

Inside the the Immigration Services...?

Citizen Artist News talks to our man in the Home Office

CA News: You have worked for the immigration services in the Home Office for 10 years and as an experienced civil servant, can you give us an insider's view and describe what it is like to work in a border regime? What do you do on a daily basis and how do your duties relate to other parts of the immigration services? Can you give a detailed description?

John Doe: Well, firstly it has become interesting as we have found out, just this very morning that we are back under the Home Office banner rather than the more independent UKBA. In recent times, working here has been stressful and chaotic, but overall often pleasant. The work itself veers between boring, leaving a bad taste in my mouth and occasionally interesting but rarely stimulating. The way staff are looked after in many ways has been second to none: we have the benefits in many departments (dependent on nature of duties/responsibilities of course) of flexible working hours and tolerance to doctor's appointments/sudden emergencies or even "duvet-days." It is often easy for a worker to take time off in a hurry should they need to without feelings of stress or bullying imposed from above. This has been recently on the verge of changing as we seem to be going backwards, with attempts to change our working comforts and impose more statistics.

On a daily basis, I prepare pro-forma packs for removal. What this amounts to is minimalising a file into the basic info required to detain someone: risks and other security checks and personal details taken into account. It cuts out excessive office based work for Immigration Officers and allows them to concentrate upon work needed to do their jobs without carrying files around or referring to them unnecessarily. We are also the link between the team that organises removals so we act as a feed to this team and operational staff. We also tackle solicitors letters: negotiating the outcomes of cases, whether to proceed with removal or to allow someone to remain in the UK.

CA News: I get the impression that you are at the heart of a number of arms of the immigration service. But, I am not quite clear about who does what. So, I have a few questions: who decides who is to be detained or removed? Do you do this? Or does an Immigration Officer? Or someone else? And can you tell me a bit more about the distinctions between Immigration Officers, your own role and those who decide and organise the removals? It seems as if the Immigration Officers are managed and directed by those doing the paperwork--as if they are the muscle on the ground, rather than the 'brain in a vat'?! Would this be right? If so, who actually has the power to arrest, detain and/or remove people? Is this power embodied in any one role within this field of activity?

John Doe: I guess that is kind of right, being at the "heart" of the aspect of "removals" as it is known. Now, there are other parts to Immigration (a different section deal with "legitimate", for want of a better word), areas such as visas and student/work permits etc. and another deals with asylum claims (a section that obviously has links to what we do, although the departments issuing visas don't...so if someone overstays then we hear of them through other means: for example encountered by the police. They are not "reported" by the "legitimate" team...this is badly phrased though

I'm sure the meaning is clear).

Who decides who is to be detained or removed? Put simply, the law! If someone has been through the whole asylum process and has exhausted this or they are found to have stayed beyond their initial reasons for being in the UK and they don't have any Human Rights reasons to apply to stay (family life...compassionate reasons) then the law says their cases must be considered and they must be removed. Actual "decisions" themselves, if that is what you are getting at are made by caseworkers (such as myself) who make this decision based on the facts that a person has no more right to remain, with the final say going to a Chief Immigration Officer for detention. Such issues such as bed space and the risks involved are considered. If someone is suicidal or violent then this impacts.

Caseworkers such as myself along with our managers make the initial decisions to detain and remove and then the team that book bed space and flights will coordinate with the Immigration Officer staff and seniors for final say once the groundwork is in place.

Naturally this is different when Immigration Officers and/or the police encounter immigration offenders directly. They make the decision to detain but then paperwork to organise removals still comes back to us and the flight booking team. It is quite finally tuned and obvious...in its way...but hard to explain in depth in terms of trying to present a full and accurate picture.

CA News: So, Case Workers interpret the law and advise on cases and the Immigration Officers, or rather, the Chief Immigration Officers, are the final arbiters. I assume then that Immigration Officers are the only people who have the power to arrest and detain a person (barring the police obviously)? Is this right?

John Doe: That's pretty close to a perfect summation. Senior Caseworkers have a say in how the decisions are made at our level, simplifying the management structure for ease of discussion, but yes, often the Chief Immigration Officer is the person that assesses the risk and complexities involved based on evidence brought before him/her. Occasionally with very serious cases (maybe media driven) it can head up above them to Director/Assistant Director level but, rarely.

So, yes: Immigration Officers are the only ones with the power of arrest. But even then it is complex as they can make that decision on Home Office premises but when entering other places it is necessary that they are accompanied by members of the police who are required to be present.

CA News: I came across a document online called 'The Immigration (Places of Detention) Direction 2011' signed by Damian Green (I think? - it is difficult to read the signature), who was the then Minister of State for the Home Office. It specifies places of detention. However, could you help me understand what the implications are for Universities? The relevant clauses are as follows: "3.1: ... [T]he places where a person may be detained ... shall be as follows:

(a) any place used by an immigration officer for the purposes of his functions at the port at which that person is seeking leave to enter or to enter or has been refused leave to enter, as the case may be, or in a control zone or supplementary control zone, or a control area designated under paragraph 26

of schedule 2 to the Immigration Act 1971.

(b) Any place specifically provided for the purpose of detention... ii) any place used by an immigration officer for the purposes of his functions...."

What I am curious to know is, given the vagueness of the description as to where an arrest and/or detention can take place — e.g., 'any place' either 'specifically provided' or 'used by an immigration officer for the purposes of his functions'-- does this include the premises of universities? That is, given that universities collect data and closely monitor immigrants (International students) and to all intents and purposes act as a bureaucratic arm of the Home Office, does this also mean that the University could be classed as a 'control zone' or 'supplementary control zone'-- that is, as a place for the arrest or detention of an International student? Or does 'any place used by an Immigration Officer for the purposes of his functions' mean that an Officer can arrest or detain an immigrant anywhere at anytime?

John Doe: Now, this question you have presented has really thrown me because I am not aware of universities being used as places of detention in all my time working within Immigration. I know of bogus colleges being closed down by the government but even then they are not places of detention for the students manipulating the "college" system in use/being manipulated by it. Clause (a) is straightforward and refers to ports (airports, Eurostar, Dover...speaks for itself) and (b) will mean places similar to where I have worked where legitimate detention space is available. To me, (c) is the only section that remains ambiguous but it doesn't match up to anything I know of. Persons tend to be detained - when they try to gain false entry at ports or claim asylum; when they are encountered by police where a suspected crime or violation may have taken place; on Home Office premises or at a police station where they may have reported; at a place of work where there is a raid - but they are "taken away" to be detained, not detained on the premises, similar to a regular arrest; a home visit (again, they are taken away).

So, in my experience and understanding (to date, we all know things are liable to change within the law), no, it is not known that any place of work or study that is legitimate has been used as any form of detention placement.

CA News: Just to clarify, I haven't heard of an International student being arrested or detained on the premises of a University either. However, let's explore the idea of this a bit more closely. You have made it very clear that detention spaces are places such as police stations and ports. But you pointed out that they are also 'Home Office premises' and 'at a place of work where there is a raid'. This is significant in understanding what the boundary is between these latter qualifiers and the idea of University premises being used for arrest and/or detention. That is, given that the University requires International students to 'sign in' -i.e., each University functions as an extension to the immigration services, monitoring students' presence in the UK -- it is, as I have suggested above, a branch of the Home Office. And if not a branch of the Home Office, then certainly a place where students' work. It seems to me

then that in law, universities are already (at last tacitly) sanctioned spaces of arrest and detention.

The worry here is that these changes to the University have deeply distorted the idea of it as a space of learning. But also, the fact that student immigrants are traceable and indeed, locatable through the registration and record keeping within an institution's managerial system, makes them an easy target in the government's push to reduce immigration. And the prospect of any one student who is accused of 'overstaying' or, more emotively described as 'manipulating the college system', or 'sponging off the State' (as in the rhetoric of the popular press), being physically traced through the University's apparatus, if not arrested or detained on University premises, is feasible in enforcing the directives of the State.

But let's look at the bigger picture: the Home Office website publishes figures of the annual flow of people in and out of the UK. Currently, approximately 110,000,000 people cross into the UK every year. A surprisingly small number of people from outside of the EU/EEA 'overstay'-- approx 150,000 to 200,000 (presumably these people also come and go, but not within the space of the annual calculation?) -- and of those, approx. 18,000 are asylum seekers. I can't recall off the top of my head exactly how many are students, but certainly several thousand come to study in the UK. Interestingly though, only 500 or so overstay their visa every year.

It's apparent then, even using the logic of the State (as skewed as it is) and its practice of ramping up or stopping down the flow of foreign nationals in an attempt to control the UK labour market, that highly securitizing and indeed demonising International students as potential 'overstayers', is rather extreme. The actual numbers of those who do remain are insignificant and the vast expansion of the policing apparatus into the University is extraordinarily heavy-handed.

I'd be interested to hear your reflections on some of the paradoxes in play here. What do you make of this new role of the University as a border crossing --as a Checkpoint Charlie, so to speak?

John Doe: Well, I guess when I say a place of work when there's a raid I mean only that a person can be 'arrested' on the premises of the raid but not detained at that actual place. This is the point I was trying to make where I was perhaps less clear. Even if a University becomes 'affiliated' in some way with the Home Office, it would be unprecedented, in my experience, for it to become a detention centre. If someone is arrested there, once detected, for being an overstayer or an illegal entrant, they would have to be removed from the premises, not detained on them.

Not to say that the law isn't changing but if so, then it isn't something I am aware of. Now, there are university overstayers that we deal with but they are certainly a minority and they tend to come to light after their studies more often than not (there are always exceptions, of course). Many illegal students tend to be at smaller places of learning, rather than at higher...so, you are right in considering the statistics and that there is only, in reality, a minority of students, comparatively, who may be illegal. Using a university as a "checkpoint" or as a "port" smacks of

desperation in terms of trying to find potential removal targets. Generally too, we tend to be reactive rather than proactive with overstayers, and I take it we mean people who come to the UK legitimately and then choose not to go home. It is the nature of these types of case that it simply must be assumed that the student will return and there are preventive measure in place to ensure this: as in evidence provided when the application to study abroad is made, evidence that one would expect in a reasonable democratic society. Most of these students are indeed honest....to then waste limited resources monitoring them seems counter productive when it is factories and shops/restaurants etc that tend to be more likely to have illegals. Intelligence work is better suited here when information appears that says there are very likely illegals present and from trusted sources.

This is pure speculation and so much more could be said....but, simply relying on patterns observed over the years this is the likely rational response.

CA News: Perhaps discussing the prospect of using university premises as a space of arrest and/or detention may be something of a red herring. However, I could imagine this happening at some institutions without so much as a blink of an eye. I know of one (non Russell Group) college that evicted students who occupied a lecture hall in protest against the closure of their courses. The protest was perfectly responsible action on the part of the students and an expression of their democratic right and yet they were removed from the premises by police following the directives of the college's management. So the idea of the University as some sort of sacrosanct space is not necessarily recognised or upheld by all institutions. However, the point here is that the more subtle record keeping and monitoring, indeed the tracking of students' activity, is very real and problematic. It directly implicates those of us who work and study in universities and requires that we actively endorse a government's policy to discriminate between the statuses of 'foreigner' and 'citizen', or between 'good' or 'bad' foreigners. And this has wider implications for understanding what the role of the University is in relation to the State and indeed, how it is to be distinguished from that of the immigration services proper.

John Doe: Well, I am in agreement with you on these observations, and, as a civil servant with some years of service, it does reveal a worrying trend and one that has Orwellian undertones. It does suggest that the government is either struggling to locate immigration offenders through more orthodox methods (points of entry...the work place and only then when suspicions are authentically raised) or that the problem is so out of control that, in order for them (government) to be seen to be doing something, more draconian methods need introducing. If what you are saying is true, then it is no longer a case of the authorities being notified when an offence is committed but that they are actively seeking offenders in such a way as to potentially inhibit freedoms, both within education and individual's rights.

John Doe requested that his identity remain anonymous. However, he is a genuine employee of the Home Office.



Precarious Workers Brigade

Precarious Workers Brigade are a UK-based group of precarious workers in culture and education. We call out in solidarity with all those struggling to make a living in this climate of instability and enforced austerity. We come together not to defend what was, but to demand, create and reclaim:

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no more free labour;
guaranteed income
for all

**FREE
EDUCATION**
all debts and future
debts cancelled now

**DEMOCRATIC
INSTITUTIONS**
cut unelected,
unaccountable and
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shared ownership of
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