse into life in detention, and the stresses detainees face in that context. First, an analysis is put forth concerning the distress generating elements of immigration detention. This is presented into sections; legitimacy, physical life, disbelief, deportability, and unbelonging. Secondly, the suicide prevention methods utilised by the state will be discussed in relation to the three themes.

While reoccurring themes of discontent include abuse from staff, poor healthcare, and lack of access to resources, this chapter will demonstrate, supported by findings in Bosworth,¹⁹⁷ that these statements are not simply complaints about 'quality' of care nor expressions of suffering. Rather, they are political demands which illuminate detention centres as places of arbitrary state power and offer a moral critique of their use in liberal democracies.¹⁹⁸ Viewing the statements in this way enables us to move beyond individual sympathies, and rather understand how suffering and suicidality is produced.¹⁹⁹ The analytical frame of psychopolitics is used here to "better understand the anxious entanglements of structural and political phenomena with psychic life"²⁰⁰.

7.1. Producing distress in detention

Distress is a central and dominating theme in the accounts from detention. Distress is acknowledged by the ECHR to be a risk factor for self-injurious and suicidal behaviour, which if not taken measures to mitigate, can lead to violation of the positive obligation under Article 2. Factors taken into consideration for knowing whether there is a real and immediate risk to life include "signs of physical or mental distress".²⁰¹ Significantly, Liebling and colleagues find that high levels of distress in prison settings

¹⁹⁷ Bosworth, 'The Politics of Pain in Immigration Detention'.

¹⁹⁸ Barker, 'The Politics of Pain'.

¹⁹⁹ Mills, "'Dead People Don't Claim'"; Button, 'Suicide and Social Justice'.

²⁰⁰ Mills, 'Strengthening Borders and Toughening Up on Welfare', 78.

²⁰¹ 'Guide on Article 2 of the European Convention on Human Rights'.

significantly correlate with prison suicide rates.²⁰² In places of state custody then, distress is a highly relevant factor for understanding suicidality. This subchapter critically examines the statements from detention in order to understand how and why distress and suicidality are produced in detention. The three main elements identified make up the structure of the following section, namely, legitimacy, deportability, and care.

7.1.1. On legitimacy

People in detention overwhelmingly experienced their confinement and proposed deportation as illegitimate. Detainees expressed intense frustration, not simply at their deprivation of liberty, but at the apparent lack of justification for that deprivation, and proposed deportation.

Liebling et al. find that levels of distress are determined by how fair, respectful and legitimate the prison regime is experienced to be.²⁰³ These findings are highly relevant for this thesis, as they provide a framework for understanding what it is about detention that makes it such a distressing experience. One statement provides an insight for understanding the relationship between distress and legitimacy:

If my country was safe I would never be here. I love my country but they have been destroying it [...] I have never been to prison, I have never committed any crime, I have never committed any offences. I understand if I do something wrong, but I didn't do anything wrong. It is very hard. I never been to prison but I am here now. Yesterday I wanted to do suicide, but they didn't let me.²⁰⁴

For the above, and many other statements, the absence of carceral logic was linked to high levels of distress. Many detainees express that they would be able to accept their confinement if it followed the rationale of

²⁰² Liebling, 'Moral Performance, Inhuman and Degrading Treatment and Prison Pain'; Liebling and Arnold, *Prisons and Their Moral Performance*; Liebling and Maruna, *The Effects of Imprisonment*; Liebling, *Suicides in Prison*; Liebling et al., 'Revisiting Prison Suicide: The Role of Fairness and Distress'; Liebling and Ludlow, 'Suicide, Distress and the Quality of Prison Life'.

²⁰³ Liebling et al., 'Revisiting Prison Suicide: The Role of Fairness and Distress'.

²⁰⁴ Statement 102

criminal incarceration, and thus the absence of that logic is a factor which troubles detainees deeply. Perceptions of lawlessness add an additional layer to the 'pains of imprisonment'²⁰⁵ typically associated with deprivation of liberty, with pain compounded by the apparent arbitrariness of it. Without legitimacy, detention is a place absent of law rather than governed by law.

I feel very isolated in here (Yarl's Wood). It's not like just a lonely feeling. It's a different kind of isolation. I feel like I have already been removed to a place with different laws, removed from my friends and family, removed from society, so far removed from every comfort.²⁰⁶

It was common that detention was experienced as punishment.

Immigration is making people crazy. I love British people but the system is not good. Its not fair. We been punished. I am in another prison. My friend says prison is better than detention. [...] Who is making this? Why are they punishing me? I never see my caseworker. Who is home office? who is immigration? Are they animal or human?²⁰⁷

Though detention is technically not punitive, because it is administrative, this distinction is at best irrelevant for detainees, and at worst serves to intensify harms. While not undisputed, the logics of criminal law and punishment provide prisons with an important sense of legitimacy.²⁰⁸ They align with 'common-sense' understandings about action and consequence, crime and punishment.²⁰⁹ Accordingly, much of the distress expressed in the testimonies relates to this absence of the crime/punishment rationale, with detention therefore coming to be experienced as worse than prison.

²⁰⁵ Sykes, *The Society of Captives*.

²⁰⁶ Statement 52

²⁰⁷ Statement 101

²⁰⁸ Bosworth, 'Can Immigration Detention Centres Be Legitimate?'

²⁰⁹ Ibid.

We don't have windows to breath air. It is just like prison, even more terrible than prison. They close the door and we can't go out.²¹⁰

Research in prisons demonstrate that perceptions of legitimacy and fairness are dependent to a greater degree on staff-prisoner relationships, than on the regime of the prison itself.²¹¹ In the context of immigration detention however, I argue that the roots of distress go beyond interpersonal treatment. Rather, my data shows that people are deeply troubled by being held in a place so similar to a prison – but without any of the 'common-sense' legal and moral justifications that legitimise incarceration.²¹² Similarly, another statement describes the frustration stemming from the experience of injustice:

Being in detention, they try and make you calm down but its impossible, its not right. They wont let us on the internet, or to read the newspaper. They are pushing you to do something bad to yourself. To kill yourself or harm yourself. [...]

They have been here so long, for making one mistake. Everyone has one mistake in their lives, but my mistake is costing me my life. I had a seven week prison sentence, and I've been eight months in detention. I've done more detention than prison! I don't know what it looks like outside any more.²¹³

The author of the statement stresses the impossibility of 'calming down' in a system which feels so unjust, and in doing so highlights an inherent tension within the system - in which the staff attempt to prevent detainees from harming themselves, whilst being complicit in the very system producing their distress. Through the apparent lack of legitimacy – some basis of sense for their loss of liberty and the pains that come with it, detainees feel pushed to the edge – to self-harm and suicidality.

In thinking about how detention 'kills', we can understand from these testimonies that one of the ways it 'kills' is by depriving people of their

²¹⁰ Statement 93

²¹¹ Liebling, 'Moral Performance, Inhuman and Degrading Treatment and Prison Pain'.

²¹² Bosworth, 'Can Immigration Detention Centres Be Legitimate?'

²¹³ Statement 11

liberty, thus causing all of the commonly understood 'pains of imprisonment'²¹⁴, but without the carceral logics to make that deprivation of liberty just. Without it, detention is experienced as unfair and unjust punishment. This supports the findings of Liebling, who argues that the *literal* survivability of prisons is dependent on perceptions of fairness and justice within them.²¹⁵ Fair and just treatment translates into feelings of relative safety, the absence of which is experienced not just as unsafe, but as "psychologically painful".²¹⁶ Without just punishment, there is nowhere for the pain to go.

You claim to be the *crème de la crème* of the in societies in the world. But where is the justice and the fairness here?²¹⁷

Liebling finds that staff ideologies and differential treatment of prisoners, in other words – being treated unfairly and without respect, "generates negative emotions such as anger, tension indignation, depression".²¹⁸ In detention however, I argue that it is the differential and unfair treatment - not from staff, but from the state, that generates distress.

I have lived in the UK since the age of 11 and have never left, my life is here, my personality and my norms and values are developed here. I don't even speak another language. Yet I am viewed as *Illegal*. And there it is. The reason I don't have any hope. Both the Home Secretary and the Prime Minister use *that word*, which I find so hurtful, repeatedly in parliament to try to differentiate between those who deserve justice and those that don't.²¹⁹

Liebling finds, that, in the context of prisons, "Legitimate treatment may be literally a matter of life and death."²²⁰ My empirical material shows,

²¹⁴ Ugelvik and Damsa, 'The Pains of Crimmigration Imprisonment'; Crewe, 'Depth, Weight, Tightness'; Bosworth, 'The Politics of Pain in Immigration Detention'.

²¹⁵ Liebling, 'Moral Performance, Inhuman and Degrading Treatment and Prison Pain'.

²¹⁶ *Ibid.*, 534.

²¹⁷ Statement 99

²¹⁸ Liebling, 'Moral Performance, Inhuman and Degrading Treatment and Prison Pain', 534.

²¹⁹ Statement 14

²²⁰ Liebling, 'Moral Performance, Inhuman and Degrading Treatment and Prison Pain', 535.

supporting the findings of Bosworth,²²¹ that people in detention experience the system of detention as illegitimate. Consequently, that lack of carceral legitimacy leads to high levels of distress, and is a factor in the production of suicidal subjectivities.²²²

The differences between levels of distress in places of imprisonment relate to “the way in which power is used, and how this feels”.²²³ In being subjected to one of the most extreme forms of power the state has access to, that power is simultaneously devoid of any of the usual legitimising components. Subsequently, the power inherent in detention *feels* unjust, illegitimate and meaningless, and is, as demonstrated in the empirical material, extremely distressing.

As pointed to by Bosworth, the political pains emerging from detention tell us something about the legitimacy of migration management practices in liberal democracies.²²⁴ But they also tell us something about why suicidality happens in detention.

7.1.2. The psychic life of detention

A central theme in the statements is fear, anxiety, and anger, and in many cases these feelings talked about in relation to death, dying, and suicide. Hence, it appears that states of anxiety and ‘nervous conditions’ make up the psychic life of detention centres for many detainees. In the preface to *Wretched of the Earth*,²²⁵ Sartre describes how coloniality creates ‘nervous conditions’ – a state of continuous anxiety and agitation.²²⁶ Arising from the near total elimination of one’s cultural resources, nervous conditions are to be understood as both political and psychological.²²⁷ Though the nervous conditions of colonialism are unique, immigration detention, as Mills’ finds with austerity, appears to create states of anxiety and a

²²¹ Bosworth, ‘Affect and Authority in Immigration Detention’.

²²² Ibid.

²²³ Liebling, ‘Why Prison Staff Culture Matters’, 117.

²²⁴ Bosworth, ‘The Politics of Pain in Immigration Detention’.

²²⁵ Fanon, *The Wretched of the Earth*.

²²⁶ Sartre in *ibid.*

²²⁷ Hook, ‘A Critical Psychology of the Postcolonial’, 481.

nervous condition of its own. These anxious states are exemplified in the following excerpts:

I have never felt so vulnerable in my life and I have been in some shitty situations, I'm so anxious I can't relax, it's like I'm in the wolf's den and I will get eaten eventually, I don't know what is worse, the anticipation of the event or the event itself.²²⁸

In describing that they are trapped, using the metaphor of prey illuminates how unsafe people feel in the system, which is experienced as predatory and cruel. The constant fear, and threat of deportation (explored in the following section) produces anxious states, rendering people unable to sleep or eat.

I am not the bubbly, jolly, and full of life person which I was before. That person is lost in this detention centre. It has been long time since I have eaten properly. I don't get any sleep at night. I have lost huge amount of weight, but my physical health and appearance is the least of my worries at the moment when compared to my mental state, which is getting worst day by day. I am extremely depressed and it's getting more severe day by day. I get panic attacks and anxiety. I get scared of every footsteps passed by the door of our cell.²²⁹

Similarly, people express that they feel as though they are going crazy,

Our mind does not go well here. [...] I am going mental. We are so depressed, I can't sleep at night. Can't sleep, can't eat, anything.²³⁰

everyday something happens here and its driving everyone mental. Someone got on top of the building today, and tried to jump, he said 'you want to kill me'. They have been taking people by force, people have lost their lives here.²³¹

²²⁸ Statement 18

²²⁹ Statement 26

²³⁰ Statement 8

²³¹ Statement 11

For many, the feelings of distress become so overwhelming that they cannot bear it. In his work on colonialism, Fanon criticizes the dominant discourse in psychiatry for attributing distress and defiance against the colonial powers as an inherent trait in the mind of the colonised.²³² Rather he argues that distress and defiance are “the direct result of the colonial situation”²³³. Fanon finds that colonialism produces ‘symptoms’,²³⁴ including “depression, suicidality, and persistent insomnia”.²³⁵ From this psychopolitical perspective, colonialism is psychopathological, not those subject to it. Colonialism is the “disease that distorts human relations and renders everyone within it ‘sick’”.²³⁶ Evident too, in the empirical material is that detention makes people ‘sick’, by psychologically exhausting them. Social withdrawal, loss of appetite, and feelings of isolation, disempowerment, uncertainty, stress and sadness are key symptoms of detention that have detrimental psychological impact.²³⁷ Likewise, exhaustion and enervation are understood by Povinelli as forms of violence, as “the weakening of the will rather than the killing of life”.²³⁸ This weakening is seen in action through the way people in detention talk about their experience. In the following excerpt, we see how through being worn out, a persons desire to keep going becomes weakened.

I have given up on my fight and my life now. I feel like I don't want to live on with this pain every second. Today is my birthday and it's the first time in my life I am not excited about it. Nothing excites me, makes me feel good or smile anymore. I have become absolutely depressed and vulnerable now. I am suicidal and only think about ending my life to put a full stop on this everyday suffering, even though I try very hard to keep myself calm and composed and to stop thinking about harming myself.

I know if something wrong happens to me, it will not bother the Home Office as I, along with all other detainees, are just numbers

²³² Fanon, *The Wretched of the Earth*.

²³³ *Ibid.*, 233.

²³⁴ Fanon, *The Wretched of the Earth*.

²³⁵ Mills, “‘Dead People Don't Claim’”, 311.

²³⁶ Loomba, *Colonialism/Post-Colonialism*.

²³⁷ ‘Becoming Vulnerable in Detention’.

²³⁸ Povinelli, *Economies of Abandonment*, 132.

for them rather than human beings. At times I do think about all my well-wishers, family and friends who love and care about me, but I am very tired now, and I am feeling that I do not have any desire to live like this.²³⁹

In this context, the suicidality produced is not about *losing the will to live*, but about not wanting to live *like this*.

7.1.3. Culture of disbelief

In order to legitimise detention, discursive narratives of the exploitative, manipulative and underserving migrant frame debates about immigration policy, and ultimately guide and justify ever more restrictive changes in legislation.²⁴⁰ While Mills finds in her psychopolitical analysis of austerity suicides, that discourses of shame and burden become internalised by welfare claimants,²⁴¹ the data in this study shows a different outcome than internalisation. In the context of accessing healthcare, detainees often reported that they were misbelieved, their mental and physical illnesses becoming only used against them rather than in their favour.

I've been having palpitations – kind of like heart attacks since I've been here. Nightmares ... panic all the time. Each time you approach the health care they just tell you paracetamol – they give you paracetamol and tell you: "oh there's nothing wrong with you". Meanwhile deep inside you know what is killing you. You know what is hurting you. But each time you approach them: "Go and take paracetamol" – and that is it.²⁴²

This description of not being believed echoes the findings of Bosworth,²⁴³ and supports the argument of Fekete.²⁴⁴ The problems faced are not

²³⁹ Statement 26

²⁴⁰ 'New Plan for Immigration'; Gibson, 'Testimony in a Culture of Disbelief'; Griffiths, 'Foreign, Criminal'.

²⁴¹ Mills, "'Dead People Don't Claim'".

²⁴² Statement 2

²⁴³ Bosworth, 'The Politics of Pain in Immigration Detention'.

²⁴⁴ Fekete, 'The Deportation Machine'.

simply as a result of the poor quality of care, but rather are inherent in the deportation regime itself.

To really get a place where someone can help you, you have to get a mental health personnel, and even then they say, oh you are only saying that so you can stay in this country. When you have a migraine, a stomach ache, the doctor says how can this be, you are just saying it.²⁴⁵

While the AAR policy was supposed to provide better understanding of risk and vulnerability, it works oppositely as those reporting any of the risk factors listed are increasingly assumed to only be doing so to try and 'get out of' detention or deportation.

[...] they treat us like whatever is happening to us is not genuine and we are pretending and faking it.

Even though I did not suffer from any medical condition in the past but after being isolated from the society, family and friends I am in a different position now. How can there be any medical evidence when I am not even being looked up properly by healthcare here in Yarl's Wood.²⁴⁶

Though, the policies is designed for that means – to ensure that people who 'would be harmed by detention' are not detained. Thus detainees find themselves in a catch twenty two. Many describe how the healthcare units in detention serve the overall function and aim of detention, thus breeding a culture of disbelief.

They don't believe us. I go to the doctor and they say it's fine and give me paracetamol. Like I come to the doctor for paracetamol. I have a real problem.²⁴⁷

Despite widespread evidence that detention is harmful, detainees come up against a 'culture of disbelief' that exists in the Home Office, in which any claims of the risks 'vulnerability' that are laid out in AAR policy are

²⁴⁵ Statement 51

²⁴⁶ Statement 26

²⁴⁷ Statement 71

seen as excuses, faking it in an attempt to get out of detention.²⁴⁸ Through reading the statements it becomes evident that detainees find themselves in an institution in which its functions are guided by the overarching aims of border control. In other words, because the aim of detention is to detain, the other internal operations such as welfare and healthcare are performed through the lens of "building an immigration system that is fair to British citizens and legitimate migrants and tough on those who abuse the system or flout the law".²⁴⁹ Working in this way, healthcare professionals also perform a role of immigration officer, their goals not only informed by what is best for the patient in front of them, but also informed by ideas about detainees as 'illegitimate' 'abusers of the system'. Ultimately, what is truly 'killing' people is obscured.

I just pray the something changes, and that our energy shall not go to waste. Something really needs to be done. Sooner or later people are so depressed, they start cutting themselves, they are getting suicidal, this is not okay. And then when the officers know about this they start checking on you every hour.

They should be asking why [do] these women, who have children and families, want to take their own lives.

Separation from our children is killing us, I haven't spoken to my daughter in 5 months. She's going to make 5 in May, she's probably moved on, she must think who is this mother I don't remember. My friends printed out pictures and send them to me. I can't even print one picture of my child, they say you have to print educational, legal, I can't even print one picture of my loved ones.²⁵⁰

7.1.4. Deportability

Many of the statements describe feelings about deportation. Intense fear of deportation is also reported by non-citizens outside of detention,²⁵¹

²⁴⁸ For example, see: Taylor, 'Woman Accused of Faking Illness to Avoid UK Deportation Died Five Days Later'.

²⁴⁹ Travis, 'Illegal Immigrants and Foreign Offenders "Left in Detention for Years"'.
²⁵⁰ Statement 51

²⁵¹ Damsa and Franko, "'Without Papers I Can't Do Anything'", 31 May 2022.

however for those who are detained, this feeling is magnified. In being made constantly aware of the possibility of deportation by the physical structures they are surrounded by, people in detention experience an acute form of deportability.²⁵² The continuous threat of deportation hangs heavily over detainees, creating extreme anxiety. As one person expressed:

Now they want to take me back on a charter flight to [country]. Where would I stay? I'm in a very terrible situation. Last night, I woke up in the middle of the night screaming and my heart was racing. I was sweating, the bed was soaking with sweat because of the fear about tomorrow.²⁵³

Seeing other the procedures of deportation inflicted on other detainees was traumatising for many. Being a witness is both distressing in the sympathetic sense, and also in that it serves as an insight into what may happen to themselves. The following statement exemplifies the fear in seeing a fellow detainee being taken for deportation:

But most shocking is that she was fully restrained from the segregation unit up until the deportation was cancelled. What I don't understand is that she is 5 [foot 2] very thin and frail, as well as being one of the most passive pacifists I have ever met and she did not resist.

They even restrained her legs because she started to cry.

I am so terrified I can't imagine how she felt, literally tied like a sacrificial lamb to the slaughter.

I dread my turn and it will come, I am more afraid than ever and there is nothing I can do but be detained and have this threat over [me] like a guillotine.²⁵⁴

Deportability also causes distress through its perceived lack of meaning. Detention and deportation are perceived not only as unjust and unlawful,

²⁵² Genova, 'Migrant "Illegality" and Deportability in Everyday Life'.

²⁵³ Statement 100

²⁵⁴ Statement 29

but also pointless. In the statements, people struggle to make sense of the intended outcome of their detention - or lack thereof. One example of such can be seen in the below testimony from someone who had been living in the UK for more than twenty years at the time. Facing an imminent deportation, she recounts a phone call with her children before being taken to the flight:

I called my kids and told them: "This is what is happening now - if I don't call you any more ... I'll try and call you when I get to the other end - but this is what is happening". And my children were asking me: "Why mummy?". I said: "I don't know why - I can't answer why - I can't answer - I can't answer - if I can answer the 'why', maybe I wouldn't be talking to you now in this moment". I have asked the 'why' myself - I can't answer them. So, I don't know.

My youngest daughter was all in tears - she couldn't talk. So you see, this is not only done to individuals but also to the children and whoever is close to you.²⁵⁵

In calling into question the *meaning* of deportation, she contrasts the obvious and tangible harms caused by forcible and permanent separation of family members against the intangible 'good' the practice seeks to achieve. Detention and deportation are not only experienced as unfair, with all of the suffering that feeling brings, but also as having long-term negative consequences for her family - and potentially wider society. She references negative outcomes predicted for children raised without a supportive home environment, and in doing so brings to the fore moral questions about the pay-off between deporting people simply for having irregular status and the societal consequences this may have. The lack of meaning - an identifiable social or political 'good', serves to compound distress.

The same statement continues:

When you come in here you find out everybody is miserable. Almost every time you find people in tears, you know? What sort

²⁵⁵ Statement 3

of life is that? You don't even know what's going to happen the next moment. It's a very horrible situation to be honest.

Honestly, this detention centre, I don't know what it was built for but, to be honest, in my own understanding, it's not really doing anything good to anybody but destroying people and destroying families. They're breaking families and inflicting pain. We're all human irrespective – whatever the situation – we are all human being.²⁵⁶

Her account emphasises not only that people inside are suffering as a direct result of the detention regime, but that their suffering is experienced as being *without purpose*, which all the more intensifies their distress. In questioning what 'good' deportation does, legitimacy is interrogated not only in the legal sense, but also politically.

7.1.5. Unbelonging

Franko argues that when carceral power is “exercised over individuals without formal membership, it essentially changes its nature and becomes [...] more openly exclusionary.”²⁵⁷ She finds that even in institutions which maintain decent humanitarian standards, for foreign national prisoners, “differential treatment ultimately serves as a constant re-enactment of the border and a reminder that they do not belong”.²⁵⁸

I argue that in the same way, immigration detention is a constant reinforcement of unwelcomeness and unbelonging. Many of the statements in my sample express how detention and deportation are forced unwelcomeness. This treatment weighs heavy on them. One describes it as exile:

Every day is a battle, personally I have to think of a reason to go on living every day, to go on fighting, to not give up. I have moments when I do give up and feel so sorry for myself that I consider letting them deport me. Just one problem, I honestly don't feel like I have another country, it's not like I've had an easy life here, quite the

²⁵⁶ Statement 3

²⁵⁷ Aas, 'Bordered Penalty', 521.

²⁵⁸ *Ibid.*, 535.

opposite, but it's still my home. I don't identify with any other nationality and I'm having an identity crisis, I don't know where I belong anymore. I feel like I'm about to be exiled. I would rather die in Britain than live in the country they want to send me to.²⁵⁹

The use of the word exile imbeds a recognition of their connection to the UK, and it also links to the feeling of losing one's rights. The complexity of being sent to a place where one does not belong is illuminated, in contrast to the notions of return and deportation which strongly communicate to people that they belong elsewhere.

It's my life in here. UK England is not my mother country but I have come here for married, husband, I have child here. I see this country is my second mother country. I know England I know UK. But this country doesn't no like me. I'm no have any feel welcome. They broken my life, stop my life.²⁶⁰

In many statements, this feeling is described as though life is over, the life that they desire to live is over. This can be linked to Joiner's Interpersonal Theory of Suicide (ITS), which explains suicide through the categories of "perceived burdensomeness" and "thwarted belongingness".²⁶¹ Through deprivation of liberty on the basis of no formal membership, and the subsequent acute deportability that inheres detention, detainees are being told – communicated in the form of treatment, that there are very much unwelcome. Death is often spoken about as a way to avoid the feeling of unbelonging, which appears to be inevitable in the face of either continued detention, or forced removal.

What do they [Home Office] expect me to do? They are trying to deport me when I don't have one penny in my pocket. How can I leave me wife in this country? How can I leave my brother and his children in this country? My family and my life is here in the UK. If they take me back to [country] I will kill myself.²⁶²

²⁵⁹ Statement 41

²⁶⁰ Statement 4

²⁶¹ Joiner, *Why People Die by Suicide*.

²⁶² Statement 85

In the context of detention, contrary to IPTS, 'thwarted belongingness' is not perceived – it is imposed. As critiqued by Hjelmeland and Knizek, "one cannot dismiss the fact that for some people who take their lives, burdensomeness or thwarted belongingness are not about perceptions but hard realities."²⁶³ While this may appear self-evident, the idea that distress and suicidality are matters of *perception* underlies much of the dominant discourse on suicide and suicide prevention. However, if you have been separated from your community, forced into destitution,²⁶⁴ and are being threatened with forced removal to a place you have no wish to return to, thwarted belongingness "is not a mere perception; you are actually treated as if you do not belong".²⁶⁵ Throughout the empirical material, the painful impacts of this 'thwarted belongingness' were evident. For example, one person describes the forced separation from her family:

For me I just feel like it's tearing families apart. If you take me away from here, that means you're telling me to go and re-marry or you're telling my husband to remarry. When we're far apart – the kids – what happens to them? Still, I can't understand the whole meaning of that.²⁶⁶

Through detention and the threat of deportation, she is treated as though she does not even belong in her own family.

As also demonstrated by Mills' study of austerity suicides,²⁶⁷ structural and political factors do not only contribute to feelings of perceived burdensomeness; they explicitly regard people as such through hostile policies. She states "People are killing themselves because they feel exactly the way the Government is telling them they should feel – a burden."²⁶⁸ Similarly, my data shows how being treated as not welcome through the experience of detention begins to shift the way people see themselves and their connections to wider society.

²⁶³ Hjelmeland and Knizek, 'The Emperor's New Clothes?', 171.

²⁶⁴ Detainees have no legal right employment, but can work inside IRCs for £1.00 per hour – the legal minimum wage outside of detention is £10.18

²⁶⁵ Hjelmeland and Knizek, 'The Emperor's New Clothes?', 171.

²⁶⁶ Statement 3

²⁶⁷ Mills, "'Dead People Don't Claim'".

²⁶⁸ *Ibid.*, 317.

...I think we become so accustomed to the negativity and hostility of this entire process that you start to believe everything and everyone is against you.²⁶⁹

Several detainees expressed similar sentiments, often connecting these feelings to the exclusionary power there are subjected to by the state. My data supports that Mills argument,²⁷⁰ that the feelings of distress and unbelonging commonly linked with suicidality are stemming from the functions of detention itself. Under such circumstances, 'thwarted belongingness' is not a misperception - permanent expulsion is the intended objective of the state.

In stating that the feelings leading to suicide are "perceptions, not realities that should be blamed on [surviving members of the community]"²⁷¹ Joiner's Interpersonal theory of suicide absolves the possible social and political contributing factors to an individuals suicidality. Yet, the data in this thesis, and from a growing body of research²⁷² demonstrate that suicidality, and the emotions associated with it, stem from socio-political context. Joiner, and other proponents of his theory, highlight how perceptions of burdensomeness and unbelonging can potentially be remedied by therapeutic intervention and public health campaigns. However, this is not sufficient to address to core problem. Presenting it in this way disregards the limitations of the ITPC approach, particularly when up against "systemic social conditions that foster and sustain the kinds of anguished feelings that are highly correlated with suicidal ideation".²⁷³ For some, deportability represents the abrupt end to life as they know it. Faced with either continued detention, or deportation, some people experience that their lives are already over. One person describes this feeling:

²⁶⁹ Statement 22

²⁷⁰ Mills, "Dead People Don't Claim".

²⁷¹ Joiner, *Why People Die by Suicide*, 224.

²⁷² Button, 'Suicide and Social Justice'; Scherer, 'I Am a Suicide Waiting to Happen Reframing Self-Completed Murder and Death'; Mills, "Dead People Don't Claim"; Mills, 'Burden and Benefits-Related Suicides'; Button and Marsh, *Suicide and Social Justice: New Perspectives on the Politics of Suicide and Suicide Prevention*.

²⁷³ Button, 'Suicide and Social Justice', 276.

It is really hard for me, I feel like my future is getting spoiled. I thought I will live 100 years, but I don't see my future from here. I got loads of problems back home, I am scared all of the time, am I going to be tortured, am I going to be dead...²⁷⁴

Taking an example from the media, the Guardian reported in 2022 that suicidal detainees facing deportation had been given 'how to feel better' handouts with suggestions such as "do a crossword or sudoku" and "play an instrument or learn how to play one".²⁷⁵ The article criticises the Home Office for using this approach instead of offering counselling, however one might wonder if counselling is the right solution either. As one man interviewed for the article said: "I am unable to think clearly because of the prospect of being sent to a country that is comparable or worse from [which] I undertook a traumatising and long journey to escape."²⁷⁶ Through neglecting context, all 'responsibility' for suicidality is placed inside the mind of the individual.

Suicidality in detention raises serious questions about state accountability in securing the right to life. People contemplate suicide, not just because their liberty is deprived, but because of what awaits them on the other side of deportation. Instead, they challenge the justness of the state's pursuit of removal by rather 'removing' themselves on their own terms. Others describe self-killing from the opposite perspective, with the state as the perpetrator.

Currently I am still on hunger strike and eating snow as I feel that's all I want to eat right now. I am angry I feel I am not wanted in this country, let the Home Office and the Home Secretary kill me here in the UK, than returning me to a death trap in [country].²⁷⁷

The suicidality we see here emerges as a form of agency. In feeling life is already over, or soon will be, talking about death in this way is used as a way to assert a sense of control over the loss of future. Interestingly, describing it as 'letting' the state kill, places the agency within the self. The

²⁷⁴ Statement 91

²⁷⁵ Thomas, 'People at Risk of Suicide Facing Deportation to Rwanda Told to Try Sudoku'.

²⁷⁶ Ibid.

²⁷⁷ Statement 43

final decision and power is held as one's own, while at the same time placing culpability on the state.

Ultimately, categorising self-harm and suicide through lens of resistance and protest runs the risk of portraying these acts as overtly rational, choice based, and therefore also out of the arena of responsibility of the state. While self-harm can be and is a way of asserting agency within a system of extreme power and oppression,²⁷⁸ at the same time to elevate suicide to a form of martyr like resistance is a grim and sad conclusion, because the reality is that a situation has to be severe for that person to see self-inflicted death as the only way to gain control over their life. Researchers in this field often grapple with the issues of portraying oppressed people as passive victims, and a considerable body of literature has been written to counter Agamben's application of 'bare life'.²⁷⁹ However, on the other side of that pendulum is a romanticisation of resistance which takes the form of violence against one's self. It is harmful to see people only as victims of their oppression, and it is also harmful to put on a pedestal the devastating forms of resistance such people engage in order to assert agency.

Interpreting medicalised 'symptoms', such as distress, anxiety, self-harm and suicidality, through the lens of psychopolitics enables those symptoms to be framed as meaningful. What would ordinarily be seen as 'symptoms' through a medical framework can be understood as "rational and resistant reactions to maladaptive environments"²⁸⁰ Similarly, this thesis has aimed to illuminate the environment of detention, in which detainee suicidality represents a response. Critical suicidology has been used "as a way to understand how these practices make people feel, while never losing sight of the structural and neo-colonial landscape that is productive of these feelings"²⁸¹

²⁷⁸ Fiske, 'Human Rights and Refugee Protest against Immigration Detention'; Fiske, *Human Rights, Refugee Protest and Immigration Detention*; Puggioni, 'Speaking through the Body'; McGregor, 'Contestations and Consequences of Deportability', August 2011; Fischer, 'The Management of Anxiety'; Aitchison and Essex, 'Self-Harm in Immigration Detention'.

²⁷⁹ Agamben, *Homo Sacer*.

²⁸⁰ Goodley, "'Learning Difficulties", the Social Model of Disability and Impairment', 215.

²⁸¹ Mills, 'Strengthening Borders and Toughening Up on Welfare', 78.

7.2. Discussion of the right to life

States are obligated to prevent threats to life “from materialising by any means which are reasonable and feasible.”²⁸² Taking an example from case law, where a woman poured kerosene on herself and set herself alight in protest of a forced eviction, the Court held that:

where an individual threatens to take his or her own life in plain view of State agents and, moreover, *where this threat is an emotional reaction directly induced by the State agents' actions or demands* [emphasis added], the latter should treat this threat with the utmost seriousness as constituting an imminent risk to that individual's life, regardless of how unexpected that threat might have been.²⁸³

This ruling is interesting, because it acknowledges how suicidality can be directly induced by the actions of the state, and in doing so, places some responsibility for the threat of suicide on the state. Parallel to the scenario described in the previous excerpt, in the case exemplified here, the victim was pushed to suicidality by the actions of the state, and furthermore was even verbally encouraged to do so by the police officers involved.²⁸⁴ In this case, the two dissenting judges concluded that there had been violation of the positive obligation to safeguard life, because they had not taken action to defuse the victim's threat, nor intervened to prevent her lighting the kerosene.²⁸⁵

I argue that this can be looked at in another way. In both inducing the threat to life by their demands, and acting recklessly in their encouragement of her to act on her threat – the state agents not only failed to meet the positive obligation, but also lean into the realm of the negative obligation. What does it mean to be deprived of life? It cannot be argued that she was murdered – she herself lit the match, but in the state agents not only not trying to prevent her from harm, but in actively and knowingly shaping circumstances in which she lit the match – is there not also an element of intentionality on their part for the loss of her life?

²⁸² 'Guide on Article 2 of the European Convention on Human Rights'.

²⁸³ Mikayil Mammadov v. Azerbaijan at para 115.

²⁸⁴ Ibid. at para 17.

²⁸⁵ Dissenting opinion of judges Spielmann and Malinverni *ibid.*

Looking back to suicidality in immigration detention, with such high rates of self-harm, suicidality, and extensive evidence of the mental harms created and worsened by it, is there not also an element of knowing and shaping there? In order for states to avoid responsibility for death, and comply with their positive obligation to protect the right to life, they must prevent potential suicide attempts by implementing the operational measures established by the ECtHR. However, no weight is given to the ways in which the application of state power produces suicidal subjectivities.²⁸⁶

In thinking about a more expansive conceptualisation of the right to life, it is the negative obligation that is of interest to this study, rather than the positive. While the positive obligation requires states to prevent death where possible, the negative obligation requires them not to deprive persons of life. In reconsidering mental illness, suicidality and harm in detention, the ways in which detention 'kills' become more clear. Viewing the empirical data analysed in this thesis through the lens of psycho-centrism would mask the conditions of immiseration, normalise social contexts defined by stigma and exclusion, and ultimately prevent us from seeing how context 'kills'.²⁸⁷

The lens of reform, similarly to the lens of mental health, serves to obscure the damaging nature of the essential functions of immigration detention. Consequently, this research project has aimed to look beyond the material conditions of detention and explore whether the way detention functions is incompatible with positive obligations of the right to life.

A recognition of the context of self-inflicted death would require an expansive re-interpretation of the right to life - of both the positive and negative obligations placed upon states. As outlined above, a recognition of the protection of a dignified existence opens the doors to the social and political context of a life. It encourages a perspective that is broader than merely refraining from killing, but is also about governing in a manner which truly seeks to protect human life.

²⁸⁶ Button, 'Suicide and Social Justice'.

²⁸⁷ Reynolds, 'Hate Kills: A Social Justice Response to "Suicide"', 170.

'Our lives are not valued'

Fundamental human needs such as belonging, safety, and recognition are essential for life to endure, and depriving persons of those needs while simultaneously pathologizing their lack of those needs runs counter to this conceptualisation of respecting the right to life. The narrow interpretation of the right to life, which concentrates almost exclusively on the avoidance of death, overlooks other *ways of killing* and neglects the role states play in constructing suicidal subjects.²⁸⁸

²⁸⁸ Button, 'Suicide and Social Justice'.

Chapter 8

Conclusion

The testimonies in this study came from people who found themselves in the custody of institutions designed for specifically for exclusion. These institutions are widely used across Europe, and are expanding in the UK. The empirical data analysed show how the social and political processes required in order to detain and deport people also play a role in the formation of suicidal subjectivities. As argued by Button, the formation of suicidal subjectivities is an appropriate site for “political reflection and mobilization because the despair and hopelessness of the suicidal, and the loss and suffering of their friends and family, should be the kind of things that a decent political society ought to prevent.”²⁸⁹ This is an argument to consider self-inflicted death an issue of collective responsibility, about which states should be responsive. We should note “that suicide is not simply a ‘naturally’ occurring social bad”.²⁹⁰

How can protection of human life be provided when the danger itself lies in the present detention and the sovereign right to exclude? As observed by Dauvergne, “The law is a necessary site for constructing illegality, but is much less apt for remedying it”.²⁹¹ While international human rights regimes may be expected to find such a remedy, legal thresholds for finding a violation of the right to life are extremely high and “juridical attempts at defining non-citizens as bearers of rights have been fraught with difficulty”.²⁹² As Dembour demonstrates, non-citizens access to

²⁸⁹ Ibid., 278.

²⁹⁰ Ibid.

²⁹¹ Dauvergne, *Making People Illegal*, 27.

²⁹² Damsa and Franko, “Without Papers I Can’t Do Anything”, 1 February 2023, 206.

'Our lives are not valued'

seemingly universal rights is limited by their status,²⁹³ meaning, significantly for this thesis, that protection of the right to life becomes secondary to the principle of territorial sovereignty.²⁹⁴

I conclude this project with a quote from the empirical material:

Our lives are not valued, our human rights are not upheld, our spirits are crushed, our identities are anonymous, our faces without form, and we continue to be detained indefinitely, perpetually imprisoned pending an endless unjust administrative hellish nightmare.²⁹⁵

²⁹³ Dembour, *When Humans Become Migrants: Study of the European Court of Human Rights with an Inter-American Counterpoint*.

²⁹⁴ *Ibid.*; Cornelisse, 'Human Rights for Immigration Detainees in Strasbourg'.

²⁹⁵ Statement 16

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Appendix A

Counting deaths

Date of death	Name	Where*	Cause
08.10.1989	Siho Iyiguveni	Detention	Self-inflicted
15.06.1990	Kimpua Nsimba	Detention	Self-inflicted
24.01.2000	Robertas Grabys	Detention	Self-inflicted
31.01.2003	Mikhail Bognarchuk	Detention	Self-inflicted
07.05.2003	Olga Blaskevica	Detention	Murdered
12.07.2003	Elmas Ozmico	Detention	Ill-health
01.05.2004	Kabeya Dimuka-Bijoux	Detention	Ill-health
19.07.2004	Sergey Barnuyck	Detention	Self-inflicted
23.07.2004	Tran Quang Tung	Detention	Self-inflicted
07.11.2004	Kenny Peter	Detention	Self-inflicted
14.03.2005	Unknown	Detention	Ill-health
27.06.2005	Ramazan Kumluca	Detention	Self-inflicted
15.09.2005	Manuel Bravo	Detention	Self-inflicted
19.01.2006	Bereket Yohannes	Detention	Self-inflicted
10.06.2006	Oleksiy Baronovsky	Prison	Self-inflicted
2007	Unknown	Prison	Self-inflicted
2008	Unknown	Prison	Self-inflicted
01.09.2008	Unknown man	Detention	Ill-health
23.10.2009	Richard Abeson	Prison	Ill-health
23.03.2010	Reza Ramazani	Prison	Ill-health
15.04.2010	Eliud Nguli Nyenze	Detention	Ill-health
16.05.2011	Riluwanu Balogan	Prison	Self-inflicted
02.07.2011	Muhammed Shukat	Detention	Ill-health
31.07.2011	Brian Dalrymple	Detention	Ill-health
02.08.2011	Ianos Dragutan	Detention	Self-inflicted
23.11.2011	Rene Frings	Prison	Ill-health
06.12.2011	Gonzales Jorite	Detention	Ill-health
17.11.2012	Unknown	Detention	Ill-health
30.10.2012	Prince Kwabena Fosu	Detention	Ill-health

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10.02.2013	Alois Dvorzac	Detention	Ill-health
30.03.2013	Khalid Shahzad	Detention	Ill-health
26.07.2013	Tahir Mehmood	Detention	Ill-health
01.01.2014	Mohamoud Ali	Prison	Ill-health
20.03.2014	Christine Chase	Detention	Ill-health
04.06.2014	Bruno dos Santos	Detention	Ill-health
05.09.2014	Rubel Ahmed	Detention	Self-inflicted
20.04.2015	Pinakin Patel	Detention	Ill-health
07.08.2015	Thomas Kirungi	Detention	Self-inflicted
17.02.2016	Amir Siman-Tov	Detention	Self-inflicted
01.12.2016	Tarek Chowdhury	Detention	Murdered
06.12.2016	Bal Ahmed Kabia	Detention	Ill-health
11.01.2017	Lukasz Debowski	Detention	Self-inflicted
09.04.2017	Branko Zdravkovic	Detention	Self-inflicted
07.09.2017	Marcin Gwozdziński	Detention	Self-inflicted
19.09.2017	Xi Biau Huang	Detention	Ill-health
03.10.2017	Carlington Spencer	Detention	Ill-health
19.11.2017	Arim Bakar	Detention	Self-inflicted
07.12.2017	Michal Netyks	Prison	Self-inflicted
2017	Unknown	Prison	Self-inflicted
2017	Unknown	Prison	Self-inflicted
2018	Unknown Algerian	Detention	Unknown
2018	Unknown German	Detention	Unknown
	Keethswaren		
23.02.2018	Kunarathnaman	Prison	Self-inflicted
12.09.2019	Oscar Okwurime	Detention	Ill-health
2020	Unknown	Prison	Self-inflicted
2021	Unknown Czech Republic	Detention	Self-inflicted
2021	Unknown	Prison	Self-inflicted
2022	Unknown	Detention	Unknown
26.03.2023	Frank Ospina	Detention	Self-inflicted
2023	Unknown	Prison	Unknown

*Does not necessarily refer to the location of death, but the place in which the death causing injury occurred.

Total	60		
Self-inflicted	30	Detention centre	45
Other	30	Prison	15