**May 2018**

**How do we talk about people with previous convictions who are in immigration detention?**

Back in May 2018, the Coordination Group of the Detention Forum discussed briefly about how we should talk about people with previous convictions. The media’s interest in immigration detention was growing, prompted partly by [Diane Abbott’s speech](http://www.bbc.co.uk/news/uk-politics-44137353) on 16 May 2018. And we felt the need to pay heed to the consequent importance of not falling into the trap of endorsing, albeit unwittingly, the false and dangerous dichotomy of the deserving vs undeserving migrant narrative.

Here’s what we discussed and then shared with the Detention Forum members.

1) Many debates on migration, including those that make reference to immigration detention, are built on the deserving vs undeserving migrants paradigm. As we take part in these debates, we can sometimes find ourselves perpetuating this toxic divide that mirrors the dichotomy of “legal” vs “illegal” migrants, where the line that defines “irregularity” is constantly redrawn.

2) The use of this binary narrative framework has been particularly notable in the context of immigration detention. The people in immigration detention often have mixed and complex immigration histories that defy easy categorisation. And many people who are detained are people with previous, spent, convictions. This is often used or implied as the reason why they should be in detention and have their liberty take away indefinitely *outside* the criminal justice system. This is, in turn, also feeding into the framing of innocent migrants vs guilty/violent migrants thrown together into detention, as was the case in the BBC Panorama documentary. The indiscriminate use of the terminology FNO (Foreign National Offenders) to imply both those who are in immigration detention who have completed their prison sentences and those who are in prisons and are serving their sentences is a case in point. The fact is that there is no FNO in immigration detention – people in immigration detention centres and some in prisons who are detained as immigration “detainees” are Foreign National *ex*-Offenders, who have finished their prison sentences and paid whatever debts they had to society.

3) This does not mean that, on the ground, there are no challenges when detention centres hold people with different life histories in an extremely stressful and claustrophobic environment in close proximity to each other. As advocates, we need to make it clear, however, that everyone is a holder of human rights and we are opposed to immigration detention as a whole as which involves the deprivation of liberty for an administrative purpose.

4) Some of the messaging and framing that seem to fuel this deserving / undeserving immigration "detainees" binary include the following. We are certain that plenty of others exist too. In our view, it would be tremendously helpful if those of us who are campaigning to end detention and/or end indefinite detention refrain from unhelpful messaging and framing, as this entrenches the view that some people deserve to be detained with no time limit.

· *‘People are detained when they have committed no crime.’*(This is technically true in the context of immigration detention.  People with previous convictions who are in immigration detention are not detained because of the crime they committed. But it is also true that some people in detention have committed crimes in the past which triggered deportation processes, completed their sentences and then found themselves in immigration detention afterwards.)

· *‘Asylum seekers are innocent.’*(Implication could be that others are guilty. Some who have served their sentences were asylum seekers at one point, have ongoing asylum claims or have had refugee status which was revoked.)

· *‘Immigration detainees are not criminals.’*(Some people in immigration detention have spent criminal convictions. In the eyes of the general public who are unfamiliar with immigration detention or criminal justice system, once they find out that the detained population includes some with previous convictions, this statement can come across as false.)

5) Because all of this can potentially derail our time limit ask (please recall that we are calling for a time limit for all - we are not calling for a time limit for special categories of people who are deserving or vulnerable) and other asks, we need to consider how we can overcome these issues. We will continue to grapple with this issue, but in the meantime, in we thought we should flag this up as the debate around deserving and undeserving migrants seems to be getting heated up at the moment.

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**What do we think about these terminologies? Which one would you use and why?**

Foreign criminal / Foreign offender

* Undoubtedly pejorative
* Favoured by right wing press
* Makes reference to and assumes their guilt

Foreign National Offender

* Used by the Home Office
* The same terminology is often used to describe Foreign National ex-Offenders
* Sounds more technical and less emotive
* Defines a person by their offence

Ex-offender / Foreign Nation ex-Offender (ex-FNO)

* Emphasises that they have served their sentence

People with previous convictions or people who have been through the criminal justice system

* Doesn’t reference their guilt/innocence
* Doesn’t define somebody according to their offence

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The Detention Forum