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**Brexit, immigration and expanded markets of social control**

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**Title:** Brexit, immigration and expanded markets of social control

**Abstract**

*Purpose:* This paper explores the implications of EU citizens’ exposure to UK immigration practices currently operating on non-EU migrants in the wake of the Brexit referendum.

*Design/methodology/approach:* This article draws on recent literature analysing the impact of immigration as a factor in voter decision-making during the Brexit referendum. It challenges Hollifield’s (1992) concept of the ‘liberal paradox’ through an analysis of private security firms’ roles in contributing toward the expansion of immigration control markets. The paper concludes with a review of migrant experiences within prisons, detention facilities and dispersed housing for asylum seekers.

*Findings:* The findings suggest that the abandonment of EU citizens’ freedom of movement into the UK will result in their exposure to a privatised immigration control regime that contributes to the commodification of immigrants at the expense of human welfare.

*Originality/value:* This paper provides a conceptual link between the role of immigration in the Brexit referendum and the implications of expanding the population of persons subject to immigration control to include EU immigrants. It draws on current debates about privatised social control markets to illuminate the social impact of valorising migrant bodies.

**Keywords:** Brexit, immigration, public policy, detention, EU citizens, privatisation

**Paper type:** General review

**Introduction**

Among the many uncertain outcomes of the United Kingdom’s pending withdrawal from the European Union, European citizens’ immigration status remains a question to which ‘neither the government nor external researchers have more than a vague idea [of an] answer’ (Portes, 2016, p. R16). Border control was a central theme of the Leave campaign prior to the 2016 ‘Brexit’ referendum, but support for Brexit was not linked exclusively to desires to limit EU immigration. The ambiguous aim to ‘take back control’ was also associated with economic concerns, wariness of ceded sovereignty and dissatisfaction with political ‘elites’. Nevertheless, support for tighter border controls and communities’ exposure to increased immigration rates indicated greater support for the Leave message (see: Hobolt, 2016, Vasilopoulou, 2016 and Goodwin and Heath, 2016). If the UK government is to retain legitimacy in the estimation of Brexit supporters, it is likely that the freedom of movement of European Economic Area (EEA) citizens to and from the UK will no longer be guaranteed under the European Parliament and Council Directive 2004/38/EC. This is evident in the 2017 Conservative Party manifesto, which states that ‘for the first time in decades, [...] we will be able to control immigration from the European Union’ (Conservative Party, 2017, p. 55). If EU immigrants are subjected to further control, they face increased exposure to private security environments currently operating on other migrant categories. This article explores the implications of European immigrants’ inclusion within an expanding immigration control market dominated by private security firms scrutinised for contractual failings and welfare concerns.

While recent developments in the privatised social control sector challenge Hollifield's (1992) 'liberal paradox', his concept provides the basis for a discussion of the UK's seemingly incompatible objectives of promoting free market expansion while maintaining a restrictionist approach toward immigration. The referendum outcome places new demands on the UK government to favour popular calls for tighter controls at the expense of business demands for a widely available labour force. Given the uncertainty of EU immigrants' legal status post-Brexit, this article considers the implications of their entry into a privatised social control environment. The experiences of non-EU immigrants and asylum seekers within the detention and dispersal estates reveal the conditions greater numbers of people may face if immigration rules applying to EU migrants become more restrictive.

### **Brexit, immigration and the imperatives of the state**

In exploring immigration policy in liberal democracies, Balch (2016, p. 74) writes that '[u]nderstanding the politics of immigration is [...] understanding the essential features of the state'. The state exists as an outcome of population management strategies and its legitimacy depends on its capacity to demarcate the boundaries of belonging. Young (2003) explains that logics of exclusion operate to reinforce national identities. 'Nationalism, fundamentalism, [and] racism', he writes, manufacture 'a fixed identity based on the notion of a cultural essence which is reaffirmed, rediscovered and elaborated upon' (ibid, p. 457). Foucault's 'state racism' illuminates the distinction between populations worthy of protection and those excluded or allowed to die. In defining the parameters of belonging, the state promotes an 'internal racism of permanent purification' (Foucault, 2004, p. 62). From this perspective, the state not only organises differences within populations, it *creates* those distinctions. Immigration control can be understood as the operationalisation of racism, as it employs techniques and apparatuses of power to distinguish between permitted and illicit populations. Doty (1996, p. 236) explains that 'national identity is constructed *vis-à-vis* the representation of the other'. While support for Britain's withdrawal from the EU reflected sentiments ranging from dissatisfaction with perceived political 'elites' to frustration regarding economic conditions, immigration remained a central issue for Leave campaigners and supporters. The referendum result represents a distillation of nationalist identity rooted in exclusionary conceptions of belonging.

Hollifield (1992) argues that in liberal democracies, states are compelled by two incompatible imperatives. States must continue to serve their traditional function of defining the limits of belonging and demonstrate their commitment to strict borders. However, they must also promote market expansion and the free flow of capital; this requires permeable borders through which labour can pass with little obstruction. This 'liberal paradox' represents the state's inability to fully address domestic demands for border tightening, as politicians respond to business pressure for access to global labour resources. He writes that '[r]ules of the market require openness and factor mobility; but rules of the liberal polity, especially citizenship, require some degree of closure, mainly to have a clear definition of the citizenry and to protect the sanctity of the social contract' (Hollifield, 1998: p. 623). Freeman (1995) suggests that immigration policy generally favours the interests of markets over popular calls for restrictive immigration control in liberal democracies. However, as consecutive UK governments have introduced more restrictive controls on migrant categories including asylum seekers, foreign students and family members of UK citizens, this gap is narrowing. Morales et al. (2015) acknowledge that immigration has become a more prominent factor in political decision-making due to persistent media attention and public pressure, though Statham and Geddes (2006, p. 248) contend that policy development remains an 'elite-led highly institutionalised field with a decisively restrictionist stance'. Still, anti-immigration positions have become normalised alongside increased popularity of Eurosceptic positions, such as those forwarded by the UK Independence Party (UKIP).

Immigration was a key concern for voters before the 2015 General Election; 70 per cent of respondents in the British Election Study stated that they favoured decreased immigration (Dennison and Goodwin, 2015, p. 175). UKIP played a central role in the Brexit campaign, as it aligned the Leave vote with a vote against immigration. This was best exemplified when Nigel Farage, the former UKIP leader, posed in front of a poster featuring migrants at the border between Croatia and Slovenia that warned of a 'breaking point' for the UK (Stewart and Mason, 2016).

The EU referendum represented a rare opportunity for the electorate to directly inject populism within the political process without the buffer of representative decision-making and oppositional pressure from businesses. The imbalance between Freeman's restrictionist 'popular opinion' and the 'organised opinion' of political and corporate elites tipped toward populism, as politicians faced a crisis of legitimacy if they rejected the majority view. The referendum outcome resulted in a perceived mandate for tighter borders between Britain and other EU states. Within the Leave narrative, immigration contributed to strains on public services and housing. This narrative was effective, Gietel-Basten (2016, p. 674) explains, because it drew upon existing concerns about net immigration rates. The 'deliberate' conflation of refugees and EU migrants exemplified in UKIP's poster served to 'exploit currents running much deeper than concern about primary school places or hospital waiting lists' (ibid, p. 676). In their survey of 5,000 British citizens, Hobolt and Wratil (2016 in Hobolt, 2016, p. 1263) found that 'immigration and the economy emerge[d] as the main arguments' of the campaign with intended Leave voters focused on 'concerns about immigration'. Menon and Salter (2016: p. 1310) suggest that '[t]he steady focus on immigration made it hard for Remain campaigners to emphasise the economic arguments'.

While the UK government has not committed to a strategy for managing EU migration after Brexit, the Prime Minister, Theresa May, has suggested that free movement of EU citizens may continue beyond the conclusion of Brexit talks during an 'implementation period' (May quoted in Parker, 2017). A possible outcome for EU citizens includes their classification as persons subject to immigration control (PSICs) similar to non-EU citizens under current immigration rules. The government 'could subject EU citizens to the Immigration Act 1971 and make it as difficult as possible for people to stay' (Tingley in O'Carroll, 2017). Stricter entry requirements for EU citizens would increase the possibility of some entrants breaking new and expanding rules, particularly those related to employment. Portes (2016, p. R17) explains that '[j]ust as previous extensions of free movement rights to the citizens of new Member States reduced illegal working [...], any controls will have the reverse effect'. This increased potential for illegality means that EU citizens accused of breaking immigration rules may be subject to the same penalties that face non-EU migrants, including detention and deportation.

**Expanding markets of control**

Any policy changes associated with EU immigration are likely to lead to expanded forms of illegality, and uncertainty about EU migrants' immigration status in the UK coincides with an increasingly privatised approach to immigration control. This widening social control environment has provided the foundation for new markets in which migrant bodies are commodified. In 2013, foreign nationals represented 13.9 per cent of the inmates incarcerated in prisons in England and Wales (Pakes and Holt, 2017, p. 67). Banks (2011, p. 189) explains that increases in the foreign national prison population since 1999 do not necessarily reflect foreigners' proclivity toward criminality, as rates for 'sexual and violent offences [are] either comparable or lower for foreign nationals' than they are for British nationals. Instead, 'increasingly restrictive immigration policy' has broadened the parameters of illegality, including expanded offences for asylum seekers, such as arriving without a passport or attempting to deceive immigration officials (ibid., pp. 190-191). As

Aliverti (2012) suggests, the increased use of criminal law to manage immigration offences illustrates the state's reliance on it as a deterrent and an alternative to appropriately implemented immigration policy.

Foreign national prisoners exist in a regime that merges penal and border control tactics within an institutionalised programme of targeted exclusion. This is reflected in the 2009 'hubs and spokes' policy that installed officials of the then UK Border Agency within six 'hub' prisons identified as primary sites for foreign nationals in addition to a further two meant specifically for foreigners (Webber, 2009 and Bosworth, 2011). While this system was designed to facilitate post-sentence deportation efforts, it also reflects a racialised construction of foreign and British-born inmates. As Kaufman (2012, pp. 705-706) explains in her study of foreigners incarcerated in England and Wales, 'nuanced self-identification process[es]' and 'identifying foreign nationals along racialised lines' has resulted in misidentification of British prisoners and the segregation of foreigners. Additionally, foreign inmates face further incarceration following the end of their sentences while awaiting possible deportation (Fekete and Webber, 2010, p. 5). The nexus between criminal justice practice and immigration control, which Stumpf (2006) refers to as 'crimmigration', represents a consolidation of carceral logics intended to classify and isolate migrants as uniquely deviant. 'In this way', explain Pakes and Holt (2017, p. 65), 'both criminal justice and immigration law are brought to bear on the individual [...] in a sequential fashion: first the prison sentence, then (the threat of) deportation'.

At times, little distinguishes those detained for removal from those incarcerated for criminal offences. Indeed, prisons have been used to hold immigration detainees that have not been convicted of an offence (Chatwin, 2001 in Malloch and Stanley, 2005, p. 64). If EU migrants become subject to immigration control, they may be remanded within an immigration removal centre. The Immigration Act 1971 permits the use of detention 'where a deportation order is in force against any person' [...] 'pending his removal or departure from the United Kingdom' (Sch. 3, para. 2(3)). In practice, migrants whose immigration decisions remain outstanding have also been detained (Malloch and Stanley, 2005, p. 63). In 2016, over 2,700 foreign nationals were detained in 11 IRCs around the UK at any time, while nearly 29,000 entered detention during the year (Silverman, 2017, p. 3). For Bosworth (2011), detention is linked to the broader criminalisation of migrants, particularly those from minority ethnic backgrounds. Popular representations of migrants as criminal and exploitative contribute to the carceral rationalities underpinning the use of IRCs as a display of sovereign control. Fekete (2005) explores how the criminalisation of immigration has contributed to the ill treatment of immigrants and asylum seekers within social control environments and during deportation. 'Target-driven deportation programmes', she writes, 'legitimise force and institutionalise brutality against asylum seekers. The harsh methods of control and restraint used to enforce removals have on occasion led to the deaths of asylum seekers, mainly from suffocation' (ibid, p. 71). In this estimation, border control logics represent symbolic forms of violence as much as they are an example of systemic harm.

Narratives employing Agamben's (1998) 'bare life' to describe the state's reduction of refugees and other migrants to populations subject to sovereign power situate the state as the primary definer of belonging (see: Phillips, 2009; Ajana, 2013; Muller, 2004 and Diken, 2004), while critical approaches address networks of power across agencies and the capacity for resistance amongst immigrants (see: Owens, 2010; Tyler, 2006 and Darling, 2013). Consideration for the role of expanded markets is important in developing nuanced representations of power. Foucault argues that biopower, or the management of populations through diffuse forms of social ordering and techniques of control, represented 'an indispensable element in the development of capitalism' (Foucault, 1998, pp. 140-141). Similarly, neoliberal logics of marketisation are embedded within modern social control regimes and they typically reinforce constructed representations of immigrants and criminals. This is evident in related fields of study, which highlight the links between neoliberalism and crime control strategies. For instance, Linnemann et al. (2013) examine

state responses to methamphetamine use and conclude that visual representations of typical users are stratified along class lines. ‘Built on fear, sophisticated advertising techniques and free market rationalities,’ they write, visual campaigns ‘mark an important intersection of late-modern consumer culture and crime control’ (ibid: p. 605). Whyte (2007) expands the position further, linking the protection of markets to the jingoism associated with the war on terror. He explains that the militarism of the United States in the early 2000s allowed for the expansion of new markets, which were often advanced by US corporations. Developing border control practices follow similar trajectories, as protectionist, neoliberal narratives invite the entry of private actors into the management of border security mechanisms.

For the private security sector, non-citizens are indispensable commodities within the criminal justice estate. The broadened role of private actors is evidenced in the privatisation of prison management, surveillance technologies, prisoner transportation, policing, electronic tagging, and security services (see: Jones and Newburn, 2008; Nellis and Bunkerfeldt, 2013; Paterson, 2014 and White, 2014). Private firms including G4S, Serco, GEO and Mitie are also contracted to manage immigration removals centres across the UK (Bosworth, 2012, p. 127). While these centres are ostensibly the final stage of immigration control prior to deportation, some detainees have been held for months or years. Silverman (2017, p. 4) states that ‘as of Q4 2016, foreign national offenders were detained for an average of 118 days before deportation’. IRCs, like prisons, are sites of an intensified criminal justice response to immigration that ‘has its own logics that shape population boundaries in new ways both within and beyond the sovereign state’ (Silverman and Massa, 2012, p. 680). Security firms are essential to the delivery of border control practices, as they provide the resources and personnel necessary to maintain real and symbolic forms of social organisation.

Marketised immigration control valorises migrant bodies, or as Bloom (2016, p. 900) states, it has led to the ‘commodification of noncitizenship construction’. The expansion of this market challenges Hollifield’s ‘liberal paradox’, because it represents a convergence of otherwise incompatible state aims. For Hollifield, the state’s commitment to free market liberalism is at odds with its efforts to restrict immigration. Whereas capitalism demands readily available, inexpensive labour resources, local populations often resist the perceived intrusion of migrant residents and labourers. As Castles (2004, p. 866), states, ‘[t]ypically, employers [...] favour recruitment of migrant workers, while competing local workers may be opposed’. However, some industries benefit from the existence of securitized populations. In the context of the privatized immigration control sector, the gap between public sentiment and government policy catering to business interests is bridged, as neoliberal strategies are employed in the expansion of the immigration control sector. Increases in the number of persons subject to immigration control will result in an expanded pool of commodified bodies. During a segment on *Question Time* on 27 March 2017 (Rawlinson, 2017), David Davis, the Secretary of State for Exiting the European Union, stated:

I think most people are in favour of migration, so long as it’s managed. And the point is, it will need to be managed. [...] From time to time, we’ll need more [migrants] and from time to time, we’ll need less. You’ve got industries dependent on migrants, you’ve got social welfare, you’ve got the National Health Service. You have to make sure they continue to work.

Davis’s comments reflect a qualified acknowledgement of the UK economy’s reliance on immigrant labour. Despite negative representations of migrants within media (Vollmer, 2017), academic research illuminates migrants’ net benefit to the economy. Pointing to circumstances in the United States and elsewhere, Coleman and Rowthorn (2004) suggest that this contribution is relatively small. However, Dustmann and Tommaso (2014, p. F595) find that between 2001 and 2011, EEA migrants and non-EEA migrants provided a substantial ‘positive fiscal contribution’ to

the economy, were less likely than British citizens to claim benefits and brought degree qualifications and associated 'human capital'. While Davis's quote addresses this contribution, it masks another reality. His 'industries' also include those benefiting from the control of immigrants. The average daily cost of detaining a foreign national in an IRC is £86 (Home Office, 2017 in Silverman, 2017, p. 5). This is over twice the *weekly* allowance the Home Office issues to individual asylum seekers on Section 95 support under the 1999 Immigration Act, which currently amounts to £36.95 (Home Office, 2017, p. 3).

The private detention industry offers security firms a springboard for entry into new markets; this expansion is unlikely to abate if Brexit generates new populations subject to immigration control. Representatives of private security firms understand that intensified border strategies promise future business opportunities. This is evident in Mitie's 2016 annual report, which states: '[W]e have a growing track record in providing services including immigration removal centres. The Home Office is a key client and we see a continuing flow of opportunities for our Care and Custody business' (Mitie, 2016, p. 14). While expanding social control markets may be driven by financial incentives, profit may not be the only reason firms enter the sector; the opportunity for further expansion may be a goal in itself. For instance, the COMPASS project (Commercial and Operating Managers Procuring Asylum Support) represents a series of contracts between the Home Office and three private security firms to house asylum seekers worth about £620 million when introduced in 2012 (Twinch, 2013). However, the cost of procuring housing and managing asylum accommodation has not necessarily led to immense financial returns for participating companies. Still, involvement with COMPASS may lead to new contracts in other sectors or generate wealth through tangential means, such as through expanded property portfolios. During a Home Affairs Committee meeting on asylum in June 2013 (House of Commons, 2013, p. 12), the former CEO of Serco, Jeremy Stafford, explained the firm's acceptance of low profit margins in the COMPASS contract, stating:

[W]e are very focused on building an accommodation business [...]. We felt that we could establish a very good platform that we felt was scalable. You are probably aware that some of the services that we develop in the United Kingdom we then go and take to other geographies. [...] For us, we felt accommodation management was an important development area.

While such opportunistic strategies may reflect overlap between popular desires to limit immigration and corporate interest in profiting from population management schemes, advocates of restrictive policy face challenges from other business sectors. The Conservative government has been unable to offer a consensus on the length of time freedom of movement will continue after Brexit talks conclude, and businesses reliant on immigrant labour seek to avoid abrupt disruptions if current employees are suddenly subjected to immigration control (Elgot and Mason, 2017). The Home Secretary, Amber Rudd, attempted to diminish concerns about such a scenario by contradicting another minister's claims that freedom of movement would end in 2019, suggesting instead that a transition phase would follow Britain's withdrawal from the EU (Mason and Rawlinson, 2017). However, concessionary arrangements do not signal a reversal in plans to end freedom of movement, as this remains the ultimate objective of both the Conservative government and Labour opposition. Unless businesses supporting unfettered EU migration fully convince officials to abandon these plans, which may necessitate the abandonment of Brexit altogether, a more restrictive response to EU immigration remains an eventual outcome.

### **Outcomes of the privatised immigration control industry**

The immigration control market has contributed to a variety of vulnerabilities for those within security firms' custody. For instance, G4S and Serco have been associated with major contractual failings, fraud, and the ill treatment of detainees. Despite being awarded a £284 million contract to provide security services at the 2012 Olympics, G4S was unable to fully staff the event; military personnel were brought in to make up the shortfall (Fussey, 2014, p. 221). In 2013, G4S and Serco were referred to the Serious Fraud Office following suspicions that they overcharged the Ministry of Justice for the electronic monitoring of prisoners, as the firms were invoicing the government for prisoners that were dead or incarcerated (Meikle, 2013). Conditions within immigration removal centres contribute to concerns for detainees' welfare. Athwal and Bourne's (2007) review of immigration detention in the UK illuminates firms' disregard for detainees' physical and mental health care. Canning (2014, p. 10) addresses the accusations of sexual abuse perpetrated by Serco staff in Yarl's Wood IRC and explains that '[t]he use of private companies in prison and detention' has resulted in a 'lack of accountability in the cases of abuse, deaths in custody or death during forced removal'. This was also evident in the case against G4S officers suspected of manslaughter in the death of Jimmy Mubenga during his deportation in 2010 (Taylor, 2014). While the officers were acquitted, the case remains indicative of the state's capacity to deflect criticisms of systemic harm by focusing attention on the failings of individual officers. Private firms' size and the state's dependency on their services means that formal prosecution of companies is impractical; punishment is limited to forfeited contracts or fines.

The privatisation of the immigration sector has contributed to the exclusion and stigmatisation of foreign nationals, particularly those most vulnerable to the extremities of the system. This is evident in the experiences of asylum seekers within the COMPASS housing project. In 2014, the National Audit Office identified problems with the delivery of COMPASS by G4S, Serco and their subcontractors. Issues included residents' inability to voice complaints, male officers' unannounced entry into female accommodation, poor housing conditions and disruptions to children's schooling during the transition period (National Audit Office, 2014). Grayson (2016, p. 6) writes that the 'UK asylum housing market' is composed of 'private landlords and private housing companies making excessive profits from asylum tenants' poor quality and overcrowded properties'. Asylum seekers' utility as profit-generating bodies has led to the normalisation of tactics contributing to their poor treatment (Darling, 2016). While EU migrants will not be subject to asylum dispersal rules, the COMPASS project reveals the potential conditions immigrants face in privatised social control markets. As long as profitability remains a key driver, human welfare may remain a secondary concern.

**Conclusion**

The Brexit referendum result and government responses to public pressure suggest a further reversal of Freeman's (1995) view that public policy favours liberal approaches to immigration control. National identities were reaffirmed along exclusionary boundaries of belonging following the referendum. Theresa May has avoided detailing the Conservative government's plans for EU citizens wishing to reside in the UK (Mason and Elgot, 2017). However, the 2017 Conservative Party manifesto is clear in its intent to restrict future EU immigration and the Labour Party has bluntly declared the end of freedom of movement for EU citizens in its manifesto (Labour Party, 2017, p. 28). Despite pressure from UK businesses to diminish the impact of government plans to end freedom of movement, increased restriction remains a likely eventuality. While Hollifield's 'liberal paradox' is illustrative of the disconnect between business interests and popular opinion, it is insufficient when attempting to model the increased harmony between restrictionist aims and expanding social control markets.

Should EU migrants be subject to immigration rules like those established in the 1971 Immigration Act, they face greater exposure to the privatised social control regime currently

operating in the management of non-EU migrants. The commodification of immigrants within a marketised social control environment has contributed to concern about migrants' welfare, as the firms involved are associated with fraud, harmful treatment and inadequate service provision. The expansion of this market to include EU immigrants may lead to the further valorisation of migrant bodies and bolster a system that promotes corporate profit at the expense of human welfare.

Safer Communities

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