

Refugee Detention Protest

Refugee protest against immigration detention is defined here as any action which seeks to subvert, frustrate or directly challenge detention. This entry looks briefly at the purpose and conditions of detention, state-centric and refugee-centric explanations, and then analyses different types of protest as having instrumental, political, existential and cathartic aims.

Purpose and conditions of detention

The experience of incarceration in a prison, detention centre or other carceral facility is common within asylum seeking journeys as states expand their use of detention. The specific material and legal conditions of detention may vary, but immigration detention facilities usually have fewer and weaker safeguards than prisons within the criminal justice system which, coupled with the non-citizenship status of detainees, results in immigration detention being one of the highest risk sites for human rights violations in states of the wealthy Global North.

Immigration detention has no rehabilitative intent, either in rhetoric or reality. The purpose of immigration detention is to facilitate removal, either through compulsion (deportation) or through wearing people down such that return seems a better option than staying (the removal of hope), and to deter future/potential migrants from entering the state. Consequently, the conditions of detention are extremely poor by design. Immigration detention centres are often severely overcrowded. Daily regimens are at once spartan and autocratic. Assaults by guards or fellow inmates have been reported in many centres. Food may be insufficient, available only at specified times, or substandard. In Australia and Malta people are given detainee ID numbers and are addressed by these numbers throughout their time in detention. People held in detention do not have a charter of rights or an accessible independent authority to whom they can complain about their treatment. Some jurisdictions, such as the European Union, have legal human rights protections, but barriers arising from information, costs and paucity of legal assistance make such protections effectively unavailable for most detained people.

Generally, individual assessments are not conducted, and people are detained due to being categorised as irregular migrants, including those who have made refugee protection claims. Not knowing when or how one's period of detention will come to an end is highly stressful for detained people. Cumulatively, the conditions of detention are profoundly dehumanising and cause immense harm to people caught in its web. While states hold greater power, people subject to detention are not passive subjects, they always have capacity to resist and frustrate detention systems. Minor acts of resistance such as non-compliance with guards' orders, writing letters, 'talking back' to

officials, or hanging protest banners occur frequently. It is not uncommon for more challenging protests, including mass non-compliance, hunger strike, lip-sewing, protest self-harm and suicide, escapes and riot, to occur.

State explanations of detainee protest generally seek to delegitimise the protesters. This may be framed within a 'crimmigration' paradigm, in which a person's mode of arrival is constructed as illegal and evidence of their inherent criminality. This justifies their detention and, protest against this detention is further evidence of their criminality, creating a self-reinforcing circular logic. Using a language of crime discursively distances detained refugees from citizens and supports further punitive measures by the state, such as curfews and further restrictions within detention centres, imprisonment in solitary confinement, or criminal prosecutions of protesters. Hunger strikes, suicides and self-harm are more difficult to explain through a lens of crime, and instead are often presented by states as manipulative acts seeking to exploit the good will and humanitarianism of the state and nation.

These explanations serve the interests of the state and do little to further understanding of why detained refugees and immigrants protest against their imprisonment. Refugees are, by definition, people who sit outside of the nation-state system; they have been expelled from their countries of origin and not (yet) gained formal entry to a new one. Refugees are regarded as political objects, not political subjects by the detaining state, rendering them particularly vulnerable to state, criminal and private harms, and profoundly undermining their political voices. Hannah Arendt, in her work *The Origins of Totalitarianism* famously stated that a 'refugee's freedom of speech is a fool's freedom for nothing she says matters anyway.'

When detained refugees' accounts are taken seriously, protest against detention become more comprehensible. Refugees' lack of political power is foundational in understanding both their detention and their protests. Refugee protest needs to be understood as multifaceted in its objectives – against detention and its immediate harms and, against the historical and political forces that render certain categories of people subject to immigration detention and such extraordinary executive power. Protest may aim at specific claims (improved detention conditions or release from detention), but it also has discursive political aims (to prise open space to appear as political subjects), existential aims (to have bodily sovereignty and exercise agency) and cathartic effects.

Instrumental aims

Most refugee protest will have a stated objective that it seeks to achieve and a target audience to whom the protest is directed. This stated objective can be an almost limitless range of aims, from improved food or daily regimen, through to better access to

communications, the prevention of an impending deportation, the removal of a particular guard or an end to immigration detention itself. The target audience may be the immediate managers and guards of a detention centre, the government that authorises detention, media outlets or ordinary people of the host society. This is the most superficial level of understanding refugee protest, as one man explained that protest helped him to feel human:

Because if I didn't do those things, nothing different between me and this table. With me? I got a soul. I got a mind. I got thinking. While this table . . . of course, I wouldn't stay like that. (Fiske, 2016, p. 21)

Political aims

Detention is constructed as a space to keep refugees *out* of the polis, to deny them political status and political voice. Farshid, detained in Australia for three years, explained that 'People's situation in detention was that you were the lost person, the forgotten person, you don't exist, you cannot change anything and you have no power over anything' (cited in Fiske, 2016, p. 55). Yet, through protest, detainees transform detention centres into highly politicised environments and in so doing, insist on their entry to the public sphere as political subjects with the powers of speech and action. Women imprisoned in Yarl's Wood removal centre in the UK staged a naked protest against the impending deportation of a Burundian woman and her British born child. Alongside their protest action, the women phoned outside activists and journalists, and released a public statement explaining their actions. The protest was widely reported on and caused Serco (the private security firm that operated the detention centre), the UK Border Agency and the UK Refugee Council to publicly respond to the women's claims. Detainees in Australia discovered that being charged with criminal offences for certain protests actually gave them more rights and a stronger political voice. Once charged with a criminal offence, refugees are recognised by the law as a criminal and granted the same rights. This meant that refugees charged with escaping from detention centres in Australia were able to compel the production of evidence about the conditions in detention to courts in trials covered by media outlets and recorded in legal databases as public records. The speech of non-citizen detainees could easily be ignored or dismissed by the government, but criminal charges for protest transformed detainees' status and opened greater political space to speak and be heard.

Existential aims

Immigration detention is profoundly dehumanising. Detained people are treated, not as individuals, but as representatives of a category. The name of this category differs across jurisdictions - unlawful entrant, irregular migrant, asylum seeker, illegal – but however labelled, the effect is to strip detained people of all those rights that make a life recognisably human. Despite the legal, political and physical architecture of dehumanisation, detainees always retain the human capacities for speech and action

and protest was one way that detainees could exercise agency and experience their own power. In a tightly controlled environment, detainees' own bodies become a powerful site of protest action. Hunger strikes are widely reported in immigration detention facilities globally and can be a way for detainees to assert sovereignty over their own bodies. As one man explained

This would happen because you have no choice. You can't make any decisions in your life. Just to show you are alive you could make a decision to stop receiving anything in your body. That would show that you were alive, because you could make a decision, in a place that you can't make any decision. (Fiske, 2016, p. 23)

Hunger strike has a long history as a unique form of protest in which suffering is borne by the hunger-striker in order to bring shame and moral questioning on the state. It aims to make state violence, hidden behind detention centre walls, visible through the bodies of those refusing food. Ramatullah, a spokesperson for detainees on hunger strike in an Australian detention centre, explained the action was to 'show the cruelty of persecution on us. If we die, it will make conspicuous our innocence and the guilt will be on the government'.

Cathartic effects

Riots have occurred in detention centres around the world from Italy to Australia, USA and Malaysia. There are structural similarities in the conditions that produce riots and models outline certain pre-conditions for riots to occur. These pre-conditions include: deeply held grievances, no access to redress, generalised hostile beliefs, close proximity and communication, and breakdown in authority-community relations. Within this context, when a particular event occurs, the community can quickly interpret this event as emblematic of a wider and longer chain of grievances, which can quickly escalate to mobilisation of people and in to a riot. The arbitrary exercise of power in detaining refugees and then in controlling detention centres, autocratic governance, lack of access to effective complaints mechanisms and poor communication and information processes all contribute to detention systems being widely perceived among detainees as unjust and illegitimate. Refugees have reported that detention centres are highly tense environments, with high levels of anxiety among detainees and often hostile relationships between detainees and guards. In such conditions, riots can be triggered by even small events which may appear disproportionate in the eyes of an outsider, but which detainees interpret within context and for whom the precipitating event carries symbolic weight. Riots are both emotional and rational affairs; rational in that they are a predictable response to the conditions, and emotional in that they enable a cathartic expression of built-up anger and for the rioters to feel powerful even if only temporarily.

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See also

Immigration detention, asylum seeking, human rights

Further reading

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