

## ON COMPLIANCE AND RESISTANCE



In 2009, half way through my fieldwork, I was e-mailed a call for papers for a journal special issue on migrant protest that I immediately put aside. After all, I thought, my research participants do not protest, I have nothing to contribute. I was however too quick to discard it, as next morning I woke with the pressing question that this chapter seeks to address: Why are my research participants not protesting? They certainly felt that wrong was being done to them, they questioned the state's legitimacy in separating them from their families, they believed their rights had been violated and that they were punished consecutively for an offence for which they had already served a sentence. In addition, if they were not protesting, what other strategies of resistance, if any, were being deployed?

This chapter is divided into two main sections. The first addresses the lack of collective political action and engagement in protests and anti-deportation campaigns (ADCs) by foreign-national offenders facing deportation from the UK. Taking ADC guidelines from migrant support groups, I argue that the circumstances of foreign-national offenders, and in particular their own understandings of their removal, are incompatible with open political action and with the broader work of ADC support groups.

The second part of the chapter is devoted to an examination of what research participants perceived as their strategies of resistance. Here, compliance with state orders is discussed and conceptualised as a form of resistance to a set of policies that research participants did not consider legitimate. These policies are illegitimate in the eyes of foreign-national offenders because they are seen as strategies to render their lives impossible to the point of acquiescing to the state's attempts to force them to leave the country. By not giving into the

pressure to leave, and enduring the period of 'limbo' that becomes part of their lives, they resist both their deportation and the state's will to deport them. In other words, by complying with conditions and restrictions that the Home Office places upon them, they feel they are defying the Home Office's attempts to remove them from their country of residence.

## **Migrants and Political Agency**

As Laubenthal argues in her study of pro-regularisation movements in three European countries,<sup>1</sup> the political agency of undocumented migrants was often left unexamined as 'Existing research on illegality has focused on the lack of political, social, and economic rights of illegal migrants that follows from their illegal status and impedes the possibility of their collective self-organisation' (Laubenthal 2007: 102). In fact, the literature on the state of exception, derived from the work of Agamben (2005), on which many studies of migrant illegality and deportability draw, leaves little space for resistance or contestation. In recent years numerous studies attempting to apply Agamben's biopolitics of states of exception to contemporary deportation systems have revealed both that authority is not necessarily overly centralised (Landau 2005; Sutton and Vigneswaran 2011) and that there is in fact scope for resistance and contestation (Abu-Laban and Nath 2007; Ellermann 2009, 2010; McGregor 2011; Nyers 2008; Rygiel 2011). Even in confined spaces such as Immigration Removal Centres there is room for political action. In these settings, as the agency of detained migrants is limited, acts of protest, resistance and contestation tend to take the form of hunger strikes (see e.g. McGregor 2011), self-harm and suicide attempts (see Nyers 2008) or the destruction of identity documents (Ellermann 2010). Confinement may also have a politicising effect on detainees, through the realisation that they are rights-bearing subjects (cf. Peutz 2007) who upon release may pursue open political action (McGregor 2011). Furthermore, the unprecedented mobilisation of undocumented migrants in the US in 2003 and 2006 has also worked to challenge the notion that the undocumented, by way of their illegality and lack of rights, are devoid of political visibility and agency (De Genova 2009; see also De Genova 2010).

Immigrants' political action is seldom enacted in isolation. As Laubenthal (2007) argues, immigrants' movements count on the support of other more secure actors: citizens, NGOs, trade unions, religious groups and so on. Equally, protest and campaigning against

deportation and removal is not just in the hands of removable migrants themselves. On the contrary, civil rights groups have been increasingly active in contesting both individual cases of deportation and removal policies more generally, grounding their claims on human rights conventions safeguarding the right to protection in the case of asylum seekers (Heyman 2007; Neyers 2003; Walters 2002) and the right to private and family life in the case of the deportation of long-term migrants following criminal convictions (Bhabha 1998; Dembour 2003; HRW 2007; Steinorth 2008). In the UK, many advocacy and migrant support groups advocate for migrants, support their campaigns and contest immigration policies (Bhattacharyya and Gabriel 2002; Sen 2000). Trade unions also often lend support to campaigns against the deportation of their members. Specifically supporting migrants in campaigns against their removal from the UK are groups such as the National Coalition of Anti-Deportation Campaigns, the Southall Black Sisters, No One Is Illegal (NOII) and Women Asylum Seekers Together, among many others. While the approach that these support groups take towards protest and campaigning has an impact on foreign-national offenders' ability to protest, this chapter is mainly concerned with migrants' own actions of protest and resistance, and not with those of organised groups.

### **Lack of Protest and Participation in Campaigns**

While there are many forms of open and collective political action, I focus here on ADCs because they suitably illustrate why foreign-national offenders facing deportation from the UK seldom participate in open forms of political action, such as protests and demonstrations. When I probed my informants on protest and other forms of resistance, their first reaction was invariably a surprised, 'Protest?!' It was obvious they had not considered it. Jen, whose husband was appealing deportation, was the exception here (see Preface). Jen e-mailed me about her plans because she wanted to know if I already had any research findings she could use. She was also one of the few research participants who reached me through my online research page. In her e-mail she wrote:

we are still waiting to hear back from the tribunal service for a hearing date but in the meantime I have decided to try and do something regarding the way deportation is dealt with. I have emailed possibly every MP who can help me and also my own MP is trying to arrange for me to have a one-on-one

meeting with Nick Clegg [then deputy Prime Minister] and Damian Green [then Minister of State for Immigration].

She also wanted to get a petition started and asked for advice on where to circulate it. She added:

I can't give up and even if we lose our fight something needs to be changed as nobody should have to go through what we are currently going through and I guess I have to put my anger and frustration into something other than sitting dwelling on what I can't control for now.

Sadly her plans fell through and no protest or campaign was ever set up.

Jen's initiatives and intentions were not at all representative on two levels: first, she was actively and publicly seeking to protest against the deportation of her husband; second, she sought to go further than her husband's deportation, challenging deportation policies in general. In fact, most other research participants were reluctant to consider any kind of protest, demonstration or other form of collective political action. I met David close to Communication House, where he had to report weekly on Wednesday mornings, for a follow-up interview. He said:

I see it as unfair but I have never thought in protesting or doing like a demonstration. [...] And participating in a protest could turn against me, I don't know. Then again I never saw any protest like that. And when there are any protests, do they solve things? Does the government ever change things when people protest? [...] I see it as unfair, but I also see my hands tied. Who is going to protect me? Because, imagine, the way things go if all those immigrants you see there [at the reporting centre] every day, if we all get together, and together we demonstrate, that would be a massive thing right? But we are all afraid that it might go against us, so that is not going to happen, but imagine, if we all ... it could even work.

David focuses here on one of the main issues given by research participants to justify their lack of protest. There is a strong sense that forms of political action like protests, campaigns and demonstrations not only have no impact on government decisions, but might actually result in the participants' detention or the acceleration of their removal – most research participants feared the repercussions of becoming 'inconvenient' to the Home Office.

Campaigning and protesting means, above all, going public. The power of individual campaigns lies in the 'everyday world of local politics' (Bhattacharyya and Gabriel 2002: 150). It is through media publicity that individual campaigns gather wider community

support, including when appropriate trade union support. Leading an ADC involves actual political action, such as speaking in public, distributing leaflets and letters, demonstrations, pickets, meetings and so on. It also means actively involving migrants' families and friends. It is demanding and time-consuming. For the research participants this was problematic, as being in the appeals system and complying with the conditions of bail was already too much to handle, and most felt they had no energy left to fight on another front. Most importantly, however, they have no wish to divulge publicly that they are facing deportation from the UK, nor that they have been convicted of a criminal offence. They are well aware that for them protesting means putting themselves publicly into the 'foreign criminal' category. Trude wanted to go out, set up a campaign and protest on behalf of her son-in-law but he would not have it:

He just thinks it's his business and he doesn't want everyone to know so I don't know. He might think differently if he think it can help us getting him back but I wouldn't know where to start it or where to go or anything.

Trude leads us to yet another reason contributing to the lack of protest, for even when there is will, there is a lack of know-how and organisational support. ADC support groups acknowledge that most people do not know how to go about protesting and campaigning and need support in that regard – that is what they provide. Most produce brief guidelines on how to campaign and some logistical support. In 2007, NOII published a practical and political guide to fighting to remain in the UK (NOII 2007). Most advocacy groups refer migrants to it.<sup>2</sup> The guide provides practical advice on how to start up and maintain a successful campaign, and what pitfalls to avoid; it lists the advantages of campaigning for the right to stay; and details some principles that all campaigns should adhere to.

But whereas most ADC organisations give support to campaigns against any and all deportations, the words prison, sentence, conviction or offender are absent from their campaign material, even though specific sentences or even sections are devoted to asylum seekers, undocumented migrants and migrants living underground. Maria, one of the few research participants who at one point considered open political action became very aware of this:

Every single organisation that I have approached deals with refugees, nobody deals with ex-offenders. Because it seems to me that there is a need but no one is catering for the kinds of need that I have. No one. So it really is ironic. [...] People don't protest because they are scared. And I am scared. But I'm reaching the point where I have nothing to lose, there is nothing for me to be scared

about now, because ex-offenders need to have some level of equality over here. [...] I would be happy to take my part in for it but I don't know anybody that I could link with ... 'Cause I was hoping that I could link with another campaign so I could link my campaign but it just isn't anything out there. [...] I want to protest, I do wanna protest, but how can I get off the ground? How do I do that? Because I am not ... I have never done it so I don't know how to start it. And I don't know how to do it basically.

For Maria, lack of organisational know-how was compounded by the fact that she could not find any other deportees to join her. As she says, she had nothing to lose and she felt strongly about the rights of former offenders.

Most others, however, had a more complicated take on the matter. Present throughout participants' narratives of deportation, and surveillance in particular, is the notion that as foreigners and criminals they do not get second chances. According to them, the Home Office's stand on the matter is once a criminal, always a criminal. Jerome's mother, for instance, was appalled that instead of developing efforts to rehabilitate her teenage son, the Home Office was only concerned to deport him.

Research participants felt that they were being doubly punished because they combine in a single person two dreadful categories – those of 'foreigner' and 'criminal'. Because they have been convicted of an offence and they are foreign they have to endure this extra round of punishment. They are fully aware that British citizens convicted of offences also face difficulties upon release from prison due to their criminal record, such as when seeking to secure employment or rent accommodation. But for them the point is that British citizens get to move on with their lives despite those difficulties, whereas in their own cases the legacy of the criminal record prevents them from moving on. They have to endure another round of the justice system, this time immigration courts, and be subjected to a whole new set of surveillance practices that again bring their lives to a halt. As Maria says, their status as foreigners becomes ever more important after criminal conviction as they have forfeited their right to stay in the UK:

What was I told? I forfeited my rights to being in this country by committing a crime. [...] And why couldn't I be forgiven? [*cries*] Why am I simply being looked as a foreign criminal? Why? [...] In a way the needs that I need to be catered for are needs under the law so basically there has to be somebody to kick off about the fact that, 'You know what? Just because you committed a crime does not mean you are defected for life' [...] When does a person stop being an ex-offender? I mean, please, somebody let know [*sic*]. How many

good deeds do I have to do to make up for my one bad deed? No matter which way we look at it, is this not a Christian country? And are we not supposed to forgive? It's those kinds of moral questions that I would like to have addressed.

The feeling arising from the perception that wrong is being done to them should not be underestimated. In deportation this is exacerbated because it is compounded first by a sense of powerlessness to do anything about it, and second, by awareness that public opinion is not on their side. So if, on the one hand, they felt that they had been punished already for their criminal offence, on the other they were all too aware that it was their actions that led to their immigration predicament and hence they felt accountable for it.

ADC support groups are happy to help and assist foreign-national offenders in protesting against their deportation, just as they do for failed asylum seekers and other deportable migrants. But the work of these organisations goes beyond the individual campaigns they support: they lobby the government and work as pressure groups in an attempt to challenge, if not change, current immigration policies. Individual campaigns are the base for and link to broader campaign work over wider immigration issues (Bhattacharyya and Gabriel 2002; Sen 2000). For instance, individual ADCs can challenge the notion of 'public interest' by emphasising the financial independence of migrants and their many contributions to the community (Bhattacharyya and Gabriel 2002). For this purpose, and also to ensure that a particular ADC is successful, it is deemed essential that migrants' campaigns conform to two related tenets: in the words of the NOII guidebook: demand support – don't beg for it; don't argue your case is exceptional (NOII 2007). These tenets, even if phrased differently elsewhere, are present in most ADC organisations' written materials, and are crucial in understanding why foreign-national offenders rarely campaign.

### *Demand Support – Don't Beg For It*

The idea underlining the first tenet is that migrants should seek solidarity because they are the subjects of unreasonable immigration policies. They should not seek pity because they are not responsible for their imminent removal. This is captured in the NOII leaflet: 'You are not to blame for the situation you are in. The fault is totally with the Home Office and its immigration laws. Therefore do not feel ashamed! None of this is your fault!' (NOII 2007: 7).

For foreign-national offenders this is a particularly troublesome point, and who is responsible for their deportation is, more often than not, a difficult issue for them. For instance, while David may consider the Home Office's policies to be 'over the top', he is also very aware that deportation arose from his own actions – it is a direct result of his conviction, for which he is accountable:

I have never thought about it [protest], but I see that my case is a bit disgraceful because I had the documents [Indefinite Leave to Remain] and that document is being taken away from me because of my actions. I committed a crime right? Then there are those people who have not committed any crime and they are going through the same thing.

As David's comments show, even if the deportation process and its associated living conditions are deemed to be a hard and unfair second punishment, foreign-national offenders are aware that they committed an offence and they feel responsible and accountable for it. Andre commented in a similar vein:

I think I am still paying for the things I did. [...] And I have to accept that. That is why I endure this punishment on me. But then I also think this is too much punishment. Or maybe I just don't want to see it, just don't want to change. But I make my own destiny. I am the one who has to think before doing stuff.

During the focus-group discussion, Maria wondered if the others would like to join her in forming a campaign to lobby for their rights and added, 'and if you guys know other criminals please let me know'. Participants all laughed, and one replied, 'Yeah, we're going to stand in Parliament, screaming, "Justice for Criminals"'. Laughter resumed. This small episode illustrates how aware participants are that they have in fact committed an offence and that their status as 'criminals' does not allow them to protest for their right to stay. Justice, they feel, is for the victim and the innocent, not for the criminal. It is in this sense that it is very difficult for research participants to take on the ADC support groups' approach of 'demanding' support for their cause and placing full responsibility on the Home Office for their deportation. Ultimately, they acknowledge their part in their predicament. However, acknowledging their role in the events leading to their deportation is not tantamount to considering deportation and related policies (such as detention, reporting) as legitimate punishments. While they feel they have only themselves to blame for being put into a situation where they are abused, the abuse is recognised as such and never legitimised.



Family members tend to feel the same, and often have conflicting feelings regarding their relatives' entitlement to stay. Take Tania's words on her partner's deportation following conviction for a drug-related offence:

Because of his drug convictions I feel like a hypocrite [protesting on his behalf] but I would quite happy support other people. [...] I think it's quite difficult really because I know that there's a lot of people here that should not be here and there's a lot of people here that commit crimes and shouldn't be here. And if I would say that if a person has committed a crime they shouldn't be here, then look at how difficult it is for me. I'm against drugs, against crime, but my child's father ... Can you imagine how I feel? [...] I feel like a complete bloody hypocrite! But then I look at my daughter and I just think she deserves the choice to grow up with her dad, she does.

Tania is faced with a dilemma in wanting her partner to remain in the UK while at the same time believing that those who commit crimes should be deported:

I don't know, I just think there are so many people who want to come here, why give an opportunity to someone who has committed a crime as serious as that over somebody else who all they want to do is stay over their families? So ... I don't know.

She is not alone here – this is a feeling prevalent not only among relatives but also among deportable migrants themselves. Their deportation narratives are narratives of exception, which brings us to the second tenet of ADCs.

### *Don't Argue Your Case Is Exceptional!*

This second tenet asserts that all cases deserve solidarity and thus should not lead to divisions deriving from speculation over who is more worthy of remaining in the UK:

Many campaigns try to argue that their case is 'different' or 'worse' or 'more desperate' than other cases. This is what the Home Office want us to do! The Home Office wants campaigns to argue in public as to who is more 'exceptional' or more 'worthy'. The Home Office wants this because it leads to division and not unity. (NOII 2007: 8)

An ADC then should argue that immigration laws overall are cruel and unfair, and not that they are just being misapplied to a particular individual or family. Instead of arguing that the Home Office has failed in their specific case, ADCs should aim to reveal the

tremendous misery that all others in the same situation are facing, that it is the policy in itself that is failing. This allows ADCs to lobby on wider immigration issues.

But research participants were not necessarily against deportation policies per se and do consider themselves as exceptional cases, as illustrated here by George, Basem and David respectively:

As a person, as a father, as a citizen, from here or from there, I think these polices [of deportation] are necessary. I think yes, there are some people who deserve being deported. [...] Some people only have bad intentions. And I have met some people like this. And when I heard they were facing deportation I thought to myself, 'I hope they get deported', because you're thinking about your children. [...] So yes, they should deport people, but dangerous people, people that already have records of being criminal. [...] People should be deported according to the severity of the crime but you also have to respect the rights of the person and you should investigate better the background of the person. Because we are all subject to make mistakes in life, no one is perfect. But yes, they should deport people. Honestly, yes. But not me, I don't want it.

At the end of the day it is my safety and my family's safety. If you are in this country five years and you are not married, never paid taxes and always chancing criminal activities, those five years give you no rights, not enough to loose contact with your country of origin. Then I understand, if they are a risk and don't value life, but my case is different.

I paid for my crimes and my crimes are not really that harmful to the public or anything because they are fraud. One is handling stolen goods and the other is bank fraud. I am not a criminal, I don't rob people's houses, and I'm not going to kill anyone or mug people on the streets or anything like that. If I had done terrorism, rape, murder, stuff like that, then I would accept it. But my case is small. I know it is an offence, I am not saying that it is not, but it is not stuff you do to deliberately harm people. And I have regretted it, I done my sentence, I done my parole with no problems so at least all this the Home Office should take into account. I hope the Home Office understands my situation. Even if that is a rule, this rule does not apply for me. This rule should apply to terrorists and people like that. I'm not like that. I'm not a danger to the public. So I think that when the Home Office took the decision [to deport me] it did not measure the consequences that it would have on my family. No, it didn't.

Research participants are thus not against deportation policies per se, they are just against their own deportation. And arguing that one's own deportation is wrong but the policy in general is adequate is incompatible with the broader work of ADC support groups. As the above quotes reveal, research participants tended to favour deportation policies, contesting only the 'unsatisfying' consideration of the merits of their particular cases, or the broad applicability of such

policies (that is, that they should only be applied to those committing very serious offences).

This apparent contradiction is not limited to deportable migrants. Ellermann's (2009) study reveals how the dynamics of migration control vary over the policy cycle: while people may in general and abstract terms want stricter immigration control, when faced directly, through a neighbour, friend or colleague, with the harsh reality of deportation they may seek to prevent particular migrants from being deported (see also Anderson, Gibney and Paoletti 2011; Freedman 2011). Relevant here are the arguments of Paoletti (2010) and Anderson, Gibney and Paoletti (2011) on deportation as a practice that not only accentuates the divide between those who belong and those who do not, but which also acts as a space of contestation among the public, and between citizens and the state, over who has the right to decide on who belongs. This contestation is

a key and everyday feature of the many local anti-deportation campaigns that currently operate in support of individuals and families facing expulsion in liberal democratic states like Britain. Although often used by governmental elites as a way of reaffirming the shared significance of citizenship, deportation, we suggest, may serve to highlight just how divided and confused modern societies are in how they conceptualise membership and in who has the right to determine membership. (Anderson, Gibney and Paoletti 2011: 548)

But whereas failed asylum seekers and other deportable migrants can argue for their cases, emphasising both their need for protection and their contribution to society in general and their local communities in particular, foreign-national offenders are less deserving when seen through society's lens of normative behaviour (Anderson, Gibney and Paoletti 2011; Anderson 2013). This is not to say that there are no foreign-national offenders leading ADCs. During the course of my research I came across a handful of online petitions, and associated ADCs, involving migrants with criminal convictions. All of these, however, concerned return to 'unsafe' countries, placing emphasis on vulnerability and the need for protection. These petitions also used careful wording to justify or minimise the offences, which were in all cases first offences of minor severity, as exemplified in the petition for Marika, a British army soldier of Fijian nationality, facing deportation 'to a country undergoing a military coup' after being convicted of assault following a 'trivial bar fight' where he acted in 'self-defence' after being 'discriminated against and verbally abused'.<sup>3</sup>

Campaigning successfully demands not only public support but that foreign-national offenders re-create their own understanding of

their deportation and their rights. This is also true of other forms of open and collective political action. In this sense it can be said that research participants have internalised the discourse of deportation through their own deportability. But if forms of open political action are not undertaken by foreign-national offenders facing deportation from the UK, what other strategies of resistance, if any, are deployed?

## **Compliance and Resistance**

In this section, drawing on empirical data, I conceptualise compliance as a strategy of resistance. To equate compliance with resistance is counter-intuitive, not to say paradoxical. Resistance is equated precisely with non-compliance: with disobedience, defiance and contestation. In the context of foreign-national offenders facing deportation from the UK, I argue that resistance is enacted through the channels that the dominant power makes available to migrants, that is, 'due process', the appeals system and compliance with related state orders.

This is not to say that defiance was never enacted by the migrants in my study. Defying state power over their bodies was mostly seen in responses to reporting appointments during the first months of bail from detention. Basem, for instance, reacted to the way he was treated at reporting centres. He would scream at officers and threat to beat or kill them if they got on his nerves:

I went there with my [nine-year-old] son once and they would not allow him in. I said, 'Piss off', and went in with my son. Where would I leave him? One time one woman was so nasty that I smashed the papers. When the security guard came I said, 'You touch me I murder you'. I'm not illegal. I worked while in detention as translator. They paid me. I'm not illegal.

Yet being detained upon reporting leads to a halt in migrants' defiance. For David it brought both fear of being detained again and the clear realisation that government officials have absolute power over him:

When they detained me now again, I got really scared so I also stopped defying them. I am afraid to do that stuff now. Now I am complying better with their terms. Before I complied but sometimes I missed [a reporting appointment], I wouldn't come in and called to let them know, but not anymore, I don't miss on reporting now, I always come. They scared me because they are bullies; they threaten you because you know what they are capable of. So, you do not want to mess with them. At any moment a person goes there to

sign-in and they'll stop him and he won't go anywhere else, can you imagine that?

Defiance is therefore often short-lived. Yet it should be clear that while such forms of defiance as missing reporting appointments might be seen as a means of challenging state power over their bodies and their lives, for research participants this was never a form of resistance to deportation. On the contrary, being detained upon reporting made them realise that resisting deportation could only be achieved through compliance with precisely the state powers that seek to deport them.

As seen in previous chapters, conditions of bail from detention and the removal of certain advantages, such as permission to work, make migrants' lives increasingly difficult, often leading them to consider other options as expressed here by Andre:

It's shit! You are arrested, they are controlling you, you can't go anywhere. You have a dog leash; you can go and go but on Monday they'll pull you right back. You have to go back there. And they don't give you a chance, they won't let you be late or miss the allocated time and go another day. They don't give you that opportunity. I am there. Then, at the same time I skip my college, I'm studying English, and I can't go on Mondays. [...] Ines, every now and then this thing comes through my head. If it weren't for my mum I think I had already gone away, far away. Fuck the court, fuck all these people. My sisters don't need me, I just had to rebuild my life. I would take off and one day I would say to my wife, 'This is my real name, I can't marry you, I love you'. Or I would turn myself in and then marry her.

Andre's narrative reveals how reporting and other conditions of bail make him consider the option of absconding, something which he does not really wish to do, but finds himself compelled to do due to the unviability of his current life. According to research participants, this is, in fact, the main goal of such state practices: they are intended to make one's life difficult to the point at which one either agrees to removal or falls back into crime, thus weakening one's chances of remaining in the UK. Take Ruben's words:

I know they are just waiting for me to do something. I know that. I can feel it. [...] This is wrong man. I have to sign-in, sometimes I don't have money but I still have to go, and I can't work. This is an ambush man! They got an ambush for me. 'Cause think about it: I'm black, I can't work, so what is he going to do? Drugs, robbing people. That criminal is a young lost boy.

Following this line of reasoning it becomes clear that resisting deportation might be best achieved through compliance with state

practices of surveillance and enduring the harsh living conditions ensuing from deportability. When I asked David in what ways, other than appealing at the Asylum and Immigration Tribunal (AIT), he was resisting his deportation, he answered:

By complying with the conditions that they set for me right? Because I could just take off and run away and that way it would be easier for me because I wouldn't have to fight them, I wouldn't have to resist no more. But I don't want that. I keep on signing-in, and I have my appeal on the table and I see that as a way of resisting them.

Tony elaborated on this:

It's a system, they take everything off me, so they are testing me, what am I going to do? Am going to run away? Am I going to commit a crime? 'Cause they won't let me work, how am I supposed to support myself? My partner gives me £150 a month, I have to go out, travel card, I have to buy stuff like toiletries, spend money on food. All I want to do is find work and support myself and for the past five years that is what is happening to me, it's like a trap. So, I got a few people that support me ... financially and emotionally ... I guess if I didn't have those people who support me it would be very hard you know. It would be hard to keep my nose clean. But they help me ... [...] I just want my passport back. Seriously. Because I don't want to do no crimes man. I spent four years of my twenty-six years in prison [and detention] you know. All I know in my case is that they want me to go crazy again. They just want to squeeze me into the criminal side, that's what they're looking to. I just know. That's what they looking to do. 'He's young, he's been here long, he's foreign, he cannot work, let's see if he's gonna get involved in criminal activity again, we're gonna prove it, that yeah he is a criminal'. But they are not going to get me. I stay clean.

Resistance is thus not related to defiance but is enacted by deportees in the form of compliance with precisely those state controls (reporting weekly, not working, not travelling, curfews and so on) that migrants perceive as tight and 'unreasonable'. In this context, compliance with the system is not equivalent to passivity – compliance is hard to achieve and endure, not only for the migrant but for the family as well. As seen in Chapter 4, compliance with state orders in the context of deportation results in great human and material costs for both migrants and their families.

In their study of deportability in South Africa, Sutton and Vigneswaran (2011) divide migrants' reactions to the deportation system between compliance and resistance, and argue that the choice is directly related to the way migrants conceptualise their migration stories. Those who comply tend to view their migration story as beginning and ending with their entry and removal from South Africa.

For them detention and deportation are devastating, but they accept their status as 'illegal' and accept the system with a 'fatalistic passivity' (Sutton and Vigneswaran 2011: 636). They feel defeated and show submission to the system. Some even perceive detention as adequate punishment for their 'conduct' of illegal entry or overstaying. These migrants have, the authors contend, 'internalised the deportation discourse' (Sutton and Vigneswaran 2011: 637). Then there are those who attempt to manipulate the system for their benefit: some hold hunger strikes to contest their status as 'illegal', get public attention and press for faster determination of their cases. Others play their identities according to the outcome they hope for: quick release from detention through deportation, or avoiding deportation and attempting to remain in the country. Finally, there are those who see deportation only as an interruption of their migration story, and not the end of it. These are the migrants who the authors imply are truly resisting: they are resisting because they do not acknowledge the power of the state in labelling them 'illegal' and as such do not bother to contest it – they refuse to accept the deportation discourse. They ignore developments in their cases, choosing to centre their energies on a past and future 'life outside', as they intend to return to South Africa as soon as possible. These migrants might be deported but that is not a crisis for them.

In Foucault's terms, resistance exists within power structures – to resist something one must first acknowledge and accept the existence and power of what one is resisting (Foucault 1998, 2003). In that sense, the actions of Sutton and Vigneswaran's latter group of migrants remain unclear: by ignoring state power over them, are they employing the ultimate form of resistance by avoiding the dominant discourse, or are they not resisting at all by placing themselves outside that discourse? Ignoring the dominant discourse does not allow them to avoid their forced removal. It might limit the influence of state power over their daily lives and give them a (perhaps false) sense of autonomy, as the authors argue, but at the end of the day these migrants are still in detention, waiting to be deported.

The authors leave unexplored how ignoring state power is equivalent to resisting it, but their study is nevertheless an important contribution, in that it is revealing of the varying approaches that migrants take to a given deportation system. Their analysis suggests that in South Africa deportable migrants either struggle for power by ignoring state power over them, giving them some sense of autonomy; or they struggle for freedom when attempting to halt deportation proceedings against them. However, unlike Sutton and Vigneswaran, I

am not distinguishing compliance from resistance, but rather taking the former as a manifestation of the latter. My informants in the UK, albeit in different ways, struggled for freedom by accepting the state's power over them. Yet this is not the same as relinquishing power. It is in fact through obedience, acceptance and compliance with state orders that migrants exert their power by enduring them and thus attempting to halt their own deportation.

However, before labelling people's actions as 'resistance' one should consider what it is exactly that people are resisting. In the case in hand, are migrants resisting the dominant power: the Home Office? Or are they just resisting deportation policies? Or, are they simply resisting the efforts of the Home Office to deport them in particular? And can such forms of action, in this instance compliance, be considered resistance in the first place?

What is considered as an act of resistance varies in different bodies of literature. It has been argued that particular actions can only be conceptualised as resistance if they seek to enact structural change or alter the dynamics of power relations (Jones 2012). Acts of non-compliance 'that are more concerned with simply getting by or avoiding adverse changes in daily life' (Jones 2012: 688), and are not perceived as contestation by those enacting them, should not be conceptualised as resistance. Several approaches to categorising such acts have been developed in different contexts as resilience (Katz 2004) or spaces of refusal (Jones 2012). Following this, it is unclear whether compliance with state orders by foreign-national offenders in the UK should fall under the label of resistance. Foreign-national offenders are not violating the law, they are not contesting the border or the deportation discourse, and they are not threatening the sovereignty of the state. Yet as Sutton and Vigneswaran argue, '[w]hile deportable populations may not frame their acts of resistance as claims to citizenship or as new formulations of the rights of citizens, they do struggle for freedom of movement against the global deportation regime' (Sutton and Vigneswaran 2011: 628). Foreign-national offenders facing deportation from the UK may not be seeking to enact structural change, but they are nevertheless struggling for freedom of movement and their right to remain in the country of their chosen residence and, more importantly, they do perceive their actions as resistance.

At the other extreme is work on dominance and resistance, mainly that of James Scott. Scott's study of the 'weapons of the weak', the everyday forms of resistance of Malaysian peasants (Scott 1985), has become acknowledged as a classic. Focusing on the 'prosaic but constant struggle between the peasantry and those who seek to extract



labour, food, taxes, rents, and interests from them' (Scott 1985: xvi), Scott argues that resistance is made up of individual acts that do not demand planning nor coordination and which avoid direct confrontation because the poor do not have the strength to overtly oppose the dominant. The latter are too powerful, can usually count on the support of the state, and therefore can easily repress and crush the peasantry (Scott 1985). The weapons of the weak are thus 'foot dragging, dissimulation, desertion, false compliance, pilfering, feigned ignorance, slander, arson, sabotage' (Scott 1985: xvi). In the context of my own research, and like Ellermann's (2010) analysis of the destruction of identity papers by deportable migrants, parallels can be drawn between the compliance of deportees in the UK and Scott's weapons of the weak, even if there is a lack of non-compliance. These acts of resistance are individualised as opposed to collective acts of disobedience, short-term oriented as they are not undertaken to generate structural change, and indirect as they do not directly confront the dominant power (Ellermann 2010).

Scott's work has been influential in drawing scholarly and political attention to hidden and everyday forms of resistance. Yet, his emphasis on the dominance/resistance duality has proved limited in numerous subsequent studies (Jones 2012; White 1986). Within Scott's framework of power, almost every action can be labelled as resistance even if it is unclear what the impact of such resistance is and what exactly is being resisted. White (1986), for instance, shows how arguing that peasants are resisting the dominant power may be problematic and questionable. In Vietnam, White (1986) found that peasants were indeed using 'weapons of the weak' but did not seem to be resisting the colonial power per se. Although peasants resisted working on the land that was expropriated from them, which they saw as a tremendous injustice, they willingly worked for the French on the building of roads and other items of infrastructure.<sup>4</sup> They contested only the practices they considered illegitimate. Similarly, foreign-national offenders in the UK are not contesting deportation per se – a practice that they consider legitimate – but the application of that practice to their particular situation and the policies of control and restriction that ensue from it.

Whereas different bodies of literature on resistance were of limited application to the case in hand, I found that current studies of compliance were appropriate in framing compliance as enacted by convicted criminals as a form of resistance. I will draw here on Ellermann's (2010) review of the literature on compliance with state orders. According to Ellermann, studies of compliance reflect two

trends that are not mutually exclusive. In a nutshell, one sees the individual complying with state orders – such as paying taxes for instance – because the benefits of complying far outweigh the negative consequences of not complying. The emphasis here is on rational choice. The other trend puts the emphasis on a moral assessment: individuals comply with certain state orders because they consider them legitimate, and not just because these state orders have prevailed in a cost–benefit calculus.

Following the first approach I could say that research participants comply because abiding by the controls and conditions set by the Home Office improves their chance of being able to stay in the UK, whereas defiance may hinder their case and lead to their removal. Yet, this simple cost–benefit analysis hides the underlying perception that research participants place on their own acts of compliance. The second approach in studies of compliance brings with it the key element that, in this context, turns compliance into resistance – that of legitimacy.

I have detailed above how research participants considered deportation to be a legitimate technique of state control, contesting only the broad applicability of the policies or the assessment of the merit of their own case, meaning that they contest only their own deportation but not necessarily that of others. However, if deportation is considered a legitimate policy, the same cannot be said of detention, conditions of bail and other state controls and restrictions over migrants whose statuses are subject to adjudication. We saw in Chapter 3 for instance, how the humanity of detainees and reporting migrants was constantly reasserted in surveillance narratives. Such restrictions on migrants' lives are not seen as legitimate because they are perceived to mask the Home Office's real intentions: coercing them to leave no matter what.

It is important to remember that authoritarian and draconian as deportation policies may be, in the UK migrants are not (completely) denied the protection of the law. In fact, it is due process and the application of existing laws and policies that in this instance provide space for individual resistance (cf. Abu-Laban and Nath 2007). Given that they are using the channels available to them through due process and the law, one could say that research participants were contesting their deportation (while appealing it in court) but not necessarily resisting it. Yet they believed that these channels were not designed to protect their rights and give them a fair chance of remaining in the UK. The right to appeal was often taken as just 'something the government has to do to please those human rights people'. In practice,

because it is combined with strict controls and restrictions on appellants' lives, those channels are understood by migrants as means of discouraging contestation, an invitation to migrants to drop appeals and agree to leave. These are policies that research participants do not consider legitimate. Yet, to defy these policies is to 'give them what they want', that is, more reason to deport them. Because the system is subverted, the only way available to resist these state orders is by complying with them and ensuring that the Home Office will not be given further reasons to remove them. It is in this sense that they perceive themselves as resisting. By not giving in to the pressure to leave, and enduring 'limbo', they resist both their deportation and the state's will to deport them. Through compliance, research participants are not resisting policies of deportation, which they consider legitimate, but resisting the notion that they are a threat to society and hence should be removed. They are resisting the idea that they are criminals and a danger to society (see Ruben's and Tony's statements, above).

Labelling people's actions as resistance brings out the antagonism between the parties involved, in this case between deportable migrants and the host state. Yet it is important to remember that migrants' interests are not always at odds with those of the host state. Prior to their conviction, this project's research participants had leave to remain and enjoyed a peaceful and productive relationship with the host state.<sup>5</sup> Moreover, many do indeed wish to become citizens of the UK. Migrants have their own aspirations and their own varying perceptions of how to improve their lives, and these are not always necessarily in opposition to the interests of the host state.

## Notes

1. Broadly speaking, pro-regularisation movements are social movements that support a regularisation of the status of irregular and undocumented migrants to allow them to live legally, and permanently, in their host country.
2. At the time of writing, the National Coalition of Anti-deportation Campaigns was developing its own guide to campaigning against deportation.
3. Marika's petition is available at: <http://www.gopetition.com/petitions/stop-the-deportation-of-an-ex-british-army-soldier.html>, last accessed 21 May 2012.
4. However, like Scott, White (1986) falls into the trap of dividing people's actions into either resistance or collaboration. Not participating in resistance does not necessarily mean collaborating. See Ortner (1995) for further implications and limitations of this perspective.
5. White (1986) makes a similar point in her study of peasant resistance in Vietnam.