Sussex Migration Working Paper no. 20

Control and Deterrence

Discourses of detention of asylum-seekers

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January 2004

2.2 Discourse Theory and Discourse Analysis

powers to detain immigrants were consolidated in the Immigration Act of that year. The power to detain existed before this legislation, but was not as wide and did not explicitly provision for detention of asylum seekers. Since 1971, five further Immigration Acts have been passed[3]. The Acts of 1988, 1993 and 1996 were discontinued since they did not introduce any new amendments to the 1971 legislation regarding detention. Thus, focusing on 1971, 1999 and 2002, the White Papers that preceded the chosen Acts were read, as well as the debates on the Bills' second readings in parliament. The second reading of a Bill is relevant since it is at a second reading that the Government defends its policy and answers questions about it and there is generally a wide debate. (Blackburn et al 2003:321-323, 332-333) In addition to the second readings, a general search was made on the word 'detention centre/detention' in the general debate in the House of Commons during the period 1970-2003. The results of that search were read and both patterns of discourses and statistics were located in this way.

4. Detention of asylum seekers in the UK: 1970-2003

In 1999, the UNHCR Executive Committee expressed concern about a general increase of institutionalisation of detention of asylum seekers; they were particularly alarmed by the arbitrariness of the practice. It was argued that this arbitrariness was partly a result of a failure to distinguish between socio-economic migrants and asylum seekers, thereby exposing asylum seekers and possibly refugees to control measures not intended for them. (ExCom 1999: §1(1-3)) This section will review the legal basis for detention of asylum seekers in the UK and also show how the use and practice of detention has increased and changed since the early 1970's. The aim is to establish if there are reasons for concern in the case of the UK.

4.1 Powers to detain

The statutory provisions for the current powers to detain asylum seekers are found in the 1971 Act. The legislation gives individual immigration officers discretionary power to detain withoutdual immigration

is high. The assessment is also based on the presumption that a risk of non-compliance is higher at the end of an asylum procedure and the likelihood of admission to stay is low. Detention of this kind is sometimes referred to as preventive detention. (Hughes and Field 1998: 21-22, 24)

Detention as such was not a big issue when the 1971 Act was introduced, and it was not until the mid-1980s that asylum seekers were detained in significant numbers. The debate in parliament prior to the introduction of the 1971 Act also indicates that detention was not a big consideration or concern.[11] The powers to detain that were provisioned in that Act were intended as a measure of immigration control of visitors, students or workers who were refused to enter Britain or who had overstayed their visas. It was not intended as a routine measure against asylum seekers. (Hayter 2000: 116; See also Hansard 8 March 1971)

In 1999, the Immigration and Asylum Act extended the powers of immigration officers. The circumstances when detention is justified remained the same but new powers were given for the practical implementation of detention. The 1999 Act provides a statutory framework for the management and operation of detention centres.[12] The 1999 immigration legislation also introduced automatic bail hearings for all detained asylum seekers, taking place 7 and 35 days after the initial detention.[13] This change meant that an adjudicator would review all cases of detention. However, this measure was never implemented and the legislation was repealed in 2002 through the Nationality, Immigration and Asylum Act. The system was said to be too complex, too expensive and that it would divert resources from the processing of asylum applications. (Hansard 24 April 2002: 431) The 2002 Act also emphasised the purpose detention has for the removing of failed asylum applicants. To clarify this connection, and for the realisation of an intensified removal policy, detention centres were renamed 'removal centres'.[14]

All along, there has never been any time restriction on detention. As a general principle though, *'it should continue for no longer than necessary'*. (Hansard 19 November 2001: 97)

absconding. There is no research suggesting that asylum seekers would abscond in high numbers if not detained. Instead research suggests the opposite (Bruegel and Natamba, 2002 and Vera

Table 1. People detained in the UK under immigration powers during 1973-2003

	Annual total of detained persons.[18]	Snapshot (at date) of asylum seekers in detention.[19]
1973	95	-
1974	138	-
1975	188	-
1976	374	-
1977	781	-
1978	822	-
1979	781	-
1980	1304	-
1981	851	-
1982	927	-
1983	684	-
1984	915	-
1985	1,086	-
1986	1,571	-
1987	2,166	-
1988	2,823	-
1989	3,138	-
1990	3,297	-
1991	4,455	-
1992	5,658	-
1993	5,778	-
1994	7,390	616 (31/5)
1995	10,240	572 (13/1)
1996	-	733 (31/1)
1997	-	777 (27/3)
1998	-	817 (31/1)
1999	-	741 (4/1)
2000	-	1,107 (30/4)
2001	-	
1995	10,240	

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capacity of 198. In 1996, Tinsley House, a purpose-built detention centre for 150 people, was opened. (Hayter 2000: 121-2)

Plans to curtail the use of prison accommodation for those detained solely under immigration act powers were initiated in the White Paper of 1998. It was after a HM Chief Inspector of Prisons that the Government promised to reduce its reliance on prison facilities and instead increase the detention estate further. (Home Office 1998: 12(12-14)) In 2001 three new detention centres opened: Yarl's Wood, Dungavel, Harmondsworth. These facilities extended the detention capacity with 1490 places. (Hansard 25 March 2001:694-5) Due to a fire at Yarl's Wood (which provided 900 places) in February 2002, the plans to reduce the usage of prison services were postponed. In the process of reducing the reliance on prison services, in February 2002, Prisons Haslar and Lindholme were redesignated formally as immigration removal centres and are now operating under detention centre rules rather than Prison Rules. (Hansard 4 March 2002: 49-50) The current total capacity is 1609 places. Additional to this is the fast-track centre at Oakington, which opened on 20 March 2000, and provides further 400 places. (Hansard 30 of April 2002: 707-8; 1 May 2001: 618-9)

In the White Paper for the 2002 Act, the Government reveals its intention to increase the detention capacity by a further 40%, to 4000 places ready for use in spring 2003. (Home Office 2002: 4(75)) The fire at Yarl's Wood changed these priorities, and resources have been reallocated to rebuild this centre and also to improve the security situation at other detention facilities. Amongst other measures, sprinkler systems are being installed both at Yarl's Wood and at Harmondsworth.

4.4 New purpose for detention?

It seems like the concerns of the UNHCR Executive Committee are valid in the case of the UK. Detention of asylum seekers is on the increase and decisions to detain appear to be arbitrary. Weber and Gelsthorpe claim that this practice is the result of an extension of the purposes for which detention is used, to not only be used as immigration control but now also as a deterrent. (Referred to in BID 2002: 15, 21) Amnesty argues that the fact that detention is not used for the purposes and aims it is claimed to be used for, strengthens a belief that it is used for deterrence. (1996: 39) Several other authors are drawing the same conclusions. (Hayter 2000: 119; Harvey 2000: 190,306; Hughes and Field 1998: 48) What is meant by deterrence, and how detention is connected to this, will be the topic of the next chapter.

5. Detention as deterrence

This section reviews the way in which detention of asylum seekers has come to be seen by some academics and NGOs. The practice of detention used to be seen solely as a measure of immigration control, but is increasingly referred to as a measure of deterrence. The policy of detention is located in relation to the concept of 'humane deterrence', which is the term initially given to such measures.[23] In this section, the logic underlying 'humane deterrence' policies is presented as well as the arguments of critics, which are mainly based on international human rights law.

5.1 'Humane deterrence'

In the 1980s, policies to reduce the numbers of immigrants were introduced in several host states all around the world. This did not necessarily imply new measures, but the effort to aim them at asylum seekers was a recent phenomenon. Amongst some measures included in the understanding of 'humane deterrence' are visa restrictions, extensive border controls, first safe country regulations[24], poor reception conditions and detention. (McNamara 1990:123-4)

The concept of 'humane deterrence' can in particular be traced back to the Southeast Asian response towards Indo-Chinese immigrants in the early 1980s. The influx of asylum seekers reached what was regarded by some as uncontrollable levels and desperation led the debate to new grounds. It was thought that conditions in camps and good prospects of resettlement (to the USA) attracted people to cross borders. Implicit in this reasoning was the assumption that the asylum seekers were not refugees or people in need of protection. They were searching for a better life, which did not legitimise assistance. To reverse this trend, camps were closed down, the services provided for the asylum seekers were reduced, detention was introduced and resettlement

screening procedure. (McNamara 1990: 123-6)

argued that if administrative detention is used as deterrence, (and not as immigration control) it can be defined as a form of punishment since it deprives innocent people of their liberty for no other reason than that they are seeking asylum. (Helton 1990:137)

The use of detention in the context of article 31 of the Refugee Convention has not really led to any debate, and hence questions remains unanswered, (Landgren 1998: 147) although, the UNHCR's Executive Committee commented on article 31 of the Refugee Convention in their conclusions[30] in 1986. They expressed their deep concern about the large numbers of refugees and asylum seekers that are detained and stated that detention normally should be avoided. At the same time, they recognised the necessity of detaining asylum seekers at certain times, such as when identity needs to be verified, the determination of elements for an asylum application, when travel documents have been destroyed or fraudulent documents used to mislead the authorities, or to protect the security of the nation. (ExCom 1986)

The refugee Convention and the ExCom Conclusions only offer limited protection against detention, but other human rights law instruments tend to go further. (Goodwin-Gill 1998: 248) The Universal Declaration of Human Rights (UDHR) from 1948 offers protection to life, liberty and security of all persons,[31] and guarantees freedom from torture, cruel, inhumane or degrading treatment or punishment.[32] It also declares freedom from arbitrary arrest, detention and exile, along with freedom of movement and the right to seek asylum.[33] (Goodwin-Gill 1986:198) The right to seek asylum is relevant in the sense that it is a right, and should therefore not be seen as abusive or as a crime to be punished.

The UDHR is not a legally binding document, but it is widely recognised as a universal guideline for international human rights standards. Additionally, almost all the above-mentioned rights and freedoms are protected by the 1966 International Convention of Civil and Political Rights (ICCPR)[34] and the 1950 European Convention of Human Rights (ECHR). [35]

[30] ExCom Conclusions No. 44 (1986)
[31] Article 3.
[32] Article 5.
[33] See article 9, 13 and 14.
[34]

chose to migrate to another country? Did people choose to stay because of an improved situation in the country or did they choose to migrate to another country because of social networks or because of deterrence measures? Did they choose the country themselves or did a smuggler choose the destination? These are all immeasurable factors. One can of course speculate and argue, as Helton and McNamara do, that since deterrent measures do not address the reasons why people migrate they will not stop people crossing borders. It is more likely they instead divert flows elsewhere. (Helton 1990: 139; McNamara 1990: 132)

Helton fears that 'humane deterrence' measures will lead to a wave of more restrictive policies and this will consequently damage the international protection regime. He also fears it will feed antagonism between nations. (Helton 1990: 139-140) This leads onto the third question: Are 'humane deterrence' measures a safeguard for the refugee regime?

5.2.3 Non-protection of refugee status

As mentioned above, it is also argued that 'humane deterrence' measures protect the refugee status by screening out asylum seekers that are not seen as having legitimate grounds for protection. This is generally not the case. Refugees are asylum seekers before they are recognised as refugees. They are subjected to all these screening measures as well. In the case of detention, many asylum seekers are detained during their procedure. This implies that refugees are exposed to the same inhumane treatment as asylum seekers. (Weiner 1995: 193)

It might also be, as Helton points out, that if 'humane deterrence' measures work, they might lead to refugees returning to a country in which they fear persecution or that they never leave such a country. It might also mean that refugees are discouraged from using the legal channels to seek protection and end up as 'illegal' immigrants. (1990: 137) This would suggest the refugee regime fails completely in giving protection to people who need it.

To sum up, 'humane deterrence' is based on a presumption of disbelief. This results in a general approach towards all asylum seekers and does not effectively screen out refugees from other asylum seekers. The measures do not seem to be humane (since it would not work if it was) and there is no way to measure if it works or not.

6. Genealogy of the UK statements and parliamentary

This section presents the results of the genealogical analysis carried out on the UK government statements and parliamentary debates on the detention of asylum seekers. Attention is given to the language used primarily by Government spokespersons but also by members of the opposition parties. The main questions are: How is detention talked about? Has the debate changed, and if it has - how? I have localised four thematic discourses that will be presented separately, even though they are very much interlinked. The account is by no means complete, but rather selected for the contribution to the analysis. The themes are related to the practice and framework presented above. Before introducing the themes, the context of two points in time will be considered.

6.1 Political Context

The Conservative Party came into power in 1970 after a six-year long period of Labour rule. In their manifesto "A Better Tomorrow" for the 1970 general election, the Conservatives pointed out that social problems had developed in towns and cities where large numbers of immigrants had settled. To reduce these problems the Tories proposed a new system of immigration control. This new system was designed to reduce the numbers of immigrants and the party promised that 'there will be no further large scale permanent immigration'. (Conservative Party 1970: 24) It was argued that if further immigration was reduced, and focus put on the people already in the UK, race relations would improve. (Hansard 8/3-1971: 42-3)

The 1971 Act was fully rejected by the Labour party. They condemned the Conservatives' policy

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Other patterns of criminalisation can be located in the debates in parliament and in governmental policy papers. When introducing their policy on detention in the 1998 White Paper, the Government justified it by saying: 'effective enforcement of immigration control requires some immigration offenders to be detained.' (§12(1)) They further argued that detention is needed when 'there is a systematic attempt to breach the immigration control' (§12(3)). Four years later, in the succeeding White Paper, the same pattern can be found. Even though the rationale behind detention has been slightly changed (from being immigration control to emphasising the use of it in the process of removal) the use of criminality as justification is the same: '[d]etention has a key role in the removal of failed asylum seekers and other immigration offenders'. (§4(74)) All these examples highlight that immigrants and even failed asylum seekers are violating laws and that they are offenders. This perception is repeated by the Secretary of State on the second reading of the 1999 Bill. He justifies detention with that it is a measure for 'tightening controls on illegal immigration and against the abuse of the asylum process' (§

One can repeatedly find statements asserting that most people who come to the UK are not in need of protection. Examples of this are to be found in the second reading of the 1999 Bill. The Secretary of State at that time, Jack Straw, said in relation to alleged abuse of judicial reviews, that 'this harms those of our constituents with genuine and justifiable cases for going for judicial review, but they are few and far between.' (42) On the same occasion, he also claimed that the immigration system is being 'exploited' and 'abused'. (37,43) This discourse is not solely used by the Government, but also some opposition MPs. For example Sir Norman Fowler (Conservative) expressed in his speech on the Bill, that '[w]e must acc Tc

and that they will abscond if not detained, closely resembles the logic behind 'humane deterrence'. The asylum system is perceived as being abused by people who do not have legitimate claims and the adoption of certain deterring measures is thought to correct this. (See section 5:1)

To wrap up this discussion I would like to quote Mr Allan again, who very illustratively said:

> '[t]he ethos of the Bill is that because some people abuse the system, it should be made tough for everyone. It is like a teacher giving the entire class detention because someone who cannot be identified stole the chalk.' (Hansard 22 February 1999:65)

6.4 Discourse 3 – Shift of blame

In parliamentary debate and government policy papers from the late 1990s and the early 2000, there is a tendency towards blame shifting. It is claimed that asylum seekers (or 'bogus asylum seekers') are themselves to blame for the long periods they have to spend in detention and the fact that they have to wait for such long time for their applications to be processed. By blaming detainees and asylum seekers in general, responsibility for the inadequate practice is lifted from the Government.

Jargon that suggests this is for example found in the 1998 White Paper of the Labour Government, where it is stated:

> 'Often detainees are held for longer periods only because they decide to use every conceivable avenue of multiple appeals to resist refusal or removal. A balance has to be struck in those circumstances between immediately releasing the person and running the risk of encouraging abusive claims and manipulation.' (12(11))

The same is apparent in the succeeding White Paper from the same Government:

> 'The induction of human rights appeals also meant that some of those who had exhausted all other appeal rights before the coming into force of the Act in October 2000 used them simply as a means to delay removal. This has led to the appeal system becoming clogged up and unable to deal effectively with the new appeals in a timely way.' (Home Office 2002: 4(61))

In the same way, the Secretary of State, David Blunkett, indicated partial blame to asylum seekers when presenting the 2002 Bill to the parliament: 'The whole system is riddled with delay, prevarication, and, in some cases, deliberate disruption of the appeals process.' (Hansard 24 April 2002:355)

Instead of admitting that the asylum appeals system is not working effectively, such a discourse blames detainees for using the rights that they are given by the system. A similar discourse blames the number of 'bogus asylum seekers' for the slow processing of the asylum procedure. A quote by a Labour MP (Mr Stinchcombe) recalls this kind of logic:

> 'The Government continues to affirm thei0.0257 Tw

detained in these centres. Many are detained at arrival and have not even received a first decision on their application. (See section 4:2) Mr Hughes (Liberal Democrat) brought attention to this contradictory practice on the second reading of the 2002 Bill.

> 'The Bill reflects a real confusion about detention and removal. The Government propose to create new removal centres, but under the existing arrangements many of the people in such centres have not completed all the processes – not the initial process, and certainly not the appeals process.' (374)

There was no reply or explanation to this contribution by the Government.

Several organisations have also reacted on this cosmetic change and the Immigration Law Practitioners' Association (ILPA) believes:

> 'that detention centres are being renamed removal centres in an attempt to assure the public about the Government's ability to control immigration. In reality, many of those in removal centres have only just made their applications and have not even been served with any decision, let alone a refusal. This stigmatises asylum seekers and undermines their confidence in the asylum process, as they are made to feel that a refusal of their application is almost inevitable.' (Quoted in House of Commons Library 2002: 55)

The Refugee Council and the Immigration Advisory Service (IAS) have expressed similar concerns. IAS fears that this change in names is 'an example of the Government playing to the populace rather than being concerned about the feelings of those detained.' (Quoted in House of Commons Library 2002: 58)

Similar games with words can also be found in the Government's policy. The new fast-tracking centre at Oakington is named 'reception centre'. As ILPA points out, it would be more logical to call it a detention centre or a removal centre, since this is what it is. It detains people that are most likely to get rejected. ILPA also suggests that the word reception centre would be better used for the induction centres, which also are introduced under the most recent immigration Act. (House of Commons Library 2002: 54) The purpose of the induction centres is to initially receive asylum seekers and explain how the asylum procedure works. Information about the accommodation centre or the place the asylum seeker is dispersed to will also be provided together with some other services. (Home Office 2002: §4(20-23) To name something in a way that does not properly describe the practice of the institution creates confusion and is designed to win acceptance of public.

7. Conclusions

The four discourses identified all have in common their support of the officially articulated aims of the Government. They tend to shape and construct knowledges and truths about the object the Government aims to control, i.e. asylum seekers. The themes of the debate justify the Government's policy of detaining asylum seekers. By creating mental links between asylum seekers and criminals, detention becomes logic. By emphasising that asylum seekers abuse the asylum system and have intentions to abscond, detention becomes a justified response. Through shifting the blame of a system in chaos to 'economic migrants' or 'bogus asylum seekers', long periods spent in detention are explained and responsibility for it is alleviated. And when detention gets concealed behind words like 'reception' and 'removal' centres, it will not be perceived as detention.

These discourses give detention an aura of legitimacy, objectivity and common sense. The imprisonment of innocent people becomes an acceptable measure, and the practice will not be challenged. As shown, both opposition MPs, Labour MPs and the non-profit sector have questioned the discourses of the Government, but they are not really in the position to disturb the established discourse. The Government is in a powerful position, which enables them to construct knowledges and truths. For example, they produce statistics and they chose when and what figures to release. They also choose what figures not to release. They present discourses as objective and true, which are accepted by the public. In turn, these discourses reinforce the power of the Government and they can implement policies that they believe will increase their control and their possibility to deter future immigration.

On the one hand the discourses of the government can be seen as rhetoric for the purpose of convincing an audience, but I understand these discourses as constructive. They create the understanding that detention is necessary, but at the same time they create reasons for detaining people. For example, illegality is extended by further restrictions in immigration law; and by defining countries as safe, asylum claims can be assessed to be unfounded. This creates justifications for increased detention of asylum seekers.

The main concern I am left with after completing this research is that Government officials have on occasions stated that mandatory detention is in contravention to international human rights law. Having said this, both current practice and discourses of government ministries support the suspicion that detention of asylum seekers is on the increase. Additional to this, the strong disbelief in the genuineness of most asylum seekers and subsequent premature labelling of them, being for example 'economic migrants' or 'bogus asylum seekers', strengthen the rationale behind increased detention. This suggests that there are reasons for concern that detention is re-shaped and re-named and consequently accepted, even under international human rights law.

The discourse used by the government and many UK parliamentarians resembles the framework of 'humane deterrence' in many ways. The Government is rather blunt in its belief that the vast majority of asylum seekers are abusing the system and that they are not in need of protection. Also, a general anxiety about numbers is clear in the parliamentary debate. The need to screen out the 'genuine' refugees is cited and for this reason the use of detention is extended.

A genealogical analysis of the Government's policy and discourse on detention of asylum seekers supports the hypothesis that there is a shift towards using detention as a deterrent. It also sheds light on the techniques the Government uses to legitimise this policy. This analysis should not be viewed in any way as conclusive on the subject, but it does indicate that the discourse theoretical framework and its connected methodologies are useful and can contribute to analyses of social and political phenomena. I argue that it is of great importance that these kinds of analyses are carried out and that more attention is given to similar misleading techniques and strategies.

To end with, I would like to repeat an alternative discourse to the one that has been the focus of this research, as expressed by labour MP, Fiona Mactaggart:

> 'In common humanity, we should accept a fundamental truth – that it is worse wrongly to refuse a genuine applicant than to admit one who is not entitled to enter under the rules.' (Hansard 22 February 1999: 103)

Bibliography

Primary sources

International legal documents

1948 Universal Declaration of Human Rights (UDHR).

1950 European Convention on Human Rights and Fundamental Freedoms (ECHR).

1951 Convention relating to the Status of Refugees.

1966 International Covenant of Civil and Political Rights (ICCPR).

UNHCR Executive Committee (ExCom) Conclusion (1986) *Detention of Refugees and Asylum Seekers.* No 44 (XXXVII).

UNHCR Executive Committee (1999) *Detention of Asylum Seekers and Refugees: The framework, the problem and recommended practice.* EC/49/SC/CRP.13.

UN Security Council (2001) Resolution 1373, 'Anti-terrorism resolution' (28 September, 2001)

British legal documents

Aliens Restriction Act 1914.

Commonwealth Immigrants Act 1962.

Immigration Act 1971.

Human Rights Act 1998.

Immigration and Asylum Act 1999.

Anti-terrorism, Crime and Security Act 2001.

Nationality, Immigration and Asylum Act 2002.

Policy documents

Home Office (1971a) *Immigration Bill – Draft Immigration Rules: Control on Entry.* CM 4606.

Home Office (1971b) *Immigration Bill – Draft Immigration Rules: Control after Entry.* CM 4610.

Home Office (1998) *Faster, Fairer and Firmer: A Modern Approach to Immigration and Asylum.* CM 4018.

Home Office (2002) *Secure Borders, Safe Haven: Integration with Diversity in Modern Britain.* CM 5387.

Home Office, Immigration and Nationality Directorate (1994-2003) *Asylum statistics*. Details about date are specified in text.

Home Office, Immigration and Nationality Directorate (1984-2003) *Control of immigration: Statistics.* Details about date are specified in text.

House of Commons Library (2002) *The Nationality, Immigration and Asylum Bill: Immigration and Asylum.* Research Paper 02/26, April 2002

The Conservative Party (1970) *A Better Tomorrow – The Conservative Programme for the next 5 years.*

The Labour Party (1972) *Citizenship, Immigration and Integration.* An Opposition Green Paper. London: The Labour Party.

Debate in the House of Commons

Hansard, House of Commons - 8 March 1971, Debate on Immigration Bill 1971, 2nd reading. Columns 42-164.

Hansard, House of Commons – 22 February 1999, Debate on Immigration and Asylum Bill 1999, 2nd reading. Columns 37-123.

Hansard, House of Commons – 24 April 2002, Debate on Nationality, Immigration and Asylum Bill, 2nd reading. Columns 341-432.

Hansard, House of Commons - Written and oral questions and answers from the period 1986-
nd ceD 0.119375 -12 TD 0ng. Columns 37

BID (Bail for Immigration Detainees) (2002) *Immigration Detention in the United Kingdom.* (Submission to the United Nations Working Group on Arbitrary Detention) London: BID

Blackburn, R., Kennon, A. and Wheeler-Gooth, M. (2003) *Parliament. Functions, Practice and Procedures.* (2nd edition) London: Sweet and Maxwell.

Carabine, J (2001) Unmarried Motherhood 1830-1990. A Genealogical Analysis, pp 267-310 of Wetherell et al (eds) *Discourse as Data,* London: Sage Publications Ltd.

Foucault (1973) *The Birth of the Clinic. An Archaeology of Medical Perception.* London: Tavistock publications.

Foucault, M (1977) *Discipline and Punish. The Birth of the Prison.* London: Penguin Books.

Foucault, M. (1984) Truth and Power, pp. 51-75 of Rabinow, P. (ed) *The Foucault Reader*, New York: Pantheon.

Giakoumopoulos, C (1998) "Detention of Asylum Seekers in the light of Article 5 of the European Convention on Human Rights, pp. 161-182 of Hughes, J and Liebaut, F (eds) *Detention of Asylum Seekers in Europe: Analysis and Perspectives*, The Hague: Kluwer Law International.

Goodwin-Gill, G. S. (1986) International Law and the Detention of Refugees and Asylum Seekers in *International Migration Review*, Volume 20, pp. 193-219.

Goodwin-Gill, G. S. (1998) *The Refugee in International Law,* Oxford: Clarendon Paperbacks.

Harvey, C (2000) *Seeking asylum in the UK. Problems and Prospects.* London: Butterworths.

Helton, A. C. (1990) The Detention of Refugees and Asylum Seekers. A Misguided Threat to Refugee Protection, pp. 135-140 of Loesher, G. and Monahan, L. (eds) *Refugees and International Relations.* Oxford: Clarendon Press.

Hughes, J and Field, O (1998) "Recent trends in the Detention of Asylum Seekers in Western Europe" pp. 5-48 of Hughes, J and Liebaut, F (eds) *Detention of Asylum Seekers in Europe: Analysis and Perspectives*, The Hague: Kluwer Law International.

JCWI (Joint Council for the Welfare of Immigrants) (1999) *Immigration, Nationality and Refugee Law Handbook,* London: JCWI.

Landgren, K (1998) "Comments on the UNHCR Position on Detention of Refugees and Asylum Seekers", pp. 141-160 of Hughes, J and Liebaut, F (eds) *Detention of Asylum Seekers in Europe: Analysis and Perspectives*. The Hague: Kluwer Law International.

London Detainee Support Group (LDSG) (2002) *Annual Report for 2002-2003.*

McNamara, D (1990) The Origins and Effects of 'Humane Deterrence' Policies in South-East Asia, pp. 123-133 of Loesher, G. and Monahan, L. (eds) *Refugees and International Relations.* Oxford: Clarendon Press.

Mediansky, F (1998) Detention of Asylum Seekers: The Australian Perspective, pp. 125-140 of Hughes and Liebaut (eds) *Detention of Asylum Seekers in Europe: Analysis and Perspectives.* The Hague: Kluwer Law International.

Sayyid, B. and Zac, L (1998) Analysis in a world without foundations, pp 249-267 of Scarbrough, E. and Tanenbaum, E (eds) *Research Strategies in the Social Sciences. A guide to new Approaches.* Oxford: Oxford University Press.

Taylor, S. (2001) Locating and Conducting Discourse Analytic Research, pp. 5-40 of Wetherell et al (eds) *Discourse as Data.* London: Sage Publications Ltd.

Tonkiss, F (1998) Analysing discourse, pp 245-260 of Seale, C. (ed) *Researching Society and Culture,* London: Sage Publications Ltd.

Weiner, M (1995) *The Global Migration Crisis. Challenges to States and to Human Rights.* New York: Harper Collins College Publishers.