

Presentational State Power: Temporal and Spatial Influences Over Asylum Sector Decision Makers

Previous analyses of forced migration have drawn attention to the increasing discretion held by asylum sector decision makers (Guiraudon 2003; Weber and Landman 2002). According to these accounts, as the state reacts to the political risks associated with asylum migration control, responsibility for forced migration management is increasingly transferred onto a range of intermediate actors, between state and society, including local government employees, asylum interviewers, immigration judges and security staff. Yet little research has directly addressed these intermediaries' collective experiences and the influences to which they are subject. The article therefore focuses attention explicitly upon the nominal conduct of this increasingly authorised, discretionary and highly heterogeneous population. Drawing upon thirty-seven interviews across four sites at which asylum sector intermediaries have significant and increasing discretion over asylum seekers' experiences, the findings demonstrate the importance of institutionalised timing and spacing for the determination of their volitional conduct. The timing and spacing of government institutions are important, not only through their influence over asylum seekers directly, but also because they present asylum seekers to those with discretionary authority in ways that are conducive to exclusionary uses of this authority.

Keywords: State, Asylum, Power, Devolution, Discretion, Space-Time.

Introduction

As taken-for-granted categories, such as 'state', 'civil society' or 'economy' appear to dissolve in the face of networked globalisation, new sets of actors are becoming increasingly empowered and responsabilised (Cloke and Johnston 2005; Painter 2006). Decision makers throughout the institutional landscape are bearing more risk and taking on increasing autonomy as a result of the politically motivated shift towards agency over structure in neo-liberal, post-modern institutions (Beck 1992; Castells 2000). Against the backdrop of the world-wide trend towards devolution in the public sector, and rationalisation in the private sector, a host of intermediate actors, located at the increasingly fuzzy boundaries between state, market and society, are taking up responsibilities and authorities that once resided unambiguously in these spheres (Rodríguez-Pose and Gill 2003).

What this divestment of authority conceals, however, is a turf war for the *volitional allegiance* of these newly responsabilised actors (Foucault 1979; Lemke 2002). In the case of state actors, this article argues that the key metrics of this struggle are no longer centred around the financially induced or legally coerced actions of state employees, but around the ideologically affected desires of state personnel themselves (Lukes 2005; Rose 1999). Taking the

management of asylum seekers in the UK as a case study, the article seeks to uncover the means and mechanisms of this struggle for allegiance among those actors who have experienced increasing responsibilities over the past three decades.

Drawing upon thirty-seven interviews conducted with decision makers, activists and asylum seekers throughout the asylum sector in the UK between June 2005 and July 2006 the article focuses upon the experiences of four intermediary figures. Asylum caseworkers decide upon initial claims for refugee status in the UK; National Asylum Support Service (NASS) employees decide whether or not asylum seekers are eligible to receive financial support; immigration judges determine appeals for refugee status if an initial claim has been unsuccessful and removal centre managers are responsible for refused, incarcerated asylum seekers' welfare as they await deportation. Evidence is taken from four sites in the UK corresponding to these four intermediaries: Lunar House, the headquarters of the Immigration and Nationality Directorate¹ in Croydon; the offices of NASS in Portishead²; the legal asylum advocacy community in Bristol; and Campsfield Removal Centre in Oxfordshire. The choice of these four sites is intended to broadly reflect the processual story that underpins the state-justified legal practices that asylum seekers experience in the UK. The arrival and lodging of an asylum claim takes place in government offices such as those at Lunar House. NASS is responsible for the delivery of welfare support to asylum seekers awaiting a decision on their claim. During this time asylum seekers utilise legal support. And, should asylum seekers have their claims for asylum refused many are incarcerated in centres like Campsfield pending removal. Details of the particular sources drawn upon in this paper are given in Table One. Table Two includes details of the total population of interviewees that participated in the study. The focus upon the South West of the UK reflects the fact that the author had personal contacts with key interviewees in this region, and that snowballing tended to lead to interviewees in this region.

Table One

Source 1	Senior IND official, British, female, 40s.
Source 2	Management-level removal centre employee, British, female, 50s.
Source 3	Lunar House employee, British, female, 50s.
Source 4	Lunar House employee, British, female, 50s.
Source 5	Lunar House employee, British, male, 40s.
Source 6	Immigration lawyer in Bristol, British, female, 40s.
Source 7	Asylum activist in Bristol, British, female, 50s.
Source 8	Activist and community leader in Bristol, British, male, 50s.

¹ Now the Border and Immigration Agency (BIA).

² At the time of writing, NASS is in the process of changing its name.

Source 9	Refused asylum seeker, Iraqi, male, 20s.
Source 10	Community leader who had accompanied vulnerable asylum seekers to Lunar House, British, male, 50s.
Source 11	Asylum activist who had accompanied vulnerable asylum seekers to Lunar House, British, female, 50s.
Source 12	Asylum activist and community leader in Portishead, British, male, 50s.
Source 13	Community leader in Portishead, British, male, 50s.
Source 14	Police officer in South West, British, male, 40s.
Source 15	Organiser of BRIAF in Bristol, male.
Source 16	Asylum activist in Oxford, British, female.
Source 17	Former detainee of Campsfield, male, 40s.
Source 18	Former detainee of Campsfield, male, teens.
Source 19	Management-level employee at Campsfield, British, female, 30s.

Table Two

Characteristic	Parameters	Number of Participants
1. Sites	IND at Lunar House	9
	NASS at Portishead	8
	Bristol's Asylum Advocacy Community	11
	Campsfield IRC	9
2. Self-Identification	State Actor	14
	Non-State Actor	20
	Asylum Seeker	3
3. Recorded	Refused to be Recorded	6
	Recorded	29
	Email Interview	2
4. Contacted By	Cold Calling	17
	Snowballing	16
	Personal Contacts	4
5. Additional consent	Required	22

required for further uses of the data.	Waived	15
6. Location of Interview	Place of Work	20
	Public Place	9
	At Interviewee's Home	8
7. Gender	Female	20
	Male	17

The competing influences over these four intermediaries' volitional conduct at these sites constitute the findings of the research presented here. The article argues that intermediaries' discretionary decisions are influenced by the way in which asylum seekers are presented to them through the institutional arrangements within which intermediaries and asylum seekers interact. In particular, two types of influences are identified that seek to act upon, and compete for, the ideational allegiance of this group: temporal and spatial presentational strategies. The identification of these influences embellishes existing research into the influences over asylum sector officials that tends to emphasise linguistic effects, for example in the language of policy documents (Düvell and Jordan 2003; United Nations High Commission for Refugees (UNHCR) 2005; Weber 2003) and the popular representations of asylum seekers in the printed press (Finney and Robinson 2007; Kaye 2001; Mollard 2001). By focusing upon the specifically geographical influences over asylum sector intermediaries, this article moves beyond discourse as a governmental strategy, bestowing spacings and timings with equally pervasive, and perhaps more subtle, governmental agency.

One particular contribution of the research is to recognise and conceptualise apparently powerful and autonomous actors, such as judges and immigration officers, as subject to certain forms of state-justified ideational conditioning themselves. In this reading, the powerful also experience power and 'authorities' (Rose and Miller 1992) are also subject to authority. The subjugation of asylum seekers in the UK is consequently shown to be not only brought about through the exertion of power over asylum seekers directly (see Schuster 2005), but also by the steering of those intermediaries with autonomous authority over them, rendering these actors pivotal sites of contestation, and potential sites of resistance.

Another contribution is to illuminate a shift occurring within the state between different forms of power. In response to the increasing accountability of state actors, the devolution and decentralisation of formal control typifies modern governmental rule. However, this article draws attention to forms of power that

do not over-rule individual interests, or even appeal to them, but actively re-write them in a range of ways (Foucault 1977; Lukes 2005). This is achieved through the temporal and spatial presentation of asylum seekers to those with (new found) authority over them in ways that are unflattering, damaging or defamatory. This notion of presentational state power offers one way in which notions of governmentality can be combined with political-economic theories of state power to offer innovative insights into contemporary forms of state rule.

Presentational state power

Forced migration scholars are divided over the ability of states to control migration flows. Transnationalists emphasize the constraints preventing the assertion of state control in the migration arena, the symbolic character of border policies and the structural global difficulties states face in overcoming these challenges (Castles 2006; Koser 2007; Koser and Pinkerton 2002; see also Urry 2007; Van Hear 2002). In contrast, others react against the dismissal of the state within forced migration studies. First, a number of quantitative studies underscore the enduring influence of asylum policy over applications, albeit whilst recognizing that different policies have differing effects (Cornelius and Rosenblum 2004; Hatton and Williamson 2004; Jennissen 2005; Neumayer 2004; Thielemann 2004). Second, socio-linguistic theorists draw attention to the fact that the very notion of the refugee as a *stateless* figure implicitly ratifies the state, which remains conspicuous by its absence when imagining ‘lacking’ and ‘needy’ refugees (Malkki 1996; Turton 2003).

A third critique of transnationalism is that it misrepresents the state itself. While emphasising the transnationalisation of migrant communities, transnationalists have, in contrast, continued to employ a strikingly static, non-relational imagination of states as containers of power (Allen 2003; Taylor 2003). They have consequently overlooked how state power itself can internationalise, states can appropriate new global means, and globalisation can enable the transmission of state power beyond traditional territorial confines (Jessop 2002; Lerner 2007). Here, states are not so much superseded or over-ruled by global spatial transformations, but are rescaled both locally and internationally through contingent processes of de- and re-territorialisation (Brenner 1999; 2004).

Forced migration scholars writing in this vein have drawn attention to the ability of states to direct asylum flows at ‘arm’s length’ through an array of intermediary figures. This is achieved through ‘remote control’ strategies aimed at the enrolment of discretionary, dispersed, non-state and quasi-state actors into state-orchestrated and state-managed (but not state-executed) practices of asylum seeker exclusion (Guiraudon 2003; 2004; Lahav 1998). For example, Lahav and Guiraudon (2000) outline the ‘exteriorisation’ of state control over asylum migration through three inter-related strategies - upward, downward and outward divestment of responsibility from the central state. ‘Upwardly’, the Europeanization of asylum control through international consultation and

information sharing, police co-operation and shared databases (Guiraudon 2000; Lavernex 2001), the continuing roll-out of visa regimes (Guild 2002; 2006; Neumayer 2006), and even co-operation with countries of origin in repatriating refused asylum seekers (Schieffer 2003) is a process that has been underway for at least two decades (Anderson and Den Boer 1994; Guild 2000). ‘Downwardly’, local government has extended its activities in checking the legal status of immigrants, providing welfare support for asylum seekers awaiting decisions, incarcerating asylum seekers deemed to be at risk of absconding, issuing papers necessary for visa applications, exercising discretion with regard to family and marital on-migration, and administering regionally specific naturalisation laws (Cohen 2002; Groenendijk 2002; Guiraudon 2001; Hargreaves et al. 2005). ‘Outwardly’, the fines facing private transport companies, private individuals and, in some cases, failed asylum seekers themselves, have shifted the burden of responsibility for migration controls away from the public sector (Guiraudon 2004).

‘Exteriorisation’ exemplifies state rescaling in the face of global pressures (Brenner 1999), and is a corrective to the territorial, containerised image of states that transnationalism evokes. Brenner (2004) problematises the assumption that state power is uniformly distributed across social space within jurisdictional units, raising the possibility that sub-national-scale customisation may be explicitly pursued to further *nation*-state legitimacy. In the case of asylum migration to the UK for example, the decentralisation of responsibility for asylum seekers has produced a differential geography of asylum management corresponding to broader asymmetric devolutionary strategies across England, Scotland and Wales (Sim and Bowes 2007). These differences are not only important to the fortunes of individual asylum seekers, but are illustrative of deeper processes of negotiation occurring in and around the central state as it re-organises its competencies and responsibilities with regional partners (Agnew 2001). In an attempt to demonstrate its decline, transnationalist literatures that deal with the nation-state may overlook these contested sub- and supra-state geographies.

The notion of ‘exteriorisation’ of state power, however, encounters two further difficulties. Given the increasing social dispersion of responsibilities for asylum migration control, it becomes necessary to ask *from where* these responsibilities are exteriorised. If distant, non-state actors are increasingly undertaking the practices of asylum seeker management, then tracing their motivation back to an essentialised, co-ordinating central state begins to appear increasingly unlikely, and the distinction between ‘state’ and ‘non-state’ spheres begins to look decidedly imposed (Mitchell 1999).

A possible resolution here is to draw the strategic-relational distinction between spatial state strategies and spatial state projects (Brenner 2004; Jessop 1990). Spatial state projects refer to activities aimed at the territorial administrative re-organisation of the state itself, while spatial state strategies refer to spatially-

mediated interventions of the state into the socio-economic sphere. A key distinction between state activities that target the state and target society emerges, producing a graduated metaphor of concentric rings of state-ness (for a related discussion, see Painter 2007). While there is, in reality, no state centre, the distinction between projects and strategies highlights the grey, negotiated boundary between state and society. It also maintains the possibility that third sector social organisations might be co-opted into pursuing state aspirations, forming a so-called 'shadow state' operating within society and yet furthering state interests (Wolch 1990). The closeness between the state and Refugee Action and the Refugee Council for example, the two major charitable bodies with concern for asylum seekers' and refugees' welfare in the UK, through contractual agreements to provide signposting and information services in exchange for financial support, certainly indicates the inadequacy of viewing the state and the third sector separately in the asylum context.

While the distinction between state projects and strategies goes so far however, a second difficulty with the exteriorisation thesis is that the key mechanisms through which intermediaries' allegiance to state objectives are secured are assumed to be legal and financial (see for example Guiraudon and Joppke 2001). This privileging of particular means through which states compel disparate intermediary actors to carry out the processes of asylum management implies that the extent to which state power over asylum flows is genuinely *exteriorised*, rather than simply extended, becomes questionable. If intermediaries are coerced or compelled to act in particular ways through legal and financial means, then their autonomy and separation from the state appears fallacious.

The account of exteriorisation consequently leaves no room for genuine autonomy among intermediaries, even as it charts their increasing importance. By tracing their behaviour back to the state's legal-coercive or financial-manipulative influence, alternative influences over intermediaries' conduct remain under-researched. Intermediaries are seen as state functionaries despite their responsibilities, mechanically responding to legal and financial state disciplines. Yet a range of empirical studies demonstrate the genuine increase in responsibility and autonomy that front-line government officials, alongside non-state actors, are having to assume as central government shies from the political risk associated with asylum control (Düvell and Jordan 2003; Granhag et al. 2005; Schuster 2005; Weber and Gelsthorpe 2000. See Section Two for a fuller review). Hence, while Lahav and Guiraudon (2000) rightly identified the increasing prominence of front-line intermediaries, their tendency to explain their conduct exclusively in terms of legal and financial state discipline obscures the emerging question of what, precisely, seeks to determine the *volitional* conduct of this group?

The argument presented below therefore builds upon Lahav and Guiraudon's (2000) identification of the trend towards the empowerment of autonomous

intermediaries, by dispensing with the contradictory impulse to subsequently explain their behaviour in blunt legal or financial terms. Rather, it is necessary to recognise that alongside coercive (legal) and manipulative (financial) forms of state power, states also command powers that are capable of engendering the *will* to act in accordance with state objectives, rather than simply generating the necessity or imperative to do so (Allen 2003; Gramsci 1971; Lukes 2005; Scott 2001). By conceiving of timings and spacings as factors that can determine the dispositions of actors, the research draws upon governmentality studies that highlight the suggestive, perceptual qualities of time and space (Elden 2007; Hannah 2000; Huxley 2007; Larner and Walters 2004). Moreover, by recognising that strategic temporal and spatial positioning can influence cognition and preferences, psycho-geographical currents within and beyond geography are also invoked (Jüngst 2000).

The strategic geographic positioning of subjects in time and space has not been linked to governmental influences over the aspirations of decision makers in the past as a result of Foucauldians' ambivalence about 'the state' as a conceptual category. Work that examines the use of space in the achievement of neo-liberal state aspirations, for example, generally retains the view that state actors' interests and aspirations are exogenous to the state projects and strategies undertaken (Brenner 2004). This is because Foucault famously rejected the state as a useful categorisation of society, despite his regular use of the concept (Jessop 2007a), driving a wedge between work that addresses the techniques used to determine conduct and work that examines state power (Jessop 2007b). Despite Rose and Miller's (1992) call, nearly twenty years ago, to attend to the 'governmentalisation of the state', Foucauldians' suspicion of the state concept has resulted in a more general unwillingness to attribute governmental strategies to calculative, pre-meditating agents. As Foucault writes, '... there is no power that is exercised without a series of aims and objectives. But this does not mean that it results from the choice or decision of an individual subject ... [T]he logic is perfectly clear, the aims decipherable, and yet it is often the case that no-one is there to have invented them' (Foucault 1980, p94-5).

While it is certainly true that the state represents a clumsy way to describe social reality (Mitchell 1999; Peck 2004), what the Foucauldian rejection of a central, calculative agent has achieved is a timidity about identifying pre-meditating political agency when discussing governmental power. One way to avoid disassociating governmentality and pre-meditated political strategies is to recognise that, even if we reject the state as a pre-social entity, we are still faced with the fact that a great many social practices are undertaken *in its name* (Gupta 1995). In this reading, the state functions as an organising principle, an idea that becomes a metric in the ideational enrolment of autonomous subjects, competing for their allegiance and justifying practices that conform to 'its' imagined aspirations (Painter 2006). Hence, the state itself becomes a 'regime of truth' that can mobilise free and volitional actors to perform 'state' practices and promulgate 'state' logics. State power in this sense arises from the

volitional actions that allegiance to the state as an idea or social principle precipitates. Organising the social world so that it appears to constitute two separate spheres, state and social, allows 'the state' to be utilised as a concept that can justify behaviour that complements this view of the world. In this vein, Painter (2006) discusses 'statisation' as the process by which the state as a justification for social practice is extended through society. The temporal and spatial techniques identified here can be interpreted as the means through which this promulgation occurs (Painter, 2006). Crucially, because the state here relies upon embodiment and enactment in practice (Mountz 2003) – indeed it exists in no other form – the state's presentational power is eminently resistible, precisely because it rests upon the allegiance of critically reflexive actors to the idea of the state itself. It is therefore not the intention here to close down possibilities to resistance to state power (as some Foucauldian analyses might), but, on the contrary, to highlight the contingency of state power upon the contestable perceptions and loyalties of powerful intermediaries.

The unifying theme here is that actors who are subject to state power are not necessarily forced, compelled, disciplined or incentivised to act, but can be ideationally conditioned to freely choose to conduct themselves in ways that are nevertheless particular and constrained. This is a characteristically Foucauldian suggestion, and yet it is the state that commands these abilities. A marriage between Foucauldian and state theoretic approaches is therefore necessary in order to understand intermediaries' role in forced migration management, however belatedly. In what follows, the suggestive, presentational importance of the institutionalised timing and spacing of state activities not only for the subjugated but also for those who wield significant discretion over asylum seekers is examined.

Increasing discretion among intermediaries

There are at least two reasons why asylum sector intermediaries are experiencing greater genuine discretion over asylum seekers in the UK. First, localised discretion is becoming more necessary for systemic stability in the face of increasing local difference and complexity (Jessop 2004; Weber and Gelsthorpe 2000). This is a commonly-cited argument for devolution in general (see Oates 1972; Tiebout 1956). Second, the increasing political riskiness associated with asylum migration renders the vesting of real authority in intermediary figures an increasingly attractive political strategy in order to avoid central state culpability. While the negative link between asylum migration and a government's popularity is firmly established (Milne and Travis 2002; Schuster and Solomos 2004; Swank and Betz 2003), when disaster strikes it is nevertheless useful to have a scapegoat to hand. The damage that public and media disasters can inflict³ can be significantly abated if intermediate figures,

³ Recent examples include the mistaken release of hundreds of convicted criminal migrants who should have been deported under British law (BBC News Online 2006a), the employment of illegal asylum seekers in Immigration and Nationality Directorate (IND) offices, recorded

such as ‘incompetent’, privately contracted managers of a detention centre or ‘corrupt’ immigration officials, can be shown to have acted inadequately or improperly in their own right, thereby assuaging system-wide culpability (Weber 2003). This argument is one example of a general tendency to exploit the political expediency of devolution in a wide variety of countries (Rodríguez-Pose and Gill 2005).

A range of policy-focused work consequently documents the degree to which specific intermediaries have gained increasing, genuine responsibilities for, and influence over, asylum seeker experiences (Cohen 2002; Düvell and Jordan 2003; Granhag et al. 2005; Weber 2003). The enrolment of a wide variety of ‘experts’, for example, from anthropologists to language analysts, in order to determine the ‘truth’ or ‘falsity’ of an asylum seeker’s claims during their asylum interviews, has been argued to place unreasonable demands of judgment upon such actors (Corcoran 2004). The importance of subjective belief among immigration officials, and the consequent imperative to train migration board members to distinguish ‘lying’ from ‘truth-telling’ through ‘education concerning deception detection’ has been outlined (Granhag et al. 2005 p29). Among American immigration border officials, the suggestive effect of prior knowledge, including past judgements pertaining to un-related cases, has been argued to impact upon their discretionary judgements (Gilboy, 1991). Similarly in the UK, Weber (2003) notes the high degree of discretion in the absence of binding rules at the border. One immigration officer confides the following:

I decide myself. Yes there are criteria, but I don't think they're particularly clear or helpful. I think they're all very vague and it is really the [immigration official] at the end of the day who makes the decision

Weber and Gelsthorpe, 2000, p63

The four intermediaries who form the focus of this study are no exception: each has experienced increasing responsibility in recent years. Caseworkers at Lunar House receive just eleven days of training, followed by eleven days of mentoring, before they are authorised to determine cases. Their competence has come under strict review from the UNHCR, which carried out a quality initiative review of asylum decision making in the UK in 2004 and 2005 (United Nations High Commission for Refugees (UNHCR) 2005) and expressed concerns that

Some established caseworkers may lack, or not be equipped with, the necessary skills and knowledge for refugee status determination. The UNHCR has found widespread use of weak analysis, poor written English, and limited or non-existent research.

UNHCR, 2005, p 11

evidence that immigration officers have exchanged immigration status for sexual favours (BBC News Online, 2006b), and apparent ignorance of, or reluctance to estimate, the number of illegal immigrants in the UK (BBC News Online, 2005).

Caseworkers are nevertheless commanding greater discretion than in the past, primarily as a result of the merging of interviewer and caseworker functions under the 'New Asylum Model' (NAM) introduced by the Home Office between 2005 and 2007 (Home Office 2006b; see also Refugee Council 2007). Commenting upon the devolutionary aspects of NAM in 2006, one senior IND official outlined her aspirations for the new system:

Source 1: At the moment we're a very silo based organisation so people in Liverpool or Sheffield or Birmingham are reporting to someone who's located in Croydon [*London*] and we want to change that and actually have regional areas so all of our functions across the silos if you like will report to the regional director. They will have a huge amount of autonomy and flexibility. We will give them a framework and then within that they will be leading their regions ...

One specific implication of NAM is that interviews and the paperwork for each asylum seeker is conducted by the same person. The separation of the role of interviewer from decision maker is disbanded so that caseworkers carry out *both* the interview and the paperwork associated with the determination of asylum seekers' claims. NAM consequently increases the concentration of responsibility into the hands of a smaller number of intermediaries. 'The interview is deemed [to be] the most important occasion when asylum seekers can put forward their cases' (Cwerner 2004, p81). The new responsibilities for asylum interviewing that accrue to caseworkers under NAM therefore represent a substantial increase in their authorised discretion.

NASS employees determine the eligibility of asylum seekers for financial support during their time in the UK based on a paper application that has been completed by, or on behalf of, the asylum seeker. They then decide whether or not an asylum seeker is entitled to housing and financial support during the processing of their claim, subject to the conditions that they have applied for asylum, are facing destitution and have applied for asylum 'as soon as reasonably practicable' once they have arrived in the UK. Before the creation of NASS, local authorities and the benefits agency were the first ports of call for asylum seekers. The fact that local authorities were responsible for the welfare of asylum seekers meant that localities and regions were meeting the demand for asylum support unequally across the UK. London was receiving over 80% of the claims for support in 1999. NASS aimed to equalise the asylum 'burden' across regions by making the financial support an asylum seeker is entitled to conditional upon their acceptance of allocated housing, which is primarily located in Scotland, the West Midlands and the North West: well away from the capital.

NASS employees have experienced greater discretion in recent years by virtue of the fact that, until 2000, their present role did not exist at all. Rather, local government authorities were charged with the responsibility of supporting

asylum seekers and there was no systematic, nation-wide procedure for determining genuine cases for financial support.

A key aim in setting up NASS was to separate out the services to asylum seekers and provide them in a way that ... discourage[d] abuse of a chronically overstretched system.

Noble, Barnish et al. 2004, p50

In other words, the very decision about whether or not to support an asylum seeker was institutionalised with the introduction of NASS, meaning that the genesis of NASS employees' roles itself represents an increase in discretionary power.

Immigration judges are charged with the responsibility of determining asylum appeals against negative initial decisions within set time limits. The increase in responsibility that judges are presently experiencing derives from the fact that an increasingly high number (around 15%) of original applications for asylum are not determined correctly (Home Office 2006a; Nicol 2004). The appeals process that judges administer has become part of the application process itself, exceeding its originally intended function as an exceptional procedure in difficult cases (Byrne et al. 2003).

Removal centre managers are responsible for asylum seekers' welfare as they await deportation following the refusal of their claim. There are rules by which removal centres must abide in the UK, although they are often loosely defined. For example, on the use of force in detention centres, the rules stipulate only that,

A detainee custody officer dealing with a detained person shall not use force unnecessarily and, when necessary, no more force than is necessary shall be used.

'Detention Centre Rules', Immigration and Nationality Directorate, 2001

This lack of clarity has led to repeated allegations concerning the misuse of force in detention and removal centres (See, for example, Medical Foundation of the Care of Victims of Torture (MFCVT) 2004).

As a result of the looseness of the rules surrounding detention and removal of asylum seekers in the UK, a situation that stems partly from its location within civil, rather than criminal law (see Agamben 2005 for a discussion of the pitfalls of this sort of exceptionalism), centre managers hold an extraordinary degree of influence and discretion over individual incarcerated asylum seekers. As one pro-asylum detention centre employee outlined, referring to the group of employees sympathetic to incarcerated asylum seekers working in removal centres in the UK:

Source 2: Those of us ... who are involved with human rights know that we ... do a great deal for asylum seekers. We have been able to arrange for luggage to be collected, arranged new lawyers, medical appointments, phone cards, money for some being deported, clothes. We have provided for festivities and have a supply of Bibles, Q'urans and other faith literature to give away. We have contacted detainees' families, and have given those being sent to NASS accommodation addresses of churches or refugee support groups where they can get help and advice. We have contacted organisation such as Jesuit Refugee Service about those being deported so that they have some support on their return.

As a measure of the *increasing* discretion of removal centre managers, the number of incarcerated asylum seekers in the UK has increased rapidly from 250 in 1993 to over 2500 in 2005 (Bacon 2005). Given that the detention estate consistently operates at or near capacity and that the average length of incarceration is only around two weeks, this represents an exponential increase in the number of asylum seekers who experience detention every year.

Increasing discretion among asylum sector intermediaries is not uniform and there are examples of countervailing tendencies. Complaints within the immigration system about red tape are a long-standing feature (Montgomery and Le Feuvre 2000). Generally however, the increasing discretion of intermediaries represents the business end of political risk delegation in the asylum management sector, and deserves closer scrutiny. There is a need to examine how intermediaries decide to implement their discretion, to determine what factors influence their decisions and to identify which forces seek to shape their conduct, beyond legal and financial state disciplines.

Time as a presentational technique

The appropriation of time as a political strategy has become a topic of intense scrutiny in the social sciences (Armitage 2001; Castells 2000; Virilio 1986). 'In the context of recent developments in asylum policy and process, especially in the UK, time has been fore-grounded as a major dimension and resource upon which some agents deem appropriate to exert power' manifesting in the 'fast-tracking', 'streamlining' and 'speeding up' of the asylum process (Cwerner, 2004, p73). The strategic use of time is reflected in the institutional rhythms of government agencies throughout the UK asylum sector. The fact that agencies and organisations rise and fall with such rapidity, including both the IND and NASS that formed the subject of this research in 2006 and have since either been renamed or are in the processes of being relabelled, produces a constantly shifting, bewildering institutional landscape that frustrates asylum seekers and asylum activists alike.

Source 3: The first asylum legislation specifically to do with the asylum process was 93, then it was 96, 99, 2002, 2004 and now we've got the 2006

bill so there will be a 2006 act because they're tinkering with a system that doesn't work⁴

The mobilisation of change as a constant facet of government policy is clearly in evidence as the asylum sector exhibits the sort of 'policy churn' (Hess 1998) that is characteristic of neo-liberal institutional cultures. At Lunar House, the constantly changing policy climate has produced an alarming backlog of asylum claims.

Source 4: As soon as the new piece of legislation comes into force the people from the previous pieces, who are still under the previous pieces of legislation end up going towards the back of the queues because the new legislation gets implemented first, staff are retrained and new staff members are taken on to deal with the latest legislation. There is a real problem then for people who are still waiting for answers or had their last decision before this came into force because the teams dealing with the previous regimes are much smaller. Now, shockingly, we have still got people who came in before 1993 and haven't had a first decision (laughs).

Caseworkers face tight deadlines, strict targets and monotonous work schedules. The time taken to complete the paperwork for determining asylum claims, which constitutes the bulk of the paperwork carried out at Lunar House, should be thirty minutes, a target that is strictly monitored on an individual basis without the possibility of roll-over to subsequent weeks or months (Back et al. 2005). The queues at Lunar House act as a constant, symbolic reminder of the paucity of time. Queues begin to form as early as 5am every day and are divided into two sections, one for those routinely renewing visas or passports, which often reaches five hours in length, the other for asylum seekers who queue for even longer (National Coalition of Anti-Deportation Campaigns (NCADC) 2003).

These time pressures affect the work that is carried out at Lunar House in a number of ways. One third of employees experienced stress 'often', 'very often' or 'always' in comparison to under 14% in the UK economy as a whole (Home Office Staff Survey 2004, in Back et al. 2005; Health and Safety Executive 2007) with serious consequences for employees:

Source 5: There are real issues to do with secondary trauma for staff members. The way people cope with hearing stories that are really quite difficult to hear is, if they're not getting adequate support themselves, to burn out or else shut down. It comes to a stage for some people the only way that you can deal with this is to shut down and say 'this can't be happening, they're all liars'. Having said that, when there are fewer people waiting outside for

⁴ The interviewee is referring to the Asylum Immigration and Appeals Act 1993, Asylum and Immigration Act 1996, the Special Immigration Appeals Commission Act 1997, the Immigration and Asylum Act 1999, the Nationality, Immigration and Asylum Act 2002, the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 and the Immigration, Asylum and Nationality Act 2006.

long periods of time there seems to be a much more welcoming attitude on the inside.

Despite the effects of the intense time pressures and long queues in generating negative perceptions of asylum seekers among staff, however, senior staff are reluctant to introduce changes. One senior manager at the Immigration and Nationality Directorate emphasised the constraints that time, stress and the need to minimise workloads impose upon innovation. New ideas could be expected to

Source 1: Increase stress and increase workloads, disrupting the workflow. If ... we had to implement [new ideas] within a particular timeframe I think there would be some real constraints in terms of financial cost.

As a result of continuing time pressures over staff, one charity-funded report into Lunar House recorded harsh, tense and aggressive treatment of claimants (Back et al. 2005).

Although many staff carry out their difficult work patiently and diligently, there are disturbing stories of harsh and inappropriate behaviour. Some staff may become case-hardened and take out their frustration on the public. Others may harbour negative attitudes which remained unchallenged. Whatever the cause, the frequency of comments is a cause for concern.

Back, Farrell et al. 2005, p34

Ostensibly powerful caseworkers at Lunar House can, in these ways, become subject to the institutionalised timing of their encounters with asylum seekers in their own right.

Staff are under so much pressure – not just the targets, but keeping on top of the pressure that's put on them. They're at the front line of national concern and they have to deal with the psychic [sic] burden.

Personal Testimony, Back, Farrell et al. 2005, p63

For NASS employees, the temporal techniques through which they encounter the asylum seekers over whom they command discretionary authority are clearly active in structuring their conduct. NASS employees work in regional offices located around the UK. There are twelve offices in total that were created as part of the devolution of NASS between 2003 and 2005.

These offices compete to minimise the amount of time taken to determine applications for welfare support. The reception area and office notice-board at the South West office, for example, were dominated by correspondence from NASS headquarters emphasising the imperative to reduce the backlog of

outstanding claims and celebrating the increasing number of fraudulent claimants detected both by the IND and by NASS. One of the pieces of correspondence on display was a ‘Regionalisation Newsletter’ informing employees at the regional offices of NASS’ progress in implementing the drive towards regionalisation (Table Three).

Table Three: Extract from NASS' Regionalisation Newsletter

Team	Standard Casework - actual average time taken. [Target 55 minutes].	Fast Track - actual average time taken. [Target 39 minutes].
Leeds	24.00	23.17
Glasgow	30.44	27.55
Dover	24.34	29.41
London	47.34	31.38
Newcastle	Training	
Peterborough	Training	
Manchester	56.15	47.24
Solihull	41.06	32.04

The extract compares the average time taken to decide upon a claim for support received by NASS in the various places that host regional NASS offices. The offices are under extreme time constraints to meet the target times of 55 minutes

for standard cases and 39 minutes for those on the ‘fast track’⁵. What is more, regionalisation has introduced a high degree of competition between regional offices on this metric. The Leeds office, for example, received praise in the newsletter for being the fastest at determining cases, completing the work in less than half the time allocated for standard cases.

The scripting of asylum seekers’ cases for welfare support in numeric and time-sensitive ways creates an artificial informational environment within which decision-makers are under pressure to reach conclusions quickly. Asylum seekers are represented to NASS employees in simplistic, sanitised ways through this process. The distillation of a decision regarding an asylum seeker’s claim into a minute-and-second count violently abstracts from the personal circumstances that underwrite each claim. This threatens to allow the subjectivity, complexity and case-specificity of the practice of determining cases for welfare support to be overlooked. NASS employees, as a result, themselves become subject to the presentation of asylum seekers that the temporal institutional organisation of their interaction with them allows. One interviewee complained about ‘playing God’ with asylum seekers claims in the absence of adequate time to consider their cases.

The way in which asylum seekers are depicted to immigration judges is influenced by the institutionalised rationing of time in a different way. Since April 2004, immigration *lawyers’* time has been systematically squeezed as a result of new legislation that limits the amount of hours that they are permitted to spend on any immigration case. Judges, who rely upon lawyers’ representations to be able to accurately determine cases, consequently hear progressively less thorough cases because lawyers are unable to devote as much time to preparing, collating evidence, rehearsing their arguments, editing their submissions, consulting their clients and conducting research to support their representations (Cutler and Wren 2005). Expressing her frustration at what she saw as inadequate funding to prepare asylum cases for immigration judges, one lawyer in Bristol stated that:

Source 6: What I would like to do is improve the public funding. It has got more and more restricting, so that people’s representatives end up spending either lots of time unpaid in order to prepare a case or they don’t prepare a case properly. The way it is at the moment, if you’ve got a difficult asylum case, I don’t see how you could possibly do it justice within the hours that they say we should be able to do it.

One implication of the changes in legislation is that unscrupulous lawyers, who are prepared to do a bad job and make the work pay, are beginning to dominate the market, again impacting upon the sort of representations of asylum seekers that judges are likely to encounter. As one lawyer outlined:

⁵ There is a fast-track procedure for claimants coming from so-called ‘White List’ countries i.e. countries that have been deemed to be generally safe by the Home Office, meaning that claims for asylum from these countries are viewed as manifestly unfounded.

Source 7: Some solicitors have been really unscrupulous and were seeing these [*asylum seekers*] for maybe 5, 10 minutes, sketchily writing out their case history and then putting in that they'd sat with them for you know days and days and days.

Another interviewee made the following comments:

Source 8: They are cutting down on legal aid for immigration. Not only have they cut down on the total amount given, they have cut down on the number of solicitors they have authorised to do the work and more and more solicitors are withdrawing because the legal aid allowed is inadequate. So solicitors have to make the decision - do we work for free in order to do this work or are we prepared to do half a job 'cos that's all we're being paid to do.

Legal representation is carried out so that judges, who are charged with the responsibility of determining the legitimacy of an asylum appeal, can make an informed decision. Hence, the perceptions of judges are systematically affected by the control and restriction of the supply of legal aid. It is immigration judges who experience the effects of recent moves to curb legal aid funding, because asylum claims are presented to them under specifically controlled conditions that restrict the quality of the depictions made. We are, therefore, able to view immigration judges, as well as asylum seekers themselves, as subject to recent legislation that constricts legal aid funding. This breeds animosity towards judges and alienation among asylum seekers who rely upon their objectivity:

Source 9: I am telling you - don't believe the judge, because the judges, immigration judges I mean, they are working with the government, the Home Office is against asylum seekers ... I don't care about them, I don't care, because I know they are all rubbish, they are all lying. I ignore them.

Following the changes to legal aid in 2004, both the proportion of initial claims and appeals that are unsuccessful increased. In the last quarter of 2002, 68% of claims were refused at the first sitting and, of those who appealed, 77% were refused on appeal (Home Office 2002). By the first quarter of 2005, 88% of initial claims were dismissed at the first hearing, and, of those who appealed, 82% were overruled (Home Office 2005).

In general, the institutionalised timing of the interaction between asylum seekers and intermediaries threatens to structure the ways in which they exercise their discretion. Caseworkers, NASS employees and immigration judges rely upon the institutional rhythms within which they are situated to allow them to make informed, objective choices. The rationing of time threatens to disallow this opportunity. The intermediaries themselves are consequently affected by the temporal strategies that they experience, which serve to depict the asylum seekers under their authority to them in ways that encourage exclusionary uses of the discretion they wield.

Space as a presentational technique

Not only time, but also space, is increasingly recognised as an important determinant of the ways in which discretionary power is exerted (Allen 2003). The figures of authority that form the basis of this study are subject to the influence of particular institutionalised spatial arrangements that serve to separate, distance, defamiliarise and sever them from the asylum seekers over which they hold discretion.

The security measures that are considered necessary at Lunar House in order to safely manage the asylum seekers that use the building result in the production of asylum seekers as a separate and threatening category, which can impact upon the work that caseworkers undertake. Asylum seekers queue separately whilst waiting for their interviews, in queues that are longer, more heavily policed and less sheltered than the queues that 'economic' migrants occupy⁶. Once they reach the head of the queue they are separated from interviewers by means of a protective plastic screen and are prevented from drawing closer to the screen by chairs that are bolted into position (Back 2006). As one employee commented:

Source 5: Why do these chairs have to be bolted to the floor? It's to stop people throwing them through the window! They need to be as far away from the counter as possible!

This means that they often have to raise their voices in a public room in order to recount their cases for asylum, which can include harrowing accounts of their experiences in their countries of origin.

These measures impact upon the asylum seekers arriving at Lunar House, engendering frustration and resentment.

Source 10: The whole system of policing is predicated on this one simple idea that moving across national borders causes a problem. And the reaction to that problem is very often defensive. I think it is presupposed on the idea that movement is suspect at best and at worst, that people would be better if they stayed in their place.

In the worst cases, the frustration that being cordoned and singled out engenders can result in aggressive behaviour that appears to justify the need for security.

Source 4: If you're a member of staff and you've had five people have a go at you in one morning and really get aggressive, you need that screen. But why did those people get aggressive in the first place? Because the screen was there! They couldn't speak properly! The seats are so far away their personal business everybody can hear!

⁶ There are difficulties in distinguishing between economic migrants and asylum seekers, although states continue to employ/produce the distinction (Van Hear, 2006; Turton, 2003).

Furthermore, even if asylum seekers are not provoked, they can become despondent at the spatial segregation they experience, impacting upon the quality of the information that caseworkers are able to gather. The charity-funded report into Lunar House cited earlier (Back et al. 2005) recounts a situation in which a young female asylum seeker was making a case for asylum after both her parents had been murdered in her country of origin. Sitting next to another claimant in the public interview room she overheard the interviewer repeatedly shouting ‘your parents are not dead!’ The young woman became convinced that she too was not going to be believed and became too nervous and agitated to give a full account of her own story (Back et al. 2005 p34).

As well as their direct influence over asylum seekers the micro-spatial security measures evident at Lunar house have the further effect of presenting asylum seekers to key intermediaries in specific, damaging ways. For some employees, their awareness of these conditions and their effects meant that they became ashamed about their own working practices. One interviewee recounted the rationale for a former colleague quitting the IND.

Source 4: He had a daughter that looked the same age as someone queuing and he was ashamed that he actually had to keep this kid in a locked cell overnight. He kept going in during the night to check that she was alright and to see if she wanted anything to eat ‘cos she was curled up in the foetal position in the corner of the cell.

Other employees, however, develop an immunity to the difficult situations they face, forgetting that the fact that asylum seekers may be positioned on the other side of a fence or screen does not mean that they can be abused. Recounting her experience of queuing at Lunar House while waiting with a vulnerable asylum seeker, one of my interviewees recalled the inhumane treatment of claimants:

Source 11: You had to stand, you weren’t allowed to sit in that queue. There were old people, children, all sorts of people, people who had literally just come off the plane or had come off the back of a lorry: had to stand. One of the officials came out and was very very abusive and there was this pregnant woman next to me, I think she was an African woman who was I think leaning against something and he came out and he just abused her and told her that she wasn’t allowed to lean. It was dreadful.

The tragedy of this account is that the official had come to view the asylum seekers in his care as second class citizens, partitioned and cordoned into a separate space that marked them out as different and risky.

If separation constitutes one spatial technique through which discretionary actors at Lunar House are influenced and directed, isolation has a similar effect over NASS’ workforce. Since its creation in 2000, NASS has been regularly criticised for its lack of accountability preferring to pay charitable sector organisations to provide signposting facilities rather than maintaining front desk

functions themselves. The lack of a requirement to locate near asylum seekers, however, frees up the organisation so that offices could be located in relatively remote settings, avoiding high urban rents. NASS consequently implemented a regionalisation package alongside the main IND devolution drive, ostensibly to improve accountability

By enhancing its representation in the Regions, NASS will be closer to its partners, stakeholders, and its customers and consequently will be able to provide a stronger, more targeted and effective service.

Immigration and Nationality Directorate, 2005

Yet the South West regional NASS office indicates that the proximity of NASS to the asylum seekers it serves has, if anything, reduced as a result of the regionalisation process. The South West regional office is located in Portishead, a town with a population of around eighteen thousand. Portishead is a seaside resort and a retirement town. One of my interviewees described it in the following terms:

Source 12: The housing is not cheap and I would say it is predominantly middle class ABC if you like. ABC white as well. So that's the principle make up of the population here. Although there has been increasing diversity of population in Portishead, that diversity I would say is still white European.

It is also a place that is deeply resistant to outside influences. When a suggestion was made, in 2003, that the town became host to an asylum screening centre that would have required asylum seekers to visit the local area regularly, public resistance was staunch, including the staging of a public meeting with national level politicians, coverage in the national press, the close involvement of the BNP and the hosting of a number of two-hundred strong demonstrations against the proposals⁷. One interviewee described the atmosphere at one of these gatherings in the following terms:

Source 13: I was trying to encourage the councillors to take a clear public platform stand against any kind of xenophobia or racism which would come out, and sure enough it did come out. I was on the floor and I could hear comments from the people sitting round me and the people in the rows in front and behind. There was some fairly open things said as well. It ranged from statements like "we don't want the likes of them here" through to a huge amount of implied things.

As Hubbard (2005) has argued in a similar context, the community of Portishead is actively hostile towards anything other than pure whiteness. *The Observer* succinctly summarised the town's attitude towards foreigners in the

⁷ This proposal did not concern NASS directly because it has no front desk functions. Rather, the proposal involved re-locating some of the IND's other activities into the area.

headline of its article covering the dispute surrounding the proposed screening centre in Portishead:

Asylum Seekers? Not here, not even for a few minutes.

The Observer, 25th April 2004.

Portishead can therefore be seen as culturally and socially distant from the asylum seeking population. Given that over half the workforce in NASS' regional office was drawn from Portishead's local labour market, the location of the office in Portishead can be expected to impact upon the attitude of NASS employees. Moreover, the devolution of NASS' core functions exacerbates the effect of insulating and isolating NASS' employees from regular contact with asylum seekers themselves. One police officer in Bristol who regularly interacted with asylum seeking communities in the city centre outlined the isolation of NASS from the day to day business of dealing with asylum seekers.

Source 14: We don't have any contact with NASS. Obviously we have a community intelligence officer at Headquarters who has a bit of contact with NASS about where they are, where they're located. Apart from the BRIAF meeting though I have virtually no contact with NASS whatsoever, I wasn't even aware they had outreach, where they go what they do.

As one of the core responsibilities of NASS, the fact that this officer did not know that NASS also had an outreach function that addresses the welfare of asylum seekers was surprising. BRIAF stands for the Bristol Refugee Inter Agency Forum which is a bi-monthly meeting that brings together health, education and counselling charities, housing providers, government agencies and refugee support groups and is organised by refugees in Bristol with the aim of informing stakeholders in the city about the issues forced migrants face in the city. In recent years, NASS' attendance at the meetings has declined. One of BRIAF's organisers linked this decline in participation to the regionalisation of NASS:

Source 15: I would say NASS was very good initially, we would get someone coming to BRIAF every month in one of the meetings, they would bring statistics about how many refugees there are, how many asylum seekers, what are the issues. However, over the last year and a half or so I've noticed that NASS has been really not that well represented in BRIAF. Since NASS regionalised which is about 2 or 3 years ago [*name*] has a team and as such obviously she hasn't been always available for BRIAF. She has huge responsibility which has expanded.

As one of the few ways in which NASS employees in the South West maintain contact with refugees and asylum seekers, the decline in their participation represents not only a decline in support for BRIAF but also the removal of a

space in which NASS employees might encounter asylum seekers through more than simply a set of case notes. Again, NASS employees' perceptions of asylum seekers are threatened by institutional arrangements, this time through the processes of isolation arising from their location within insular towns like Portishead and the devolution of NASS' structure.

One of the most striking features of Campsfield Removal Centre is the transience of the asylum seeker population incarcerated there, not as a result of their deportation, but as a result of their movement between different immigration facilities i.e. around the so-called 'detention estate' in the UK. The extent of these movements has become a striking feature of the centre at Campsfield. One manager who had been working at the centre for over five years claimed that the total number of movements between detention centres within the detention estate in 2004-5 was 57 670, relative to just over 2500 detention spaces in the UK.

Source 16: They've initiated a totally different regime which is that they don't want to leave any detainees anywhere for any length of time. There are a few detainees in Campsfield that have been in there for a long time, but very few. They will come in and they will stay for 10 days and they will be moved to Harmondsworth or to Yarlswood or anywhere but it's a moving process. The average stay at Campsfield now is 10 days⁸.

This means that individual asylum seekers often experience a variety of detention facilities.

Source 17: Before Campsfield House I stay long time I stay here for four detentions

NG: Four different detentions?

Source 17: Four different detentions. My first detention is Oakington. Oakington I stay here three days for Oakington.

NG: Yes

Source 17: Four months five day in Harmondsworth

NG: Harmondsworth yes

Source 17: After Harmondsworth [*name*] could bring me to Belmarsh prison

NG: Belmarsh

⁸ This interviewee has organized charitable support for the asylum seekers incarcerated in Campsfield Removal Centre for over ten years, including organizing visits to the detainees as well as visiting them herself regularly.

Source 17: Belmarsh I stay maybe one month. After Belmarsh I think I stay in Dover. Dover detention two months four days. After Dover I go again to Harmondsworth one week

NG: Yes

Source 17: After Harmondsworth I come [*name*] bring me to Campsfield House

NG: Yeah so your total?

Source 17: Maybe the total's fifteen months in detention.

These movements are carried out as part of a reward and sanction system in an attempt to subdue an often unruly deportee population that consistently protests against incarceration (Hayter 2004). Campsfield's detainees have a long history of protest and resistance. As early as 1994 Algerian detainees went on hunger strike in response to their treatment, mounting rooftop protests, flying home-made banners and starting fires (Campaign to Close Campsfield 2007). In 1997 fifty to sixty detainees escaped into a courtyard at the centre and protested loudly in response to the harsh treatment of their fellow inmates. Nine of these protesters were brought to trial as a result of the protests, yet embarrassingly for the then-management of the centre, a public enquiry ruled that the charges against them were without foundation. Since then, Campsfield has been the site of hunger strikes, more rooftop protests, a catalogue of public appeals from within the centre and repeated self-harm and suicide attempts (Bacon 2005). The frustration of the detainees is an on-going challenge for the centre management. In August 2007, twenty-six detainees escaped from the centre, fourteen of whom evaded capture overnight (BBC News Online 2007).

The effect of the movements upon the detainees is striking. Because some incarceration establishments have longer hours of free association (meaning that detainees are allowed to leave their rooms or corridors) and good relations between staff and detainees, while others have less free association and poorer relations, the prospect of being moved to a worse detention centre acts as a strong deterrent against unruly behaviour (Hayter 2004). Equally, the prospect of being moved to a 'better' detention centre acts as an incentive towards compliance.

NG: What did people think about that when they came back?

Source 18: People is very, very content. Is OK. Maybe people is enjoy. Because I told you again - Campsfield House is better detention.

As with other forms of institutionalised state spacing, however, a further effect of the movement of detainees is not over the detainees themselves but over the removal centre staff. Centre managers need personal relationships with the detainees at the centre in order to provoke them into using their considerable

discretion to support the detainees. The movement of detainees undermines their opportunity to forge meaningful attachments with the detainees and reduces the likelihood that they will go out of their way in the future in order to support the asylum seekers they come into contact with.

One of the centre managers detailed the ways in which he used to help the detainees under his authority by explaining the legal process to them during their stay in Campsfield. I asked him whether or not he ever developed an emotional attachment to the detainees in his care and whether he found these attachments challenging.

Source 19: It's less difficult now because the turnover's so high. In the past someone would leave and you'd wonder 'what happened to him?' 'I haven't heard from him for months, I wonder if he's still alive.' But now the turnover is so high that the minute someone's left there's someone who's arrived with just as big problems or just such nasty situations so there's always someone else to help. Nasty as it sounds you very quickly forget the ones who've just left because you're onto the next batch. You have to develop a sort of professional detachment whereby you listen to them sympathetically at the time and help in any way you can. But when you leave you have to leave that at work. If you were to take it with you I think it would be a huge obstacle because you'd be useless to the next batch that comes through.

The presentation of asylum seekers as transient to this manager means that he is unable to engage with the detainees to the same extent as before the system of moving detainees came into force and is consequently far less likely to use his influence to support asylum seekers at Campsfield. In general, as with Lunar House's caseworkers and NASS' employees, the geographical positioning and movement of detainees within the detention estate has a significant influence over the ways in which managers at the centre perceive their roles and utilise their autonomy.

Conclusion

This article has argued, with Lahav and Guiraudon (2000), that discretionary authority is becoming increasingly devolved and exteriorised in the asylum sector, so that intermediaries are carrying more responsibility than in the past. In contrast to Lahav and Guiraudon's (2000) work, however, the article has demonstrated that the increasing discretion of front-line intermediaries is not necessarily legally constrained or financially curtailed. If it were, then we could hardly refer to it as discretion. Rather, asylum sector intermediaries have become genuinely more autonomous, allowing them to make more discretionary judgments over asylum seekers' welfare without reference to imposed rules or top-down management guidelines.

This discretion is nevertheless steered in a variety of ways. This steering does not operate through the disciplining, sanctioning or threatening of subjects (although the findings of this article do not rule these out). Powerful

discretionary actors throughout the asylum sector are, instead, subject to a different form of state power that literally shapes and moulds their aspirations. This is achieved by presenting asylum seekers to those with discretionary authority over them in damaging and defamatory ways, thereby depicting them as a population that is deserving of particular treatments. The subjective presentation of asylum seekers to those with authority over them can be seen to mobilise these intermediaries into treating the asylum seekers in their care differently. The roles of time and of space are crucial to this process. The temporal and spatial location of asylum intermediaries and asylum seekers themselves is constitutive of the depiction of asylum seekers that intermediaries encounter.

The research presented here raises three further points relating to state power. Firstly, the research reveals an impasse that has been reached in academic understanding of the state. The shift towards presentational state power in the asylum sector, at the expense of blunter, more coercive or financially manipulative forms of power, reflects a general trend towards the autonomisation and social embedding of state functions throughout society (Painter 2006). Yet neither structuralist nor Foucauldian approaches are adequately equipped to comprehend this trend. On the one hand, as Lahav and Guiraudon's (2000) work demonstrates, structuralist notions of the state struggle to account for the forms of state power that intermediaries are experiencing. On the other hand however, Foucauldians have been loathe to attribute autonomous power to 'the state'. The article has offered presentational state power as a concept that might overcome these difficulties by taking account of the struggle for the volitional allegiance of newly responsabilised intermediaries through the strategic presentation of the social world to them in ways that seek to elicit uses of their discretion which conform to the notion of a world that is divided into state and society.

A second consideration that arises from this research is the importance of conceiving of the presentational strategies described here as *strategies*, meaning that they are not guaranteed to be successful, are prone to failure and are eminently contestable (see Jessop, 1990). It is certainly not my intention to convey hopelessness in the struggle for fairness in the asylum sector, and this research is intended to be a corrective to the sort of determinism that sees asylum sector decision makers as merely functionaries of either legal, financial, or linguistic forms of control. What the research indicates is the increasing strategic importance of key asylum sector decision makers to the fortunes of asylum seekers. Indeed, if we conceive of the state as a symbolic force in society, then it is precisely at the level of intermediaries and their practices that the state is enacted, embodied and produced, so it is also here that fruitful resistance might be mounted.

Thirdly, this should be taken as a clear warning to pro-asylum lobbyists and pressure groups. While interested political factions have developed spatial and

temporal strategies that attend to the importance of intermediaries' allegiance, as discussed here, activists and asylum advocates have not developed strategies aimed at the determination of intermediaries' volitional conduct, spatio-temporal or otherwise, that are anywhere near as sophisticated. This may be because asylum activists continue to see asylum sector decision makers as part of 'the state' and therefore excluded them from their organising and outreach activities *ex ante*. This would position asylum activists and advocacy organisations outside a key site of contestation and resistance from the outset: namely the struggle for the volitional allegiance of powerful decision makers who are often immersed in subjective and disorientating presentational systems. There is then both the possibility of contestation and, consequently, a pressing imperative to contest this ground by reaching out to asylum sector intermediaries in order to offer alternative presentations of the asylum seekers in their care.

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