Understanding immigration detention and its human impact

Stephanie J. Silverman and Amy Nethery

Abstract

This comprehensive volume explores the development of immigration detention in, between, and across different states and regions and the human impact on asylum seekers. In so doing, the study provides an innovative overview of the spread of immigration detention policy around the world, an international survey of detention policy and practice, and a catalogue of the human impact of these policies. Its original chapters, written by experts in their jurisdiction, use policy studies, law, ethnography, and interviews with former detainees and policymakers to offer new and illuminating insights. The volume includes chapters on immigration detention regimes, not only in traditional destination states but also in migrant-sending and transit states. Collectively, the case studies contribute to broader debates in political science about public policy, immigration, and state power; in migration studies about migrant journeys, executive enforcement, and protection and expulsion; and in law and policy studies about plenary power, the roles of international law and the courts, and evolving rights for non-citizens. Now implemented globally, it is timely to collect, compare, and analyse immigration detention policies and practices worldwide.

The global context: Migration, mobility, and control

Before the turn of the century, immigration detention was used by few states. Today, nearly every state around the world has adopted immigration detention policy and practice in some form. Immigration detention is used by states to address the accelerating numbers of people crossing their borders and as a tool for the management of people residing in their states without authorisation. Immigration detention is simultaneously a practice and a policy, an enforcement priority and a legislative by-product, and a site of tension between extreme sovereign power and people claiming universal rights in the face of that display. Immigration detention is extrajudicial: it operates outside of and parallel to judicial incarceration – and often overlaps it. Detention may occur inside a state's territory or outside of it: increasingly, states use interdiction and warehousing strategies to intercept, hold, and redirect migrants before they can reach their destinations.

Immigration detention policy is not practised uniformly across states. For example, some states place time limits on detention, while others practice indefinite detention. A number of states confiscate personal clothing and mobile phones, while others permit detainees to wear their own clothes and keep their personal effects. Some states allow detainees to move freely within the centre, or even leave it, while others confine detainees to cramped, overcrowded cells. Some states detain children, some do not, and some have a policy of not detaining children, yet do so in practice. The differences in policies and practices are significant for understanding the transformation of a core idea of migration control into a piece of legislation and then into an everyday practice. Of course, all of these different factors impact the lived experience of detention for the people who are subject to it.

This book is about immigration detention and its spread around the world. The migration of detention policy must be contextualised against a complex social, political, and economic background. Immigration detention impacts and is shaped by refugee-producing crises; cheaper transnational travel; migrant aspirations for better life chances in a world of economic disparities; national anxieties in both sending and receiving states regarding a perceived increase in migration; states treating border control as a security issue; growing markets for human smuggling, trafficking, and transport; and the vast profit-making opportunities for private firms. These global-scale issues are elaborated well in migration systems theory (Castles and Miller 2003). This theory stops short at the gates of immigration detention, however: the human impact of detention requires its own analysis. Since immigration detention always involves extra-judicial removal of privileges, the stripping away of liberty, and the halting of a journey undertaken, it is an expression of power by the state, whose damage on individuals and communities has, so far, gone underexplored and understudied.

Understanding immigration detention

One reason why detention may have escaped widespread critical attention until now is that it is tricky to decipher. What is detention? How does being detained in a designated facility differ from being temporarily held up in an airport or waylaid by a suspicious border guard? It is not always easy to pinpoint when 'being held' slides into detention. As an administrative measure, authorities do not need to seek warrants pending an initial decision to detain. There are no readings of one's rights, no automatic rights to a lawyer or a phone call and, usually, no meetings to explain how to get out of detention. In some jurisdictions, there are also no translators, no mandatory court reviews, no visitations, and no one to alert family and friends to the situation.

In general, the immigration detention centres multiplying around the world resemble prisons in character. The UK detention system, for example, comprises a mix of physical infrastructure and regimes of surveillance and control adapted from penal institutions. Old penal or military buildings are used in addition to purposely built, privately operated facilities. Other penal-like characteristics include closed-circuit television cameras and other electronic surveillance

mechanisms; an internal punishment code, including the use of solitary confinement; transport vans with bars, escorts, and handcuffing of detainees travelling to other centres, to court, or to receive medical attention; the heavy-handed use of guards; video link facilities; and immigration courts. The UK detention system makes use of prisons, ships, interdiction and reintegration units abroad, and special facilities for families and other vulnerable detainees (Silverman 2013). There is also a certain fluidity between the institutions: prisons throughout the world accommodate immigration detainees when detention centres are full; non-citizen prisoners may be transferred to detention centres at the end of their sentence for deportation; and immigration detainees who commit a crime within detention may be transferred directly to prison for punishment.

There are a number of important differences between immigration detention and judicial imprisonment, however:

- The process to detain people in immigration detention is quite different from the processes of imprisonment in the judicial system. In the latter, imprisonment occurs only after a substantial process of laying charges, trials, and sentencing. In contrast, people are subject to immigration detention without rigorous investigation into whether their detention is correct and justified.
- In the judicial system, people are imprisoned because of something they have done, while people are subject to immigration detention because they meet certain administrative criteria. In many cases, this is because detainees meet – or fail to meet – visa requirements.
- Immigration detention can be imposed upon whole categories of people, regardless of individual circumstances.
- Prisoners in the judicial system know the length of their sentence, whereas immigration detainees do not know exactly how long they will be detained. In some jurisdictions, such as Australia, detainees can be held indefinitely.

Arguably, the most important difference is that the conditions of immigration detention are not subject to the same regulations as judicial imprisonment. In most countries, judicial imprisonment is regulated by well-established procedures with a view to afford accountability and transparency of the prison and the experiences of prisoners. Immigration detention is not regulated in the same way, and thus the conditions of detainees can be arbitrarily applied and are often harsh. Broader international human rights laws on arbitrary detention may facilitate sanctioning of the state whose facilities breach the human rights of detainees. Without the power to enforce these laws, however, achieving change through these means is improbable.

Who is detained?

In general, two categories of people are subject to immigration detention around the world. The first is non-citizens who have either entered state territory without authorisation or are suspected of intending to cross a state

boundary without authorisation. In most cases, this first category comprises asylum seekers. The second category of people subject to detention is people who have been residing within the state, and their stay is no longer valid. This might be because their visa has expired, or they have committed an offence that has invalidated their visa. In most of the case studies included in this volume, immigration detention is used to detain both categories of people. Overall, this volume's primary focus is on the detention of asylum seekers because of the unique and important legal, moral, political, and practical issues that the detention of asylum seekers raises.

Asylum seekers are people who have left their state of origin to seek protection under the 1951 Geneva Convention Relating to the Status of Refugees (the Refugee Convention). A refugee is someone who has been granted protection status under the definition set out in Article 1(A)(2) of the Refugee Convention:

> A person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

This definition is powerful in international law: it recognises past persecution and grants refugees the right to be protected from being returned to the place where they will face serious risk, torture, or death. Many states administer some sort of credibility test or hearing to determine the truthfulness of the 'well-founded' fear of return or allow the United Nations High Commissioner for Refugees (UNHCR) entry so that they can carry out refugee determination procedures. Refugee status is precious: many states around the world grant refugees admission and an opportunity to begin their lives again. This special status is particularly valuable in a world where more and more states are closing their borders – and their resources – to outsiders. It is not surprising, then, that states are careful in deciding to whom, when, and how to grant this status.

Asylum seekers sit outside of this special status: an asylum seeker is someone who believes that they meet the definition of a refugee but have not yet been assessed as such. It is important to recognise that only a tiny fraction of the 42 million people living in 'refugee-like situations' around the world (UNHCR 2012) either have formal refugee status or access to the UNHCR or a delegate state to apply for protection. By far the largest proportion of this 42 million people lives in a different area within their country of origin ('internally displaced') or in a neighbouring state. Some of these live in refugee camps, while others dissolve into the community and survive through family or ethnic group networks or the black market. This livelihood is insecure and precarious, however, and so some people make the decision to travel further afield to a state where they can achieve formal refugee status and, hopefully, an opportunity for a new beginning. Broadly speaking, these are the people who get caught up in immigration detention around the world.

Why detain?

Many states justify their detention systems on the basis that immigration detention is required for administrative purposes and to enhance the integrity of their visa systems. Detention controls the movement of people as they are processed through the visa system until they are either granted an entry visa or are removed from the country. Used in this way, states are able to side-step the principle set out in international and regional laws that detention should be a last resort. In addition, many states have argued that immigration detention facilitates the efficient administration of asylum applications, because states always know where to find applicants to assist at different stages in the process. If this were the only reason for immigration detention, it would be an expensive administrative exercise, we suggest, and a thin argument to justify the removal of a person's liberty. More substantial reasons for why states detain are less explicit but more convincing.

Immigration detention is commonly deployed as a method of deterrence. The first modern immigration detention centre in Guantánamo Bay, Cuba, aimed to deter Haitians who were not seeking political asylum from attempting to come to the US without pre-authorisation (Dastyari, this volume). Most often, immigration detention forms part of a suite of policies designed to deter and deny asylum seekers access to a state's territory in which they can claim asylum and the potential of regularised status. These deterrence policies include restrictive visa regimes; the creation of 'international zones' within airports; interdiction of boats at sea by the navy or coast guard; the requirement that airlines and international airports deny travel to anyone they suspect is an asylum seeker; and, in Australia, the 'excising' of 3,500 islands from the migration zone (Gammeltoft-Hansen 2014: 3–5). One of the clearest components of this suite of deterrence policies occurs when states encourage their neighbours to use immigration as interdiction to halt the movements of would-be asylum seekers before they reach their territory.

States differ on how explicit they are in the use of immigration detention as a deterrence method. In June 2012, the Canadian Minister of Citizenship, Immigration and Multiculturalism, Jason Kenney, justified the introduction of mandatory detention provisions as a means to deter people from taking dangerous sea journeys. Kenney told a newspaper reporter, 'Every year, thousands of people die in smuggling operations around the world. We need to send a message to the potential customers of smuggling syndicates: "Don't pay a smuggler to come to Canada – you're putting your life in jeopardy. Try to come a different way, a legal way"' (Ball 2012).

There is no empirical evidence that immigration detention alone deters people from irregularly migrating (Edwards 2011: iii). For asylum seekers and refugees, the 'push' factors for emigrating will almost always outweigh the 'push away' factor of immigration detention. As Richardson (2010) has argued, the idea that government policy 'sends a message' to asylum seekers depends on a simplistic idea of communication based on the assumption 'that the message will trigger the "correct" behaviour from its audience, and that "the audience" is easy to manipulate' (Richardson 2010: 7). To the contrary, asylum seekers' prior knowledge of

their destination country and its policies is often limited and is shaped variably depending on nationality, level of education, and other sources of information such as messages from friends, family, and smuggler networks. On being told of Australia's immigration detention regime, for example, asylum seekers intent on travelling by boat from Indonesia to Australia cited an unwavering belief that Australia would treat them humanely or, in any case, better than the treatment they feared in their home countries (Richardson 2010: 12–13). More seriously, if detention does deter some people from taking particular routes to their destination states, other, riskier routes are chosen.

The politics of controlling state borders – or being seen to control them – also matter, and in this way immigration detention communicates just as clearly to domestic audiences as it does to asylum seekers on their journeys. For this reason, we can observe a 'race to the bottom' between political parties in many states, whereby political parties joust for the most restrictive asylum policies to demonstrate their commitment to maintaining the 'integrity' of state boundaries.

Old idea, modern acceleration

As recently as the 1970s, immigration detention was seen as a special state muscle to be exercised only in exceptional times. Two decades later, a handful of states deployed immigration detention on a regular basis, and those who did usually detained smaller numbers of detainees. Since the turn of the century, however, immigration detention has grown and developed to reach its now ubiquitous status. This broader story of the global move towards immigration detention contains a multitude of smaller-scale narratives about how the policy has been individually incorporated and how it has been transferred, exported, and amended across state lines. While the basic permutations of detention remain common across states, the details of implementation, contestation, and transformation vary according to national circumstances. In some states, the policy of immigration detention has emerged from endogenous factors: a history of different types of administrative detention means that immigration detention can be best explained as a path-dependent policy outcome. In other states, external actors are responsible for imposing the policy: this influence is most starkly felt when wealthier neighbours provide poorer states with financial and diplomatic incentives to implement detention.

How did immigration detention reach its current status of ubiquity? Although the terrorist attacks of 11 September 2001 provided more impetus to rapidly expand these burgeoning border management strategies, the groundwork for a global regime of immigration detention had already been laid. The nationalities of people crossing borders, and the reasons why they were fleeing, also changed. In the late 1980s and 1990s, several conflicts resulted in large-scale movement of refugees. In the aftermath of the Cold War paradigm, these arrivals were not celebrated as victories for the West but were increasingly seen as a threat to national security, stability, and identity. The 1990s marked an advent of more affordable and accessible international travel as well as a renewed focus on the management

of people crossing national borders. During the 1990s, states were already beginning to implement more restrictive policies: temporary protection visas, for example, were introduced in some European states to address the sudden and large-scale movement of people fleeing the Balkan Wars and in Australia to deter asylum seekers arriving by boat (Mansouri *et al.* 2009). The global tightening of security that occurred after the September 11 attacks accelerated the trend of cementing borders against asylum seekers.

Discourse has played an important role in justifying the adoption by many states of various policies to securitize their borders. Many of the asylum seekers crossing state borders in the 2000s, particularly those from Middle Eastern countries and Afghanistan, were fleeing extremism and violence from the same groups with whom Western states were at war. Nevertheless, their arrival without authorisation, and often without identity papers, sparked moral panic. Already criminalised and perceived as the 'other', the connection between asylum seekers and terrorists was easily made. For instance, speaking about boat arrivals of asylum seekers two days after the September 2001 attacks, the Australian defence minister argued 'look you've got to be able to manage people coming into your country, you've got to be able to control that otherwise it can be a pipeline for terrorists to come in and use your country as a staging post for terrorist activities' (Reith 2001). Although challenged by activists, this sort of language remains prevalent throughout the world.

Immigration detention is a costly policy to implement. In the UK, detention costs £120 per person per day (UK Parliament) and, in the US, holding one immigration detainee runs up to $166 (about £103) per day, with the entire US estate costing out at $1.9 billion (about £1.18 billion) annually (National Immigration Forum 2011; U.S. Department of Homeland Security 2012). In Australia, it has been shown that immigration detention costs approximately three times as much as the cost of accommodating detainees in community housing and providing them with a basic living allowance. As explained in several chapters in this volume (see the chapters on Indonesia, Papua New Guinea, and Turkey), taxpayers in Western states are also subsidising immigration detention systems in neighbouring states.

Immigration detention centres means big business, and in keeping with neoliberal economic policies more generally, the construction and day-to-day management of centres are contracted out to large, multinational private corporations (see Flynn and Cannon 2009). In many cases, immigration detention forms one portfolio for these corporations, who also operate prisons, security services, or even logistical and public transport networks. Transparency and accountability are casualties of the privatisation of immigration detention centres, however. Operating contracts between states and corporations are often confidential, so many aspects of these agreements are difficult to ascertain, such as the day-to-day conditions of the centres; the operator's reporting obligations; and any conditions under which the operator might not fulfil its contract (for example, if a riot occurs or if a detainee commits suicide). The management of immigration detention centres by private corporations also creates a buffer between governments and the operators, raising questions about accountability. Who shoulders the ultimate responsibility for the

conditions of detention centres and the treatment of detainees? Certainly, this also means that immigration detention centres are run quite independently from the judicial prison system, and the usual regulations do not apply. One effect of this so-called 'migration-industrial complex' (Fernandez 2007) is that immigration detention seems to have taken on a life of its own: an increase in detention capacity corresponds with an increased tendency to detain as a first resort.

One further issue is the extraterritorialisation of immigration detention policy, whereby wealthy states provide political and financial incentives to their poorer neighbours to adopt immigration detention policies of their own (Mitsilegas 2010; Nethery and Gordyn 2014). In this way, wealthy states are able to disrupt asylum seekers' journeys before they even reach the states' borders. In this volume, the chapters on Indonesia, Papua New Guinea, Mexico, Malta, and the Republic of Cyprus illustrate this phenomenon. As many of these poorer states are not signatories to the Refugee Convention, the effect is that asylum seekers can become trapped in immigration detention with limited access to protection mechanisms.

The human impact of immigration detention

International scientific research spanning two decades means that we are now at a stage where the human impact of immigration detention is well established. There is no doubt that immigration detention is harmful to the physical and mental health of detainees. Deterioration of physical health occurs particularly when there is a lack of access to basic requirements such as nutritious food and clean water, sufficient showering and toilet amenities, and opportunities to wash clothes. In some detention centres, particularly in Asia, detainees are vulnerable to insect-borne diseases and are offered no respite from extreme temperatures. An absence of sufficient health services is a common complaint amongst immigration detainees around the world, most dramatically affecting pregnant women, children, and people with existing conditions or experiences of torture and trauma. As closed, unregulated sites, detention centres have also been locations of physical and sexual abuse and drug trafficking.

The research also overwhelmingly demonstrates the devastating impact of immigration detention on detainees' mental health. The long-term and/or indefinite nature of detention in many states is a key contributor to mental decline. Feelings of despair, hopelessness, depression, and anxiety; post-traumatic stress disorder; psychosis; and suicidal ideation are commonly reported by detainees. In some systems, suicide and incidents of self-harm occur at much higher rates than among undetained asylum seekers (Robjant *et al.* 2009). Time spent in detention correlates with the level of psychological distress (see, generally, Fazel and Silove 2006; Fillmore 2010; Green and Eagar 2009; Lorek *et al.* 2009; Mukhopadhyay 2009; and Robjant *et al.* 2009). Immigration detainees released within three months generally suffer no long-term psychological harm from their time in detention and have good indicators of being able to undertake tasks that allow them to integrate into and contribute to their host society after release. Asylum seekers who spend extended periods of time in immigration detention before being released into the

community have much lower integration outcomes than asylum seekers who were not detained for long (Steel *et al.* 2006). Children, torture survivors, and other vulnerable people are at particular risk of lifelong psychological damage from even short periods of immigration detention.

Immigration detention and international law

The approach of international law to immigration detention has been to try to curb its excesses. This body of laws, conventions, supranational court cases, and norms[2] dictates that detention must be proportionate (in each individual case), non-arbitrary (serving a public interest), resolved with due diligence, necessary, and not a punishment. International law holds that immigration detention should be limited or banned for vulnerable people such as asylum seekers, pregnant women, stateless persons, torture survivors, and the elderly. International law notes that the rights that detention potentially impacts are quite wide-ranging: such enshrined rights potentially abrogated by even short periods of time in immigration detention include personal liberty; due process and access to justice; judicial protection and a habeas corpus petition; humane treatment during detention; equality and non-discrimination; family life, privacy, and the inviolability of the home; and, importantly for this book, the right to seek asylum (see, generally, Crépeau 2012; Saul 2013; and Wilsher 2012). International and regional human rights laws, it can be argued, shape immigration detention policy by making it more formal. In sum, while not being able to ban the practice outright, international law endeavours to ensure that states respect the human dignity and basic and procedural rights of immigration detainees.

How states choose to honour their responsibilities for providing asylum relates intimately to the expansion of immigration detention. What we observe in many jurisdictions is a complex interplay between state policy and the courts – international and domestic – whereby states incrementally and continually reform immigration detention policy in response to court decisions. The pattern of policy refinement in response to court decisions has had two general outcomes. The first is a constant tightening of immigration detention policy, with the result that immigration detention is increasingly complicated. A part of this first outcome is the removal of legal oversight of immigration detention practice, which can include curtailing lawyers' access to immigration detention centres and the ability for courts to oversee immigration detention policy. The second outcome is that of stripping asylum seekers of the ability to achieve a durable solution to their plight.

The structure of this book

The sixteen case studies in this volume have been chosen to illustrate the geographical spread and diversity of immigration detention policies throughout the world. The case studies include those that have received attention in academic literature, such as the UK, Canada, the US, and Australia. There are also several important case studies that are not as commonly examined, such as Cuba, South

Africa, Finland, Indonesia, Papua New Guinea, Malaysia, Turkey, and Mexico. The inclusion of these lesser-examined case studies highlights the different ways that policy is adopted and evolves in each state. As such, this volume is intended to serve as a systematic comparison of policies throughout the world.

This volume also illustrates the migration of detention policy throughout the world. The case studies are organised into four broad geographical regions: Europe, the Americas, Australasia, and the Middle East and Africa. Just as seeking asylum is a regional issue, the evolution and spread of immigration detention policy has also occurred on a regional basis. Consider the influence of European law on detention in Finland, Cyprus, Malta, and Turkey; the US's interdiction goals on detention in Cuba and Mexico; and Australia's goal of 'stopping the boats' on detention in Indonesia and Papua New Guinea. Ultimately, the story of the spread of immigration detention reveals how the modern world responds to the needs of its most vulnerable people in ways that are restrictive, punitive, and illiberal.

Note

1 Broadly speaking, the international law on immigration detention can be sourced from court cases as well as the following international treaties and agreements: the 1951 Geneva Convention Relating to the Status of Refugees and its 1967 Protocol; the Universal Declaration of Human Rights; the Convention Against Torture; the International Covenant on Civil and Political Rights; the United Nations Convention on the Rights of the Child; and the European Convention on Human Rights.

References

Andreas, P. 2001. The transformation of migrant smuggling across the U.S.–Mexican border. In *Global Human Smuggling: Comparative Perspectives,* edited by D. Kyle & R. Koslowski, 107–125. Baltimore: Johns Hopkins University Press

Ball, D. P. 2012. Immigration Minister Jason Kenney besieged by critics during BC visit. *The Tyee*, 27 June. Available from: http://thetyee.ca/Blogs/TheHook/Federal-Politics/2012/06/27/jason-kenney-critics-visit/ [Accessed 10 June 2013]

Castles, S., and Miller, M. J. 2003. *The Age of Migration*. Third Edition. Basingstoke, UK: Palgrave Macmillan.

Crépeau, F. 2012. A/HRC/20/24: Report of the Special Rapporteur on the Human Rights of Migrants, François Crépeau. Human Rights Council Twentieth Session, Agenda Item 3: Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development. Geneva: United Nations General Assembly, 2 April.

Edwards, A. 2011. Back to Basics: The Right to Liberty and Security of Person and "Alternatives to Detention" of Refugees, Asylum-Seekers, Stateless Persons and Other Migrants. PPLA/2011/01.Rev.1. Geneva: United Nations High Commissioner for Refugees. Available from: www.unhcr.org/refworld/docid/4dc935fd2.html [Accessed 10 July 2012]

Edwards, A. 2013. Detention under scrutiny. *Forced Migration Review*, 44, 4–6.

Fazel, M., & Silove, D. 2006. Detention of refugees: Australia has given up mandatory detention because it damages detainees' mental health. *BMJ: British Medical Journal,* 332(7536), 251–252.

Fernandez, D. 2007. *Targeted: Homeland Security and the Business of Immigration*. New York: Seven Stories Press.

Fillmore, E. 2010. The effects of immigration detention on the health of children and families in the UK. *Adoption & Fostering Journal*, 34(1), 88–91.

Flynn, M., and Cannon, C. 2009. The privatisation of immigration detention: Towards a global view. *Global Detention Project*. Available from: www.globaldetentionproject.org/fileadmin/docs/GDP_PrivatizationPaper_Final5.pdf [Accessed 3 October 2014]

Gammeltoft-Hansen, T. 2014. International Refugee Law and Refugee Policy: The Case of Deterrence Policies. *Journal of Refugee Studies* 27(4): 574–595.

Goodwin-Gill, G., and McAdam, J. 2007. *The Refugee in International Law*. Oxford: Oxford University Press.

Green, J. P., & Eagar, K. 2009. The health of people in Australian immigration detention centres. *Medical Journal of Australia,* 192(3), 154–157.

Hynes, P. 2009. Contemporary compulsory dispersal and the absence of space for the restoration of trust. *Journal of Refugee Studies,* 22(1), 97–121.

Inter-American Commission on Human Rights. 2010. Report on Immigration in the United States: Detention and Due Process. OEA/Ser.L/V/II. Doc. 78/10 30 December 2010. Spain: Inter-American Commission on Human Rights, Washington, DC.

Lorek, A., Ehntholt, K., Nesbitt, A., Way, E., Githinji, C., Rossor, E., & Wickramasinghe, R. 2009. The mental and physical health difficulties of children held within a British immigration detention center: A pilot study. *Child Abuse and Neglect,* 33(9), 573–585.

Mansouri, F., Leach, M., and Nethery, A. 2009. Temporary protection and the *Refugee Convention* in Australia, Denmark and Germany. *Refuge*, 26(1), 135–147.

McNevin, A. 2011. *Contesting Citizenship: Irregular Migrants and New Frontiers of the Political*. New York: Columbia University Press.

Mitsilegas, V. 2010. Extraterritorial Immigration control in the 21st century: The individual and the state transformed. In *Extraterritorial Immigration Control: Legal Challenges*, edited by V. Mitsilegas & B. Ryan, 39–68. Leiden, The Netherlands: Martinus Nijhoff

Mukhopadhyay, R. 2009. Death in detention: Medical and mental health consequences of indefinite detention of immigrants in the United States. *Seattle Journal for Social Justice*, 7(2), 693–736.

National Immigration Forum. 2011. The Math of Immigration Detention: Runaway Costs for Immigration Detention Do Not Add Up to Sensible Policies. Washington, DC: National Immigration Forum.

Nethery, A., and Gordyn, C. 2014. Australian-Indonesian cooperation on asylum policy: A case of "incentivised policy transfer." *Australian Journal of International Affairs*, 68(2), 177–193.

Ngai, M. M. 2004. *Impossible Subjects: Illegal Aliens and the Making of Modern America*. Oxford: Princeton University Press.

Reith, P. 2001. Radio interview with Derryn Hinch – 3AK. *Australian Government Department of Defence*, 13 September. Available from: www.minister.defence.gov.au/ReithSpeechTpl.cfm?CurrentId=999 [Accessed 9 December 2013]

Richardson, R. 2010. Sending a message? Refugees and Australia's deterrence campaign. *Media International Australia, Incorporating Culture & Policy*, 135, 7–18.

Robjant, K., Hassam, R., and Katona, C. 2009. Mental health implications of detaining asylum seekers: A systematic review. *British Journal of Psychiatry*, 194, 306–312.

Saul, B. 2013. Indefinite security detention and refugee children and families in Australia: International human rights law dimensions. *Australian International Law Journal* (Mini Symposium: Creating New Features for All: International Law and the Protection of Migrant Children at Risk), 20, 55–76.

Silverman, Stephanie J. The normative ethics of immigration detention in liberal states. DPhil thesis. Oxford: University of Oxford, 2013, 68–69, 256.

Steel, Z., Silove, D., Brooks, R., Momartin, S., Alzuhairi, B., and Susljik, I. 2006. Impact of immigration detention and temporary protection on the mental health of refugees. *British Journal of Psychiatry*, 188, 58–64.

UK Parliament. 2010. *Hansard* HC Deb 20 October Col 755W.

United Nations High Commissioner for Refugees (UNHCR). 2012. Global trends report: 800,000 new refugees in 2011, highest this century. *The UN Refugee Agency*, 18 June. Available from: www.unhcr.org/4fd9e6266.html [Accessed 1 September 2012]

U.S. Department of Homeland Security. 2012. Departmental management and operations. *Fiscal Year 2012 Congressional Justification*. Available from: www.dhs.gov/xlibrary/assets/dhs-congressional-budget-justification-fy2012.pdf [Accessed 10 July 2012]

Wilsher, D. 2012. *Immigration Detention*. Cambridge, UK: Cambridge University Press.