

ALEX  
SAGER | **Interrogating the  
Migration Industry**

**Ruben Andersson, *Illegality, Inc.* (Oakland, CA: University of California Press, 2014)**

**Amy Nethery and Stephanie J. Silverman (eds.), *Immigration Detention: The Migration of a Policy and its Human Impact.* (London and New York: Routledge, 2015)**

In what is widely referred to as the ‘European migrant crisis,’ Frontex estimates that more than 887,000 migrants arrived in Europe in 2015. Many of these migrants are refugees fleeing countries such as Syria, Eritrea, Afghanistan, and Iraq. The public and policy makers have responded with a mix of compassion and fear, but often with only a vague or distorted understanding of how migration functions and how it is enforced within and across countries. Even theorists of global justice have not given sufficient attention to the practices and mechanisms of enforcement such as deportation and detention that are often achieved through the externalization of policy and the recruitment of third-party private actors. Instead, normative theorists have mostly focused on rights and principles of justice for restricting and regulating movement.

Ruben Andersson’s *Illegality, Inc.* and Amy Nethery and Stephanie J. Silverman’s collection *Immigration Detention: The migration of a policy and its human impact* provide theorists of global justice with an opportunity to scrutinize these practices and to reflect on their importance for their theories. Andersson’s marvelously rich *Illegality Inc.* combines theory and close observation and characterization to depict the complexity of the migration industry. *Illegality Inc.* begins by observing the mismatch between the relatively low levels of irregular African migrants arriving from land and sea and the exponential growth of the migration industry aimed at curtailing movement. As Andersson puts it, ‘Why have such massive efforts been expended to target black Africans in the borderlands and what racial and colonial legacies underpin these efforts?’<sup>1</sup> Europe’s main source of unauthorized immigrants is people who have overstayed visas; nevertheless, it spent 60 percent of its Home Affairs budget (four billion euros) from 2007 to 2013 on migration controls largely aimed at maritime flows across the Mediterranean.<sup>2</sup> This sum omits the amounts spent

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1 Andersson (2014), p. 6.

2 Andersson (2014), p. 14.

by individual states on reception, detention, and surveillance, as well as trade and aid deals brokered with African states in exchange for assistance in curbing migration flows.

Andersson begins his investigation in Dakar in 2006 in the aftermath of Senegal's sale of its fishing rights. This resulted in the depletion of stocks and led many to attempt the sometimes fatal voyages to Europe. To understand the actors, institutions, and dynamics of migration, he conducts transnational ethnographic research on the Euro-African border that spans the Spanish enclaves of Ceuta and Melilla, Italy's Lampedusa, Bamako, Dakar, the Maghreb, and Frontex's headquarters in Warsaw. This fieldwork supports an analysis of the migration industry composed of not only of government agencies and private firms, but also of NGOs, journalists, and academics representing security, humanitarian, and scholarly pursuits.

Amy Nethery and Stephanie J. Silverman's valuable edited collection *Immigration Detention: The Migration of a Policy and its Human Impact* brings together 16 studies of immigration detention from around the world, including sending and transit states. Immigrant detention has become increasingly common since the turn of the century, shifting from exceptional to routine in many countries. It is part of the securitization of migration discourse<sup>3</sup> and of a more general trend toward privatization of detention facilities and services that threatens transparency and accountability. The rise of immigration detention is troubling given its well-documented harm to migrants, particularly asylum-seekers and children,<sup>4</sup> the lack of evidence that detention serves as a deterrent,<sup>5</sup> evidence that less coercive means are equally effective in ensuring compliance with immigration procedures, and its enormous cost.

*Illegality Inc. and Immigration Detention* invite us to contemplate the concrete practices of immigration enforcement. Even if we agree that states have a right to regulate migration, we still need to ask what means and methods are morally acceptable. Detention in particular has expanded largely out of the public eye and is frequently a tool for deterring people fleeing persecution and violence. Moreover, it is often carried out by private actors and third-party states under deplorable conditions.

People subjected to detention are often asylum-seekers traumatized by the violence that led them to flee their homes. Though immigration detention is usually an administrative measure meant to facilitate the processing of applications and not meant to be punitive, it is often punitive in practice with

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3 Nethery and Silverman (2015), p. 146.

4 Nethery and Silverman (2015), p. 8.

5 Nethery and Silverman (2015), p. 5.

migrants housed alongside inmates in prisons and jails. In some cases such as the United States ‘the hardships of detention induce many detainees to acquiesce to removal, even if they have valid asylum claims or other defenses against removal’.<sup>6</sup>

*Immigrant Detention* includes chapters on not only Australia, the European Union, the United States, and the UK, but also Indonesia, Israel, Malaysia, Mexico, South Africa, and Turkey. The scope of detention, the treatment of migrants, the role of business in running facilities and providing services, and the opportunities for outside oversight and legal challenges not surprisingly vary. In Finland, some inroads have been made to provide detainees with legal aid, court oversight, and time limits for detention, but most of the chapters are bleak. In Israel, asylum seekers are labelled as ‘infiltrators’ and indefinitely held in an open facility.<sup>7</sup> Malta practices *de facto* mandatory detention, including of asylum seekers.<sup>8</sup> In Malaysia, detention is used extensively and illegal entry and other immigration violations are punished by whipping with rattan canes that rip the flesh from victims’ bodies.<sup>9</sup>

Andersson’s investigation of the temporary reception center for immigrants in Ceuta and Melilla gives further insight into the practices of immigrant detention. He analyzes the politics of time in these centers, where indefinitely detained migrants are subjected to an institutional order of surveillance, psychological evaluation, time and activity management, and a privilege system of rewards and punishments. In Ceuta, *madres* manage camps of migrants kept in limbo. Underneath these disciplinary practices lurks the constant threat of deportation. A migrant strike leads to nine of the fourteen strikers being sent back to Cameroon<sup>10</sup> and to a new sorting mechanism with ‘good behavior’ rewarded by admission to a reception center in mainland Spain.

Detention is a mechanism of immigration enforcement that combines in many cases with the externalization or extension of migration policy into other states and territories. Migration is not simply movement from one state to another. Rather, it is movement through a migration regime comprised by many states, private actors including corporations and smugglers, and NGOs. Control and regulation are dispersed and the agents that act as proxies for the EU, the United States, or Australia have little accountability or legal oversight. State borders are only one site of immigration enforcement. Indeed, one of the most perplexing aspects of immigration enforcement is that it is no longer clear

6 Nethery and Silverman (2015), p. 73.

7 Nethery and Silverman (2015), p. 159.

8 Nethery and Silverman (2015), p. 50.

9 Nethery and Silverman (2015), pp. 128-129.

10 Andersson (2014), p. 205.

where national ‘borders’ are.

When Senegalese people used their fishing boats to migrate to Spain, Spain’s response was to strike a ‘grand bargain’<sup>11</sup> in which Senegal participated in joint patrols and agreed to repatriate deportees in exchange for development assistance and a largely unfilled promise of work visas. Further north, Europeans have delegated migration control to Mauritanian and Moroccan forces. In Mauritania, border police deport *raflés*, ‘raided foreigners’, who have no intention of migrating to Europe.<sup>12</sup> Moroccan raids sweep up foreigners based on racial characteristics independent of their legal status,<sup>13</sup> sometimes inflicting beatings and sexual violence.<sup>14</sup> Moroccan soldiers with dogs patrol the steel mesh and razor wire fences in Melilla and Ceuta.

Detention has also been ‘extraterritorialized’, further removing scrutiny. The United States used Guantánamo Bay to detain Haitian refugees fleeing the September 1991 coup, determining that migrants intercepted at sea outside of US borders were not eligible for asylum under US law. Refugees at Guantánamo Bay did not have not access to US courts or have the opportunity for immigration judges to review their claims. The US also uses Mexico indirectly to curtail migration – 94 to 96 percent of the detainees in Mexico are transit migrants from Central America.<sup>15</sup> The EU has extended its migration enforcement policies to Turkey and to new member states Malta and Cyprus. Australia treats Indonesia as a ‘final bulwark’ for controlling irregular migration flows, pressuring it to change its *laissez faire* immigration policy to a policy of intercepting boats of asylum seekers. It indirectly provides financial aid for it to develop its immigration detention capability.<sup>16</sup> Notoriously, it has also offshored the detention of asylum seekers to Papua, New Guinea where they languish in facilities with deplorable conditions.

Practices of immigration enforcement are supported by the interpretation of migration and the construction of migrant identities. One of Andersson’s achievements is to show the feedback between ideas (including migrants’ ideas about themselves) and enforcement. In his exploration of migrants’ journeys through the Sahel and the Sahara policed by African subcontractors, Andersson introduces us to the character of the *aventurier*, adventurers who see migration as not only a flight from poverty, but also a journey of self-realization and emancipation.<sup>17</sup> During the journey, they acquire the identity of ‘illegal

11 Andersson (2014), p. 41.

12 Andersson (2014), p. 116.

13 Andersson (2014), p. 129.

14 Andersson (2014), p. 128.

15 Nethery and Silverman (2015), p. 88.

16 Nethery and Silverman (2015), p. 115.

17 Andersson (2014), p. 107.

immigrants'. Later, in Ceuta's camp, these adventurers are subjected to a regime of care and control that seeks to transform them into objects of charity.<sup>18</sup>

Throughout the book, Andersson explores the creation of the 'illegal migrant', in part through racialization.<sup>19</sup> Migration status is constructed and produced by policies and by the actors tasked with 'managing' migration flows. Migrants are not simply people crossing national borders or even people classified by national laws. Rather, their identities are shaped by the act of identifying them for the purposes of regulation and control, of detaining them to assess their claims to asylum, and of communicating their ordeals to the public. British seniors relocating to Barcelona identify as expatriates and Canadians living in the United States are rarely perceived – and often do not perceive themselves – as immigrants. European children whose parents are of North African descent may still be considered immigrants even if they have never set foot outside of Europe. The category of 'immigrant' deserves scrutiny as it frequently dehumanizes and racializes migrants.

'Illegality' is created in places such as the Frontex headquarters through the visual and linguistic representation and construction of risk that allows for the transnational policing of and profiting off of 'illegal immigrants'.<sup>20</sup> 'Illegality' is also produced by the border spectacle in which governments, NGOs, media, and academics depict an emergency that displays migrants as 'two distinct human "avalanches" – either a huddle aboard sinking boats or a frightening horde 'assaulting' the fences of Ceuta and Melilla.'<sup>21</sup> Andersson also explores how clandestine migrants' stories, often told for audiences of Western media and NGOs, make migrant victimhood a 'label for the activists' consumption'.<sup>22</sup>

Another achievement of Andersson's book is to shed light on the moral complexities faced by NGOs that define themselves as fulfilling a humanitarian role, but in fact also contribute to enforcement. Of particular interest is his analysis of the Spanish Red Cross working alongside the Guardia Civil during and in the aftermath of high sea rescues of migrants. By gathering information through interviews, translating, and providing expertise, as well as sharing equipment with the Guardia Civil, the Red Cross participates in and helps to legitimize policing operations.<sup>23</sup>

This moral complexity also extends to academics, including theorists of global justice. Scholars need to resist popular narratives that treat migrants

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18 Andersson (2014), p. 185.

19 Andersson (2014), p. 125.

20 Andersson (2014), p. 77.

21 Andersson (2014), p. 138.

22 Andersson (2014), p. 267.

23 Andersson (2014), pp. 145-147.

as invaders or victims. In their place, they must offer nuanced, empirically grounded analysis. Theorists of global justice, whatever their convictions about the permissibility of border controls, have a role to play in scrutinizing how migrants are understood, the practices of detention and deportation, and the implications of the externalization of migration controls. *Illegality Inc.* and *Immigration Detention* invite us to ponder these topics and deserve to be read widely by theorists of global justice looking to understand and to evaluate migration regimes.

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