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# Sweden: detention and deportation of asylum seekers

SHAHRAM KHOSRAVI

*Abstract:* Based on ethnographic fieldwork among undocumented migrants (including asylum seekers) in Stockholm between 2004 and 2006, additional interviews with police officers, deportation escorts and staff at Swedish detention centres and some fieldwork in Tehran in June 2005 and August 2007, this article examines the impact of Sweden's more restrictive asylum policy since the beginning of the decade. From a condition of 'deportability' to incarceration in detention centres and then removal from Sweden, asylum seekers have been increasingly criminalised – their confinement and removal being seen as mechanisms for preserving national security. Focusing, in particular, on the techniques used by the detention apparatus to 'humanise' and 'rationalise' the confinement and expulsion of asylum seekers, it is argued that a discourse of 'caring' and 'saving' works, in effect, as a disciplinary mechanism that presents asylum seekers as responsible for their own detention and deportation.

*Keywords:* criminalisation of migration, human rights of foreign nationals, immigration imprisonment, representation of asylum seekers

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On 25 May 2004, Fatemeh-Kian G. S., a 50-year-old Iranian transsexual, committed suicide in a detention centre north of Stockholm. She had fled from Iran because of her sexual orientation and had sought asylum in Sweden in November 2001. She had been arrested once by the moral police in Iran and had been sentenced to fifty lashes for homosexuality. Her application for asylum was first declined by the Swedish Migration Board in the last weeks of 2002 and then by a higher court in February 2004. She believed that she would be severely punished were she to be sent back to Iran. In late March 2004, the police forcibly escorted her to the Iranian embassy, in an effort to acquire the travel documents necessary for her deportation, but she resisted and refused to co-operate. She was then placed in a detention centre in north Stockholm. A friend testified that the staff at the centre were annoyed by her lack of cooperation. She was isolated and her pleas for medical attention were ignored. Suffering from psychological problems and insomnia, her requests for medical treatment were met with disbelief and indifference. Abandoned and depressed, she attempted suicide in early May but was saved by other detainees. She was hospitalised overnight and was returned to the detention centre the next day. She was accused of faking a suicide attempt. Thereafter, her psychological condition deteriorated.<sup>1</sup>

The activists who met her in the detention centre say that Fatemeh-Kian suffered constantly from dizziness and stress. She also had physical injuries: a friend who saw Fatemeh-Kian's body in the mortuary photographed her feet, which were badly injured. Fatemeh-Kian asked for help just four days before her death, saying that she was sick and could not sleep. She asked to see a doctor but her request was ignored. As an activist put it, the 'deportation order became her execution'.<sup>2</sup> On 25 May, the staff at the centre found Fatemeh-Kian dead in her room. Alone and disbelieved, she had committed suicide with anti-depressants. It later emerged that there was no documentation relating to her first suicide attempt and that the staff at the centre had not been informed about her psychological condition. Yet, although the person in charge regarded her suicide as unforeseen, a report by a psychiatrist, who had met Fatemeh-Kian more than ten times in 2003, said: 'There is a high risk of suicide ... In an extraordinary, stressful situation, she might see suicide as the only way out of a long period of suffering.'<sup>3</sup>

Fatemeh-Kian G. S., who according to her caseworkers and friends was an atheist, was buried in the Muslim section of a cemetery near the detention centre and a simple metal grave marker in the shape of a cross (!) was put on her grave. When I visited her grave in January 2007, there was still no gravestone to identify who was buried there. The municipal council argues that local tax revenue should not be used for a gravestone for Fatemeh-Kian.

The death of Fatemeh-Kian is an example of the impact of an increasingly restrictive Swedish asylum policy, which has emerged since

the beginning of the decade and is a result of both the harmonisation of migration and asylum policy within the European Union as well as of the current security panic associated with migration. The security-migration nexus emerged in the early 1990s after the end of the cold war but was dramatically radicalised after the terror attacks in New York and Washington in September 2001.<sup>4</sup> Consequently, migration has been increasingly criminalised and immigration control governed more and more through the techniques and discourses used to regulate, control and, above all, emphasise crime. Detention and deportation have become the bodily sanctions of the migration regime, producing a condition of 'deportability' that threatens all migrants.<sup>5</sup> What is brutal about the confinement of asylum seekers is that these persons are *not* held on criminal charges but rather on their claim to be at risk of persecution.<sup>6</sup> Yet the migration regime adopts an approach based on 'penalty', targeting undesirable non-citizens as a criminal population to be policed and excluded.<sup>7</sup> It 'constitutes and enforces borders, polices non-citizens, identifies those deemed dangerous, diseased, deceitful, or destitute, and refuses them entry or casts them out'.<sup>8</sup> This process of criminalising asylum seekers effectively creates criminals in order to be able to punish them: redefining a social issue as a criminal issue and categorising a group as criminal are both part of a political strategy to legitimate further intervention into areas that had not previously been regarded as matters of crime. The justification presented for this criminalisation is the need to protect citizens from the threat of 'anti-citizens'; undocumented migrants and unidentified asylum seekers are seen as dangers to the well-being of the social body.<sup>9</sup> Like other undocumented migrants and asylum seekers, Fatemeh-Kian was a victim of a border regime that exercises its power not by killing or ordering to kill but by consigning transgressive refugees and migrants to zones where they are exposed to death.<sup>10</sup>

### **Confinement**

Until 1997, the police were responsible for the removal from Sweden of undesirable non-citizens. Deportees were detained in police custody and private security firms were hired to take care of their removal. Violent incidents and inhumane methods led to much public criticism of this policy and accordingly the Swedish government assigned the Migration Board to take over detention and deportation procedures in October 1997. Until the end of the 1990s, the detention centres were part of refugee camps. After 2000, the number of removals of undesirable migrants increased drastically. The annual budget for removal operations was increased by almost 70 per cent, from 121 million Swedish krona (€13 million) to 204 million krona (€21 million) in 2007. Today, the removal operation is an enterprise involving transport companies, private security companies, five detention centres, deportation escorts,

international networking (asylum attachés) and private expert companies. Between 2000 and 2006, the number of 'voluntary returns' was 45,538 and there were 37,601 'forced returns'.

There are currently five permanent detention centres in Sweden with capacity for about 200 detainees. About 95 per cent of these detainees are asylum seekers whose applications have been rejected and are awaiting deportation. It should be noted that the process of assessing asylum applications is subject to systematic error; for example, the Migration Board uses language analysis to verify the origin of refugees but around one in ten language analyses are faulty.<sup>11</sup> The rest of the detainees are mainly 'identity detention' cases: foreign nationals whose identity has not been established.<sup>12</sup> Detention centres in Sweden are called *förvar*, which literally means 'warehouse'. 'The purpose of the confinement is not to tend [*vårda*] or to treat [*behandla*] ... It is to keep an alien accessible [*tillgänglig*] for investigation or deportation.'<sup>13</sup> For pre-removal detention, the Migration Board explicitly disapproves of any programme which can be seen as offering entry into Swedish society. For instance, Swedish language programmes are not allowed at the detention centres.

The number of applicants granted asylum decreased drastically from 42 per cent in 2000 to 13 per cent in 2005. The harmonisation of asylum policy in EU countries is the main reason for this reduction, along with the launch in 2003 of Eurodac, an electronic fingerprint database that facilitates the removal of asylum seekers whose claim has already been rejected in another EU country.<sup>14</sup> Thus detention and deportation have gradually become central parts of the asylum system in Sweden. The number of cases handed over to the police for deportation by the Migration Board increased from 1,570 in 1999 to 10,434 in 2004 and then dropped to 8,719 in 2005. At the end of 2007, the number increased again to slightly more than 10,000.<sup>15</sup> Table 1 shows the number of detainees and the length of time they spent in detention centres between 2003 and 2007. The total number (not including police detentions) of detainees between 2003 and 2007 was 11,409, of whom 2,053 (18 per cent) were women. The average length of detention was 13.4 days in 2003. It increased to almost 18 days in 2005 and then reduced to 16.5 days in 2007.

In November 2005, after long and intensive nationwide protests and campaigns by the Swedish Church, NGOs and political organisations, the Swedish parliament implemented a selective regularisation programme (*tillfälliga lagen*) which was to run until April 2006. This explains the decrease in the number of detainees and the reduced detention period in 2006 and 2007. However, the Swedish Migration Board predicts that the number of detainees will have increased to 3,600 persons in 2008.

A non-citizen can normally be held for a maximum of two months in detention. However, if the Migration Board believes it necessary, detention without trial can be extended with no legal time limit.

**Table 1:** detainees and length of detention between 2003 and 2007

<i>Length of detention (days):</i>		0–2	3–7	8–14	15–30	31–90	90–	Total
<i>Year:</i>	2003	999	844	435	332	308	61	2,979
	2004	715	868	616	518	367	106	3,190
	2005	525	672	453	363	324	64	2,401
	2006	324	379	284	203	137	13	1,340
	2007	336	333	386	235	167	42	1,499
<i>Total:</i>		2,899	3,096	2,174	1,651	1,303	286	11,409

*Source:* Swedish Migration Board

### Lamin's story

For example, Lamin, a 25-year-old man from Guinea, was detained for twenty-five months before his release under supervision in November 2005 under the regularisation programme. He left his country aged 16 in the hope of a better future in Europe. With the help of a human smuggler, he came to Germany and sought asylum. His application was rejected and he fled to Holland, where he was again rejected. For the next nine years, he was thrown back and forth between European states. He sought asylum in Sweden in the spring of 2001. After eighteen months, his application was turned down. He borrowed a friend's passport and tried to get to the US. There, he was arrested and, after serving three months in prison for illegal entry, he was deported to Sweden in November 2003. On arrival he was sent directly to a detention centre. One month later, he was deported to Guinea but, since he had no identification papers, he was returned to Sweden. For more than two years, he was confined in different detention centres and even in police custody. When I interviewed him for the first time, in October 2005, he was tired and anxious:

In prison you know what you are behind bars for and you know for how long. Here, there is no time limit. Not for me at least. I am black. It is about my skin. No one else has been here as long as I have.

Lamin lived in limbo – outside any kind of regulation and protection yet not deported – until May 2007, when he got a chance to apply for asylum again. His legal status today is unchanged from what it was six years ago when he arrived in Sweden.

In some cases, detainees who cannot be deported in the near future are released under supervision. It may be that deportation is unfeasible due to conditions in the country of origin, an inability to obtain a passport,

uncertainty about which is the country of origin or the country of origin refusing to accept deportees. In 2007, there were about 2,100 persons in this situation of being unremovable. They live in a kind of limbo with neither the right to work nor access to the welfare system.<sup>16</sup> The main reason for not holding these persons in detention centres is economic. Holding a person in a detention centre costs €345 a day (of which only €2 are given to the detainee).

Despite the Swedish government's and the Migration Board's emphasis on the humane treatment of detainees and despite all the laws and regulations that guarantee detainees' dignity and human rights, there is broad and systematic violation of their human rights in detention centres and during deportations. For instance, detainees who attempt suicide are transferred to police custody, where they are put in a harsher environment with a restricted visiting policy, or even in solitary confinement. This is a sort of extra punishment which reflects a general attitude among Swedish authorities that attempted suicides are faked, self-destructive actions intended to manipulate the deportation process and increase the likelihood of being granted asylum.<sup>17</sup>

Another instance of human rights violation is the detention of children. According to the Alien Law (*utlänningslagen*), children aged 18 or younger should not be detained for more than six days. Nevertheless, 493 persons aged 17 or younger were detained between 2003 and 2007. Eighteen were children seeking asylum unaccompanied by any parent or carer. Five children were held between one and three months and one child for more than three months (see Table 2). The authorities justify child detention by claiming that they do not want to split families and that children should be with their detained parents. In some detention centres, a strategy used to avoid child detention is to hold the father

**Table 2:** number of detainees by age and length of detention between 2003 and 2007

<i>Length of detention (days)</i>	<i>0–2</i>	<i>3–7</i>	<i>8–14</i>	<i>15–30</i>	<i>31–90</i>	<i>90–</i>	<i>Total</i>
<i>Age (years):</i>							
<i>0–2</i>	304	53	2	6	1	–	366
<i>13–17</i>	95	16	8	3	4	1	127
<i>18–21</i>	330	400	297	225	184	39	1,475
<i>22–40</i>	1,750	2,166	1,564	1,203	953	215	7,851
<i>41–64</i>	403	450	288	207	158	31	1,537
<i>64–</i>	17	11	15	7	3	–	53

Source: Swedish Migration Board

while the rest of the family is placed in a transit section. As a caseworker noted, this resembles a hostage situation.

Märsta detention centre, forty kilometres north of Stockholm and close to Arlanda international airport, is the biggest detention centre in Sweden with capacity for approximately 100 people. From the outside, it appears to be an ordinary building in an industrial area. However, its prison-like interior is characterised by alarms, locks, security routines and restricted movement for the detainees. The building is divided into a transit section on the ground floor and a detention centre on the first floor. The detention area is divided into three, with a special section for families. There are several visiting rooms and a relatively generous visiting policy. Detainees have access to a gym, a television room and a few computers in each section. Physical activities are encouraged by the Migration Board: 'preferably relaxation exercises, such as Qi-gong'.

### **Hospitality and diversity**

Despite the violent nature of incarceration, the detention apparatus adopts a discourse of hospitality which emphasises the safety, dignity and comfort of the detainees.<sup>18</sup> Johan is the head of a division in the Märsta detention centre, around 30 years old and a former policeman. In an interview with him, he proudly recalled a visit by a church group, who had praised the conditions at Märsta detention centre and compared it to a hotel. Similarly, the chief of the migration division at the National Police Board believes that life in detention centres is not uncomfortable:

One detainee did not want to be released. He had a place to sleep and was served good food. He enjoyed the activities at the centre. Finally we had to forcibly evict him.

The dilemma of this hostile hospitality – or 'hostipitality', to use Derrida's term<sup>19</sup> – was often discussed in interviews with the staff. Many were aware of the inherent paradox of their work: that they were taking care of detainees who were at the same time exposed to violent forms of bodily removal. A former employee in a detention centre depicted her job as 'being like working in a hospice. We helped people endure their suffering before death.'

According to Johan, after the Migration Board took over the deportation process, it focused on 'rationalising' and 'humanising' procedures. There were two aspects to the new detention regime. First, staff with non-European backgrounds were recruited, mainly as caseworkers, on the assumption that their ethnic background gives them cultural competence and language skills that facilitate communication with the detainees and thus make deportations faster, less painful and less complicated.

Furthermore, it is thought that a caseworker from the same country and possibly even from the same region can verify whether a detainee is lying about his or her identity. Caseworkers are also used in negotiations with the authorities in the countries to which a person is being deported. Second, staff with a higher level of educational attainment were recruited; the majority of the staff now have university degrees in the social sciences or related subjects. These two aspects of the 'rationalising' were underscored by Johan:

It was inhuman and brutal before. The police used Swedish Swedes [*svensk-svenskar*] who had no training or education for this sort of job. We do it more efficiently and respectfully thanks to the high cultural competence of our staff.

The use of an ethnically diverse workforce in the 'rationalising' and 'humanising' of the detention process came up frequently during interviews with detention centre staff. Almost half of the staff at Mårsta detention centre are immigrants who, between them, speak twenty-seven different languages (although all the decision-makers remain from Nordic backgrounds). Johan argued that this approach has made Sweden more successful than Germany in deporting people, for example, to Arab countries.

### **Co-operation through conversation**

In Sweden, a fundamental part of the deportation process is encouraging and motivating detainees to co-operate. The caseworkers' primary task is to make detainees 'realise that they have to leave Sweden'. In this regard, Johan compared co-operating in one's deportation with paying one's taxes:

You know, it is like paying taxes. You do not want to do it at first. You would rather buy a new television with the money. But soon you realise that there is no way out. You have to pay the taxes.

The authorities use what is referred to as 'social conversation' (*socialt samtal*) to persuade detainees to co-operate. These conversations are intensive and frequent. In 'difficult' cases, they may take place on a daily basis. The caseworker conducts the conversation in the detainee's native language. 'Social conversation' is believed to play such a significant role in the process of deportation that staff regularly attend courses in conversation methodology to improve their competence and proficiency. As part of this technique, the caseworkers are expected to build up a 'human relationship' [*mänsklig relation*] with the detainee. They socialise every day and may play ping-pong or watch films together. The aim of this relationship, in Johan's words, is to 'gain the detainee's trust so that we can know how the detainee thinks and feels'.

David, another division chief at the Mårsta detention centre, said that 'in conversations we ask them what they think is better for them. The deportees should feel good when they leave.' Indeed, he argued that conversations actually 'empower' the detainees to take responsibility for, and have control over, their own lives:

Through conversation, we want to persuade them that going home is for their own good. We give them an opportunity to have power over their lives. They are adults and can make decisions. We let the detainees know that if they do not co-operate with us, the police will be involved and then they will have no chance to control the situation. We offer the detainees a free choice to affect and change their situation.

Of course, there are power mechanisms embedded in this 'social conversation': first, the observation of detainees' emotions and thoughts serves as a means of control; second, by characterising detainees as juveniles who are vulnerable because of their own ignorance and carelessness, the authorities deploy a form of 'pastoral power' that operates through a discourse of 'caring' and 'saving', emphasising concern for their well-being and salvation;<sup>20</sup> third, making detainees believe that they have control over their lives works as a disciplinary technique that moralises individuals into compliance. Paradoxically, while the detainee is treated as an incapable and ignorant child who should be guided through social conversation towards a better future (deportation!), the detainee is at the same time presented as responsible for his or her own confinement. The social conversation aims to give them an illusory sense of power and self-determination. For instance, the Migration Board allows the detainees to watch television whenever they wish, hoping that 'the detainees may feel that they have control over their lives inside the detention centre'.<sup>21</sup>

In these ways, the authorities put the responsibility for long-term detention entirely on the detainees. They argue that, if detainees choose not to co-operate, they should accept the consequences of their choice. Conversely, the detainees are told that they have the power to 'rescue' themselves if they so desire. With families, parents are even blamed for the detention of their children. In some cases, this tactic works and parents say that they have a bad conscience about their children's situation.

When the conversations are successful and the detainee co-operates in his or her own deportation, it is called 'voluntary' (*självmant*) repatriation. Voluntary repatriation is also encouraged with financial aid. In fact, detainees are in a Catch 22 situation: if they co-operate, they are deported and, if not, they are confined.

Detainees, who are often asylum seekers, are also expected to assist in preparing for their deportation back to the countries in which they

fear persecution. Those who have no travel documents are escorted by policemen to the embassy of their homeland in order to apply for a travel document. If they will not do this voluntarily, they are humiliated by being taken to the embassy forcibly, often in handcuffs and escorted by policemen in uniform. The authorities blame the deportees for any violence involved in this process and claim that it is a consequence of their disobedience.<sup>22</sup> In late October 2006, six uniformed policemen forced one young man to go to the Eritrean embassy wearing nothing but his underwear.<sup>23</sup> The Vietnamese embassy does not issue passports for nationals who seek asylum abroad, and so a Vietnamese asylum seeker was forced by the Swedish police to lie, pretending to be a tourist who had lost his passport. He attests that: ‘When I refused to lie, they confined me for eight months.’<sup>24</sup>

### Momo’s story

Excerpted from a detainee’s diary:

Momo was from Liberia but the Migration Board did not believe him and planned to deport him to Nigeria. At the first attempt to deport him, Momo resisted and it resulted in a serious fight. Momo was badly injured and his finger tip was cut off. He lost a lot of personal belongings as well. He was confined in police custody for several months before he was placed in the Märsta detention centre. The second time was even worse. Several policemen came to take Momo and send him to Nigeria around midnight. He resisted again. The police used pepper spray. Momo, shocked and paralysed, was removed through the back door. They tried to cover the windows so that we could not watch them when they executed their inhuman act and violation of human rights. What happened to Momo, nobody knows.<sup>25</sup>

Unco-operative deportees face various sanctions, including long-term confinement. While the authorities emphasise that detention is non-punitive, there can be no doubt that incarceration with no release date is indeed punitive: ‘the punishment is inherent in this system and cannot be dismissed as an unintended side-effect’.<sup>26</sup> The deportees themselves experience it as punishment. An Iranian woman in Märsta detention centre said:

We are called illegal and *ekhrajee* [to be expelled]. They bring us to court as if we have committed a crime. Then they put us here. If it is not punishment, what is it?

Mohammad, who was in the detention centre for more than four months in 2005, said: ‘One of the personnel told me that, if I do not co-operate, they will keep me here until I die.’

### **Babak's story**

Babak had been confined in the detention centre for more than ten months when I met him on 29 September 2005. He was a young Iranian who had lived clandestinely for twenty months in Sweden before he was arrested at an internal border control operation in November 2004. After five months in detention, an attempt was made to deport him to Iran. He had left Iran illegally and did not have a passport or any other identification papers; he was therefore asked to go to the Iranian embassy and obtain a passport or a travel document – but he refused. Nevertheless, he was flown to Iran via Amsterdam, escorted by three policemen.

They treated me like a criminal. In the airport in Amsterdam, everyone around us looked at me. When I went to the washroom, they stood outside and did not let me close the door. After one minute or so, they took me out. When I protested, they said that I was going to commit suicide. In the airplane, the pilot talked to the policemen. They spoke in English so I understood a little. The policemen told him that I was returning voluntarily. I tried to protest but one of them pushed me down and told me in Swedish to be quiet. Everybody in the airplane looked at me as if I were a dangerous murderer. Upon our arrival in Tehran, the authorities did not allow me in because I had no valid travel document. So I was sent back to Stockholm again and, ever since then, I have been in the detention centre. They blame me for not being cooperative enough. They try to break me. The food is awful and it is dirty here. I have lost 14kg since I came here. I am treated as a criminal. Two guards escorted me here to see you. After the visit, they will search my body. It is humiliating. Their job is to make us decide to return in one way or another. What more should I do? Iran also deported me. The personnel tease us. Some even threaten us. Just like the Iranian police.

The detainees believe that long-term confinement is used as a deterrent to others. They also believe that the Migration Board attempts to tire them out. This perception was confirmed in an interview with a senior officer at the Migration Board, who was responsible for the 'returning division'. She spoke of 'the patience method' (*uthålligsmetoden*): 'We wait and do nothing until they [the deportees] are prepared to collaborate.'<sup>27</sup> Long-term detention is generally used to tire the detainees out and force them 'to drop any legal claims they might have and to leave'.<sup>28</sup>

### **Removal of anti-citizens**

Although the criminalisation of immigrants and asylum seekers in Sweden can be traced back to the early twentieth century,<sup>29</sup> it has been radicalised in the last two decades. Since the early 1990s, the magnitude of the 'ebbs'

and 'flows' of asylum seekers has been exaggerated, resulting in a series of moral panics over: the 'invasion of refugees from the former Soviet Union' after the collapse of the Soviet bloc in 1991; 'social tourism', as Swedish Prime Minister Göran Persson put it on 1 May 2004, discussing the abuse of social welfare by Polish immigrants; 'beggar tourists' from Romania and Bulgaria;<sup>30</sup> and over the fear of 'millions of Iraqi asylum seekers on the way here'.<sup>31</sup>

Not surprisingly, 'illegal' migrants and asylum seekers have become the 'folk devils' of the contemporary world.<sup>32</sup> A public consensus has emerged that the majority of today's asylum seekers are 'bogus' refugees coming to Sweden only to scrounge benefits. Occasionally, asylum seekers are also associated with criminals and criminality.<sup>33</sup> Furthermore, asylum seekers without official documentation are seen as anonymous and 'illegal' migrants are regarded as 'risks'.<sup>34</sup> Thus the image of refugees 'at risk' deserving protection has been transformed into 'risky' refugees deserving confinement.<sup>35</sup> According to the theory of the 'risk society', modern society is organised in response to real and imagined risks.<sup>36</sup> The categories of 'risky' refugee and 'risky' non-citizen are constructed in order to manage the insecurities caused by migration.

The criminalisation of undesirable non-citizens is pre-eminently a way to constitute citizenship.<sup>37</sup> Unidentified and therefore unmanageable masses of foreigners are contrasted with the ideal citizen. Technologies of citizenship aim to construct responsible, self-regulating, prudent, rational and ethical subjects. 'Failed' citizens, or rather 'anti-citizens', are those who are 'unable or unwilling to enterprise their lives or manage their own risk, incapable of exercising responsible self-government, attached either to no moral community or to a community of anti-morality'.<sup>38</sup> An anti-citizen is an individual who is outside the ordinary regulatory system, who violates the established norms and who may constitute a risk to the safety and quality of life of 'normal' citizens. An anti-citizen is portrayed as a criminal, lacking identity, irrational, irresponsible and immoral,<sup>39</sup> a strain on the welfare system in an era of 'flexible citizenship',<sup>40</sup> constituting a risk to the well-being, virtue, values and norms of society.<sup>41</sup> In my interviews with the authorities, terms like 'immoral', 'irresponsible' and 'devious' were frequently used in relation to asylum seekers.

In this context, the notion of anti-citizenship has not only a racial but a gender dimension. Thus Muslim men are stereotyped as more likely to violate Swedish norms and values than Muslim women.<sup>42</sup> The perception of Muslim men as having a 'primitive masculinity' was vividly demonstrated by a newspaper clipping attached to a map of Sweden in the room of the chief of the immigration division at the National Police Board. The clipping read: 'His view of women has no place in Sweden.' When I asked the police chief about it, he explained that 'a lot of those [male asylum seekers] coming here do not share our values'. Indeed, Muslim men

are also seen as endangering passive Muslim women, who are perceived as victims needing to be saved. Accordingly, male asylum seekers are subjected to removal more often than women: while 36 per cent of all asylum seekers in Sweden between 2003 and 2007 were female, only 18 per cent of all detainees were women during the same period. Similarly, the removal system targets Afghan men seeking asylum unaccompanied by any family on the grounds that their values make them better suited to Afghan rather than Swedish society: in May 2007, the Migration Board declared in a guiding decision that 'Afghan unaccompanied men will be forcibly deported in view of the fact that they have proper preconditions for being re-integrated [to Afghanistan]'.<sup>43</sup> There are similar attempts to justify the removal of 'unaccompanied male asylum seekers' from Somalia and Iraq. Moreover, the stereotype that Muslim men seeking asylum are criminals and rapists has been appropriated by racist and anti-immigrant public campaigns.<sup>44</sup>

Finally, the number of asylum seekers who are categorised as a threat to national security has tripled since 2003, in the shadow of the 'war on terror'. While the Swedish Security Service (*Säpo*) recommended the Migration Board reject 0.6 percent of the cases submitted in 2003, the rate increased to 1.8 percent in 2006.<sup>45</sup>

### **The stories of Ahmad A. and Mohammad Z.**

On 18 December 2001, three months after the attack on the towers of the World Trade Center in New York, two Egyptian asylum seekers, Ahmad A. and Mohammad Z., were arrested and accused of being involved in terrorist activities. Later that day, the Swedish police handed them over to US security forces at Bromma airport in Stockholm. An investigation by the Swedish parliament attests to their inhuman and brutal treatment, which is unprecedented in the modern history of Sweden:

A. and Z. were subjected to a body search, their clothes were cut to pieces and placed in bags, their hair was thoroughly examined, as were their oral cavities and ears. In addition, they were handcuffed and their ankles fettered; each was then dressed in an overall and photographed. Z. said that the security team had forced him to lean forwards in the changing room and he had then felt some object [a tranquilliser] being inserted into his anal cavity. Afterwards he was equipped with a diaper. Finally, loose hoods without holes for their eyes were placed over their heads. A. and Z. were then taken out of the police station in bare feet and led to the aircraft.<sup>46</sup>

A. and Z. were transferred to Cairo where they were immediately imprisoned and subjected to torture.

This was not the only occasion that Sweden violated the principle of *non-refoulement* of the Refugee Convention (article 31). Sweden has been criticised at least twelve times by the Committee Against Torture of the Office of the United Nations High Commissioner for Human Rights for returning people to countries where they risk torture.<sup>47</sup> Moreover, in order to facilitate their deportation, the confidentiality of deportees has been violated by the police and the Migration Board: for example, there are cases in which the policemen escorting a deportee have handed his or her asylum file to the authorities upon arrival.

The Migration Board has also placed asylum attachés in ten refugee-sending countries; their primary task is to verify the identities of deportees who lack official documents.<sup>48</sup>

Besides negotiating with the local authorities, our attachés also do fieldwork to check the person's identity in the local area. In Kosovo for example, our attaché is a woman who jumps into her jeep and drives to the village the asylum seeker says he is from. She goes to the address the asylum seeker has given us here and checks if his information is correct.<sup>49</sup>

These deportation procedures often pose high risks for deportees. They may be in even more danger after the deportation than before, particularly in countries such as Vietnam, where seeking asylum is itself a punishable offence. The collaboration between the Swedish police, the Migration Board and the authorities who persecute asylum seekers in their countries of origin is evidence of the culture of disbelief and of the criminalisation of migration: since the asylum seekers' fear of persecution is rejected as false, it is assumed that they will be in no danger if the authorities in countries of origin know about them.

### **Purity and deportation**

Unidentified asylum seekers and undocumented migrants represent a 'disquieting element' in the nation-state system because they 'throw into crisis the original fiction of sovereignty', by 'breaking up the identity between man and citizen, between nativity and nationality'.<sup>50</sup> It is not surprising that they are seen as political and symbolic dangers to national sovereignty or purity. In her *Purity and Danger*, Mary Douglas explored how distinguishing between purity and impurity is a mechanism for preserving the social structure and for determining what is morally acceptable and what is not.<sup>51</sup> Detainees and deportees are polluted and polluting because of their very unclassifiability.<sup>52</sup> As 'transitional beings [they] are particularly polluting, since they are neither one thing nor another; or maybe both; or neither here nor there ... and are at the very least "betwixt and between" all the recognized fixed points in the spacetime of cultural classification.'<sup>53</sup>

Babak once said:

Here [in the detention centre] we are treated like sick animals. They [the staff] use gloves when they touch us and our belongings.<sup>54</sup>

Deportation is, after all, an act of corporal removal. By taking away the bodily pollution of an anti-citizen, the purity of society is preserved. Thus, removal of each anti-citizen can be seen as a worship of nationhood or a celebration of citizenship.

This insight may explain the several documented cases of Migration Board staff celebrating the deportation of asylum seekers. On 10 November 2004, the staff at the Solna office celebrated the deportation of a family to Russia. A.R., a decision-maker, sent out an invitation:

On Friday, we will celebrate together ... We will redeem X's promise of champagne after a certain family left Sweden. Today I have received confirmation that the deportation went off well, albeit with foot shackles and handcuffs ... So join us in our kitchen for a toast.<sup>55</sup>

In March 2004, a manager at the Migration Board office in Kristianstad invited employees to a celebration of the deportation of a single mother and her three children. He sent the following email:

Yesterday our troublesome woman in Östra Göinge was deported. We will celebrate with cake and wish her and her kids all the best in their homeland!<sup>56</sup>

### **Following deportees home**

However, deportation rarely means returning *home*. For children, it might best be described as being sent into exile. Deportees can be regarded as 'polluted and polluting' even in their country of origin. Investigating the cases of people deported to Iran between 2005 and 2006, I found that time after time they were objects of suspicion in their 'homeland'.<sup>57</sup> A young Iranian woman has this to say about the deportation of a man from Sweden to Iran:

There was certainly something wrong with him. Why would they [Swedes] throw him out like this with police escorts? He had probably done something bad there.

A young man commented on the deportation of a middle-aged man in his neighbourhood by referring to the man's 'useless body' in terms of his age and his low social status:

Sweden does not need an old man. Why let an old man stay? Was he nice-looking? Or rich? Was he a scientist?

As indicated above, in some instances, the reason for the deportation was believed to be criminality. Serious diseases such as HIV were also mentioned as motives for expulsion. While deportees are 'failed citizens'

in their host countries, they are 'failed migrants' in their countries of origin. My informants were stigmatised by deportation and felt shamed by the failure of their migratory project. For many Iranians, being imprisoned is in itself shameful, regardless of the reason for it. Because of Bahram's shame about being confined, he did not tell his parents in Iran that he was detained. Instead he pretended that he was awaiting a decision from the Migration Board. Babak experienced this shame explicitly upon his arrival in Iran. In Tehran airport, an Iranian police officer blamed him for dishonouring the country by 'bringing foreign policemen' (his three Swedish escorts) to Iran, and threatened him with death. Rejected by the Iranian authorities and deported back and forth between countries, he felt himself redundant and unwanted. Other deportees' testimonies also mention humiliation and harassment upon their arrival at Tehran airport.

### **The available but unreachable law**

The detention apparatus in Sweden does not operate in the form of simple acts of violence but as a complex and ambiguous set of regulations. Built on a 'hostile hospitality', it is partly caring, partly punitive; partly endangering (deportation), partly saving (protecting deportees from police brutality); partly forced, partly empowering; partly a site of hospitality, partly a site of hostility. It sees the detainee as a child in need of guidance and at the same time as an adult responsible for his or her deeds and choices. Nevertheless, the removal system is based on a distinction between who is desirable and deserving and who is not, between those whose lives are useful (legitimate) and those whose lives are wasted (illegitimate).<sup>58</sup>

The detention of non-citizens – 'immigration imprisonment' as Jonathan Simon calls it – forms part of the general prison system but differs from it in significant ways.<sup>59</sup> The modern prison is assigned the task of administering someone's life in order to foster 'docile and useful bodies'. It is based on a 'caring' and 'saving' policy that disciplines the inmates so that they may become beneficial and productive citizens in a market economy. The immigration detention centre, by contrast, is a pre-modern prison – nothing more than a site for punishment and the permanent removal of 'wasted' bodies. The removal system regulates national 'purity' through confining and deporting undesirable non-citizens who are seen as 'economically marginal and politically dangerous'.<sup>60</sup> While prison is associated with 'disciplining' and 'normalisation',<sup>61</sup> detention is associated with exposing undesirable non-citizens and risky anti-citizens to abandonment, or even death.<sup>62</sup>

The authorities claim that a detention centre is not a prison and does not aim to punish; if it were, then 'the detainees would have certain due process rights'.<sup>63</sup> While a criminal knows why he or she is imprisoned

and knows for how long, a detainee can be held for no reason and for no time limit. Yet this does not mean that, as Babak once said, ‘there is no law’ for detainees. As an asylum seeker and as a detainee, Babak’s destiny is determined by the law, which has, nevertheless, excluded him. There is law but it is not accessible. The similarity between the situation of detainees and the man from the countryside in Kafka’s *Before the Law* is undeniable.<sup>64</sup> The question – both in Kafka’s tale and in the case of deportees – is the ‘abstractedness’ of the law, that is, its availability in terms of international conventions and declarations, and at the same time its inaccessibility for those who need it.<sup>65</sup>

As in the case of the man from the countryside in *Before the Law*, the law not only excludes deportees but, at the same time, it defines and regulates their lives such that their experience is wholly determined by the operation of the law.<sup>66</sup> Caught in a global circuit of deportation, sometimes deported even from their country of origin, they embody both the fear of persecution produced by the political circumstances of their country of origin and the criminalisation produced by Sweden’s border politics.

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