Title: Delimiting Criminology at the Border: Zemiology and Harm in Asylum

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Chapter Abstract:
Considering the global proliferation of the criminalisation of immigrants, it is unsurprising that criminological contributions to the study of borders have been expanding at a prolific rate. Academics and researchers from around the globe have levelled severe criticism of practices such as deportation, detention and arbitrary imprisonment. Indeed, this has been an interesting development to observe in a discipline which is often highly administrative.

Significant though this is, the reality of more banal and grinding aspects of seeking asylum which are not necessarily linked to criminalisation - enforced welfare dependency, inadequate housing, violent relationships – often go unseen or under-focussed. Drawing from empirical research in Britain and reflecting on activist participation with women seeking asylum, this chapter argues for a zemiology at the border to centralise the concerns of people seeking sanctuary, and to document the everyday harms of asylum so that they might be mitigated or ultimately eradicated.

Introduction

The study of migration has long encompassed the input of variable disciplines and subject areas: refugee studies, sociology, law, psychology, human geography. The list goes on. However, as the global experience of mobility continues to transform – where more people from the global North become ever more able to transgress borders at a time when more people than ever from the global South are increasingly legally restricted – so too does the list of disciplines interested in the study of borders. This has particularly been the case within criminology, a trans-disciplinary subject area which has often otherwise failed to address the significance of borders and in particular their impact on people entangled in them, figuratively and literally. As such, the fairly recent upsurge in studies around border policing, crimmigration, deportation, and the incarceration of foreign prisoners, has made for an interesting addition to criminology. Indeed, the ever expanding landscape of criminology at the border (Aas and Bosworth 2013; Melossi 2003; Pickering and Ham 2015; Weber and Pickering 2011) is iterative of the current climate in global mobility, exposing the paradox of the increasing militarisation of controls at a time when more people than ever require sanctuary.

This chapter reflects on the prominence of border studies in contemporary criminology and asks whether the discipline itself can offer enough to our understanding of state and state/corporate responses to refugees. As Hillyard and Tombs have argued (2004; 2008), criminology is historically administrative, focussing predominantly on elitist interpretations and implementations of so-called[1] criminal justice practices. The harms or violences in everyday processes or experiences can become obfuscated by legal analyses, state-centric perspectives, and in adhering to normative definitions of crime and crime control. As such, the question arises as to whether criminology itself is the best home for the study of borders. Since the language of criminology remains bound to the concept of crime, it arguably cannot be shifted away from state-centric discourses and definitions. Terms I use myself: 'the criminalisation of migrants'; 'crimmigration' (Stumpf, 2006); 'criminal justice responses', all embed the inherent web of criminality which has become ever more affiliated with the transgression of borders. Life seeking asylum, and life with precarious immigration status more broadly, is multilateral in experience, and much more complex than the boundaries of criminal law or so-called criminal justice.

The central focus of this chapter is thus to consider the contentions between zemiological and criminological analyses of border controls, and specifically the structurally violent implementation of punitive legal and social policies and their micro-level consequences. In using a social harm perspective we are arguably able to move beyond the confines of criminality and 'criminal justice'. Drawing from empirical research and reflecting on activist participation with women seeking asylum, this chapter argues for the addition of a zemiology at the border to centralise the concerns of migrants themselves, and to document the harms of asylum so that they might be mitigated or ultimately eradicated.

A Landscape of Control

By all accounts, the process of seeking asylum (and the social institutions affiliated with asylum) is deeply entrenched in criminalisation. As Ana Aliverti has shown, while 70 immigration

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[1] The term 'so-called' is used in conjunction with 'criminal justice' throughout this chapter. This is to emphasise my disapproval of combining the concept of justice with criminal. Much of the 'criminal justice system' embeds practices which allow for the infliction of pain on some of the poorest and most powerless members of society, and in my experience continues to fail on affecting systematic changes which may mitigate harm infliction on victims (particularly women), or by states or corporations. It could be argued that the term 'subjugation system' may be more appropriate (a conclusion drawn from conversations with Paddy Hillyard in 2016).

offences were passed in the UK from 1905 to 1996, 84 new immigration offences were created from 1997 to 2010 (quoted in Zedner 2013, 410). Although not all of these relate solely to asylum, opportunities to enter Britain or indeed the UK have reduced for non-European Union citizens and, as the reality of a Brexit Britain looms, it is becoming clearer that restrictions will likely extend to EU nationals.

As in other parts of Europe, Australasia and North America, law and social policy in the UK have become increasingly punitive toward immigrants (Fekete 2008; Webber 2012). This has been particularly noticeable since the 1980s, with escalations from the late 1990s onward. For example, the 1987 Immigration (Carriers Liability) Act introduced civil penalties to airlines carrying passengers without a visa; the Immigration and Asylum Act 1996 made it a criminal offence to employ a person without a legal permit to work; and the Immigration and Asylum Act 1999 introduced 35 new offences. Thus whilst those who seek the right to sanctuary are placed in the precarious position of being a border transgressor, those who work and live *within* civil society are simultaneously placed in the precarious position of law transgression. At the same time, civil life has long been increasingly restrictive for people seeking asylum who are now subject to geographical dispersal without being able to choose where to live, and where those awaiting the outcome of asylum appeals are forced to depend on a restrictive 'Azure' card[2] instead of cash. By the mid-2000s the increase in outsourced border checks had effectively shifted responsibility to some third party countries, so those without valid visas to travel to the UK where not liable to do so[3].

More recently, the Immigration Act 2014 turned its attention to absorbing more aspects of everyday life into the criminal justice system by introducing provisions requiring landlords to check the immigration status of tenants, while simultaneously reducing the possibilities for asylum seekers to appeal asylum decisions from 17 reasons to four. By 2016, the latest Immigration Act facilitates criminal sanctions for employers of illegal immigrants, and has introduced a five year possible prison term for landlords who rent to an illegal immigrant. Moreover, the act brought in a 'deport first, appeal later' approach, allowing for the deportation of any immigrant who was awaiting the outcome of an appeal, instead requiring them to appeal from their country of origin. As we move further into the 21st century, the creeping claws of border controls have shifted beyond the physical border to the everyday. Private citizens who rent property to illegalised migrants can be fined or imprisoned; lorry drivers and cargo carriers are likewise held accountable if illegalised migrants are found in or on their vehicle, i.e. they fail to act as border guards; academic staff are required to monitor the attendance of students who rely on student visas to study in the UK. Stanley Cohen's vision of the dispersal of social control across all sectors of society has arguably been met in the truest sense (1985).

The implosion of immigration related offences certainly provides justification to Liz Fekete's claims in 2007 that, 'refugees are being criminalised twice over: first, as illegal immigrants and secondly, as an army of preying destitutes, scrounging off the welfare state' (Fekete 2008, 105). Sanctions against those seeking asylum can be criminal *but are always implicitly social*, entrenched in criminalisation as well as discourses of Othering. By facilitating the entanglement of criminal with migrant, crime control industries justify expansion (Christie, 1993) and absorption (Mathiesen, 2004, 32-33). In reiterating a predominantly criminological discourse, broader aspects of social control, and the harms embedded therein, can be side-lined.

Sitting in Limbo

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[2] The Azure card is operated by the French catering corporation Sodexo, and is used in some supermarkets but cannot be exchanged for cash or used to buy cigarettes, alcohol or fuel. A single person in 2016 receives £35.39 per week to cover all toiletries, food, clothes, travel, and use of phones.

[3] Needless to say, this has specific implications for people seeking asylum who may be avoiding authorities or who are mobilising with falsified or no documents during conflict or unrest.

As we can see then, the absorption of control agendas into criminal law and social policy means that aspects of seeking asylum which had previously been relatively unregulated or indeed even legal, such as paid work or gaining access to private housing whilst seeking asylum, have all but diminished. Moreover, the conflation of criminalisation with immigration, or *crimmigration* (Stumpf 2006), and its extension to social policies facilitate a Cohen-esque vision of net-widening into the criminal justice system (Cohen 1985). Some of the fruits of this have resulted in the increased detention and imprisonment of irregular and illegalised immigrants. In the UK, just over 14% of the prison population are foreign nationals, 95% of whom are male and 42% of whom are from the EU (House of Commons 2016). Although significant, this remains less than some other European countries: according to Aas and Bosworth (2013, vii), 'rapidly growing foreign populations represent on average 20 per cent of prison inmates, reaching extraordinary highs in countries such as Switzerland (71.4 per cent), Luxembourg (68.8 per cent), Cyprus (58.9 per cent), Greece (57.1 per cent) and Belgium (44.2 per cent)'. Importantly, many of those are imprisoned based on immigration policy or legislation violations rather than for violent crimes or other offences.

Seeing that Britain has the largest prison population in Western Europe (n: 95, 248 as of March 2016, Travis 2016), the fact that it lags behind on the incarceration of foreign nationals is surprising. The first point to make here relates to the fact that fewer people seeking asylum have been able to actually make it to the UK since the implementation of carrier sanctions outlined above. Therefore fewer people are able to be criminalised under the umbrella of immigration legislation. In 2002, the UK saw over 84,000 applications for asylum, its greatest number thus far. By 2014 this had slowed to 32,344 and by 2015, a year that saw unparalleled migration into Europe since the Second World War 38,878 applications were made: a rise of only 20% (Blinder and McNeil 2016). Rather than recognising this as a serious gap in response, and one which enables further deaths at borders whilst people try to flee persecution[4], 'reductions in asylum applications are seen as signs of governments' success, asylum seekers thus becoming populations one needs to be protected *from*, rather than people who need our protection' (Aas 2007, 80). The outcome of this agenda has arguably met the intention, since applications for asylum have decreased significantly, even as the need for sanctuary relating to the Refugee Convention has increased in light of the so-called[5] 'Refugee Crisis'.

The second point is that Britain's foreign national population held in prisons does not account for the over 30,000 migrants who pass through Britain's Immigration Removal Centres (IRCs) each year. Indeed, the capacity for holding migrants in IRCs at any given time surged from 250 in 1993 to 3,275 in 2014 (Girma et al 2014). These spaces, which form the heart of many criminological studies, are perhaps where most fractures lie where the focus on crime is concerned, for it is such spaces that emphasis can lie on control rather than criminalisation. As Bosworth has pointed out, IRCs *are not prisons* (2014). They are built *like* prisons, some *in* and *on* former prison sites. They mirror the physical restrictions set in the temporal and physical boundaries embedded in locked cell doors and prison gates. However, whilst some people

[4] In 2011, Weber and Pickering had already drawn correlations between increases in border controls with increases in border-related deaths, deeming this structural violence since it is avoidable but no actions are taken to adequately prevent so many needless deaths (Weber and Pickering 2016). By the end of August 2016, the recorded number of refugee deaths in the Mediterranean alone had reached 3, 164 (International Organisation for Migration 2016).
[5] I say 'so-called Refugee Crisis' here because I contest the use of the term 'crisis' in this context. A crisis is unforeseeable or unpredictable. The events unfolding at Europe's borders have been wholly predictable: conflict, country occupation and economic dismantlement of any given region creates influxes in migration, and Greece and Turkey had already been experiencing significant increases in refugee populations since the 1990s. We also know that when legal routes are closed, refugees will find more dangerous routes through which to move, leading to increased deaths at borders (Weber and Pickering 2011). As such, the Refugee Crisis is arguably more aligned to militarised neoliberal border mismanagement than an unforeseeable crisis (See Canning 2018).

awaiting deportation may have been convicted of criminal offences beyond immigration legislation, those forced to reside in them are not all products of criminalisation *per se*, but also complex identities affected by civil law and border bureaucracy. Thus whilst criminal law indeed reflects and encompasses more aspects of immigration than ever (Stumpf 2006), the spectre of the IRC is not confined to criminalisation. It sprawls across civil society and the consciousness of those threatened by arbitrary detention within them, thus becoming part of the everyday for some rather than the criminal Other.

The Value and Limitations of Criminology at the Border
Considering these points, it is perhaps unsurprising that related literature is increasingly placed within or on the periphery of criminology, even if the discipline itself had initially been slow on the uptake (Aas and Bosworth 2013). A fairly recent proliferation of studies has encouraged the growth of 'border criminologies' (at the University of Oxford) as well as further establishing 'the criminology of mobility' (Pickering et al 2015, 382-395). Contributions have opened doors to discussion and critique on state implemented controls such as the policing of mobility, deaths at global borders, border militarisation, immigration detention, and the practice of deportation (Bhatia 2015; Bosworth and Turnbull 2015; Bowling and Sheptycki 2015; Fekete 2005; Melossi 2003; Weber 2015; Wilson 2015). Although significant proportions of research are concerned with legislation and statistical analysis, there has been a refreshing amount of criticism levelled at such practices, specifically arbitrary and unlimited detention and the increasing use of law as a weapon of control.

With all this said, there are a number of explicit problems in the over-dependence of criminology in the study of borders and the impacts thereof. Firstly, the upsurge in a criminological gaze toward borders can include descriptive or uncritical discussions of bordering. In particular, as the number of people entering or trying to enter Europe has surged so too, it seems, has the number of academics suddenly interested in studying borders. The easy conflation between prison and immigration detention, discussed above, arguably draws attention from those working within fields related to criminal justice and yet, as Mary Bosworth has argued, although similarities exist, they are categorically different (Bosworth 2014). Likewise, the criminalisation of asylum and other aspects of immigration opens doors to researchers who have limited experience or perhaps even interest in the rights of refugees.

Secondly, and a pressing issue here is precisely reflective of Hillyard and Tombs (2004) and Hillyard's (2013) main concern: that for as long as studies are based in criminology, particularly administrative criminology, the objectives of the state and the use of state-centric language can never be eroded or moved away from. Indeed, in such a setting it may be that criminology 'can never escape the dictatorial definitions of crime and criminality set by the State' (Hillyard 2013, 227). This is evident in the reproduction of a focus on 'crime' in studying borders from a criminological lens. Even if and when border 'crimes' are recognisably socially constructed, in that they are the product of the expansion of legal restrictions aimed at border transgressors, the focus cannot avoid people making the connection between 'migrant' and 'crime' – despite there being no ontological connection between these concepts.

This leads neatly to the third point. As argued by Bhatia and Canning (2016), criminological interests in border-related issues can reiterate problematic discourses which may seek to criticise state actions, but can instead play to reformist agendas. Taking the use of IRCs as an example, sporadic investigations and reviews often advocate surface level changes or recommendations for improvement at centre or managerial level. Indeed, reviews such as those

> **Comment [JK1]:** Do you mean administrative criminology here?
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> No – Hillyard is concerned with all forms of criminology, because they are inherently connected to the study of crime and crime is inherently elitist. That said, I appreciate this is a contentious point so I've made a minor edit here

undertaken in IRCs and published in 2016,[6] offered timely recommendations including influencing a change in legislation that limits the immigration of pregnant women to 72 hours (Immigration Act 2016). Widely praised amongst refugee advocacy groups, these were no doubt helpful recommendations for those working at the coalface of detention, or indeed those living through it. However, what this now risks is entering a phase of reform agendas and 'bad apple' politics (see Sim 2009) which will serve only to justify the existence of the immigration detention estate in the same way that it has the prison industrial complex. These wholly deflect from the key issue at hand: that confinement is harmful and inflicts pain on those held in detention. The likelihood is that working within or alongside state agendas will not lower the use of detention, but instead facilitate its increase through managerialism, absorption (Mathiesen 2004) and low level 'improvements' such as accessing education or healthcare. This is damage limitation, but none of these things have the capacity to replace freedom of person.

Lastly, and perhaps most pertaining to wider concerns around the diminishing of civil liberties has been administrative criminology's adherence to discourses around 'national security' in pursuit of restricting borders. Counter-insurgency 'experts', counter-terrorism 'experts' and border police 'experts' regularly have their voices heard on how best to 'tackle' extremism. In our current political climate, this specifically means violent forms of Islamic fundamentalism, and increased border policing is regularly pointed to as part of the solution (Pantazis and Pemberton 2009). What they seldom do is look to the harms that are inflicted by state and its corporate allies to control immigrants, or consider how these impact on individuals at a micro level, including those seeking asylum (Canning 2017).

Inflicting and Enabling Harm: The Significance of Zemiology in the Study of Borders
What we can see then is a disciplinary discourse which potentially reflects and reproduces a similar trajectory to other historical aspects of criminal justice, albeit sometimes from much more critical perspectives in the mainstream. Many criminological advances have allowed for the documentation of problems in immigration controls, and work created has formed a solid critical base from which other disciplines can draw or indeed contribute to. However, two aspects remain. The first is that, as argued earlier, criminological constructions of borders cannot move away from the inherently state-centric language of 'criminal justice', and thus crime and migration become interlocked. The second is that from a feminist perspective, criminology overall continues by and large to overlook the gendered experiences of borders, and indeed intersectional interpretations of the impacts thereof. Whilst this field is developing in that sense (see Canning 2011, 2014a, 2014b, 2017; Gerard and Pickering 2014; Milivojevic 2015; Pickering et al 2014) it remains peripheral overall: perhaps a reflection of the circular trajectories criminology seems to work within, despite sustained critiques over a half century period.

Likewise, the issue of 'the everyday', one which is developed in social sciences (Gabb 2009; Neal and Murji 2016; Scheper-Hughes 1992) and well established in feminist discourses (Herman 1992; Kelly 1988; Smith 1987; Yuval-Davis 2006) has been central to zemiology where harm is concerned (if not necessarily from a feminist perspective). Hillyard and Tombs (2004, 2008) were always clear that the fundamental flaw with law is that it is elitist, and that crime has no ontological reality. Instead, discourses of justice and criminality are often regurgitated from a

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[6] The Review into the Welfare in Detention of Vulnerable Persons (by Stephen Shaw) and the Independent Investigation into Concerns about Yarl's Wood Immigration Removal Centre (by Kate Lampard and Ed Marsden). Shaw's review contained 64 recommendations for improvement, including banning the detention of pregnant women and suggesting there should be a 'presumption against detention' of sexual violence victims, victims of FGM, people with learning difficulties, those with Post Traumatic Stress Disorder and transgender people. Likewise, Lampard and Marsden's review has led to SERCO agreeing 35 changes at Yarl's Wood. A fuller analysis is available from Mary Bosworth (2016).

state-centric perspective. Considering that capitalistic interests are intrinsic to these, and that law and criminal justice agencies work to primarily control and punish some of the poorest and most powerless in society, then studies of crime cannot fully comprehend harms inflicted on those who are either most criminalised, or who are most afflicted by state and corporate harms (Tombs 2016; Tombs and Whyte 2015). As Hillyard argues, 'we need to analyse systematically the many harms which restrict and damage our lives from the cradle to the grave on a daily basis and bring this work within the boundary of zemiology' (Hillyard 2013, 232).

Since Hillyard et al (2004) first set out to document cradle to grave harms, the field of zemiology has seen contributions on multiple forms of harm: corporate and workplace harms (Tombs 2016), gendered harms (Cain and Howe 2008; Pantazis 2008), and socio-economic harms (Pemberton 2015). Theoretical contributions (see Copson 2016) have been complimented by empirical research (Canning, 2017; Pemberton, 2015), although the study of social harm historically depended heavily on critical statistical analysis. As will now be discussed, however, recent developments have facilitated a disciplinary direction which can allow for the study of harm to be more empirically – indeed qualitatively – focussed. This, I will argue, diverges from criminology in seeing and addressing the micro-level aspects of harm inflicted by the structural level decisions at Britain's borders: some perhaps related to aspects of criminalisation, but *all* inherently reflective of the dispersal of social controls.

Structural Decisions, Micro-Level Impacts
As we can see above, the insatiable efforts of the British state to reduce access to sanctuary creates infinite opportunities for criminalisation or treatment amounting to criminalisation. Political decisions have also facilitated further harms – outside of the mirroring of punitive aspects of criminal justice - which are arguably just as harmful but made less visible. From a decade of undertaking research with women seeking asylum in Merseyside, England, the true impacts of legislation have been visible through two lenses: qualitative research and activist participation.

The first of these has been discussed at length elsewhere (see Canning 2011, 2014a, 2016). Interviews, focus groups and oral history with women seeking asylum showed serious implications for accessing welfare and maternity care, gaining sexual or domestic violence support, having adequate or nutritious food, and have living conditions which are often substandard. These issues have the capacity to inflict varying harms: physical, emotional and social, all of which are serious and damaging. However, it has been activist participation which has allowed for an even less sanitised view of asylum. The daily worry of not being able to afford enough food for herself or her children, the everyday terror experienced when women are forced to stay with abusive partners because they fear deportation or have no recourse to public funds to facilitate self-removal, the grinding irritation of pest infestations or constant coughs due to damp in temporary housing. These issues, supplemented with lengthy waits for asylum, help develop the kind of insights which concern Hillyard (2013) in the everyday. Three further harms thus become recognisable: autonomy harm, relational harm and temporal harm.

Autonomy harms affect a person's self-worth or esteem, and can result from role deprivation and the absence of available opportunities to engage in productive activities. For people seeking asylum, this includes deciding where to live, as well as accessing learning activities, work, and leisure, all of which are directly determined by legislation, including the removal of the right to work and limitations on welfare allowance and spending. Women, men and children are effectively forced into an infantilised state of dependency, with limited autonomy over what they can do or where they can go. This is grinding, but it also holds a clear element of degradation.

Relational harms include enforced exclusion from social relationships. Although seemingly less serious at the surface, the implications of relational harm are highly significant and, as argued

elsewhere (Canning 2017), often compound emotional and even physical harms. The lack of funds available for travel impedes people's capacity to visit family or communicate with friends, or even to engage in support services which are outside of walking distances, since bus and train travel are seldom affordable on the meagre amounts people are forced to depend upon. Perhaps more insidiously, the sprawling net of social control has reached such lengths that even buses can be subject to immigration checks in a form of 'stop and search'. Women tell of electronic finger printing and even document searches on coaches and buses between Liverpool and London or Manchester, as well as within the city itself (unsurprisingly, in poorer areas with high percentages of dispersed asylum seekers). What is clear from activist participation with women is that this form of surveillance is inherently controlling: even those whose cases are under review or who are awaiting the outcome of appeals – i.e. whose stay has not been illegalised – are reluctant to face immigration controls. Women often dread interactions with the Home Office, feeling fearful of detention, refusal and deportation, or even simply being patronised or made to feel subhuman (see Canning, 2017, chapter 4).

Lastly, temporal harms link to the arduous journey of seeking asylum. As Bosworth reflected during her time studying detention, 'Their lives felt frozen, as if time had stopped' (2014, 125). This is a common experience for anyone who is held in confinement with no knowing when their time there will be complete. And yet the whole process of seeking asylum: the decision to move away from ones' country of origin, experiences during migration, the unclear and often confusing application process; are all time suspended. Add to that the unknowing of ones' long term or even immediate future, the potential for dispersal, the threat of detention or deportation, bimonthly Home Office interviews, uncertainty of where you or your family might be in a month or a years' time. For women subjected to ongoing domestic violence or who have survived or are surviving sexual violence, this unknowing impacts not only on her present, but if she is unable to move away from violent circumstances due to a lack of support, then also her future. For men who work illegally to avoid the pains of destitution, criminalisation looms whilst poor conditions and exploitative hours impact on his physical and mental wellbeing (Bhatia 2015; Burnett and Whyte 2010). For women, such work can be sexualised, another example of state facilitated vulnerability due to enforced welfare dependency and destitution.

In short, many people feel that time has stopped (Turnbull 2016). Although criminological concerns are significant and are embedded at many points in the process of seeking asylum, it is often the banality of harm in the everyday which is recognised by people awaiting the outcome of their claim or appeal. This is not always linked to aspects of crimmigration of so-called criminal justice but, as argued earlier, based in civil law, social policy, and the dispersal of control. As Pemberton points out, 'criminologists have traditionally focused on harms resulting from intentional acts. This distinction appears to be difficult to sustain, if it results in partial analyses of harm that exclude the more serious structural harms' (2015, 8). What is evident here is that all such harms are directly attributable to political decision making and political action or, indeed, inaction. The everyday experiences of women, men and indeed children are marred by structural decisions which are political as well as social, and autonomous life is suspended as a result. These are *structurally violent*. As discussed elsewhere (Canning 2017) resistance and collegiality run deep amongst refugee communities and asylum activists. But the fact is, the daily harms inflicted through punitive sanctions and inadequate welfare or support are grinding: they cannot necessarily be reflected in statistical or political analysis, but in the seeing of the micro-level impacts of such insidious harms. This requires not *only* empirical research and the centralisation of the voices of the powerless, but to grasp what is being seen and call it for what it is: inherently harmful.

Conclusion

The objective of this chapter has been to question the value of criminology in the face of the criminalisation of asylum, and to ask how or if the realities of the lived experiences of harm can

truly be communicated within this domain. The short answer is no. For those seeking asylum, such experiences might be bound with practices that mirror those within 'criminal justice' – particularly in relation to the infliction of autonomy harms in detention through the disintegration of rights. However, a zemiological lens facilitates the potential for us to see harm infliction from *beyond* criminology. Criminalisation and punitive legislation are embedded in the British asylum system, but the process itself is also harmful and limiting. The suspension of time whilst awaiting lengthy asylum decisions, the loss of a past and uncertainty for the future, the limitations set in gaining support beyond basic welfare: all of these are experiential and none can be challenged adequately by criminology alone.

However, whether it would be more prudential to wholly reject criminology in this regard is more complex. As Hillyard and Tombs (2004; 2008) and Hillyard (2013) indicate, criminology (in particular, administrative criminology)can still fail to engage with systematic analyses of the lived experiences of harm at a micro level and at the same time inherently conflate 'migrant' with 'criminal' by placing a key focus on border crimes and policing, even such focus comes from critical perspectives. This leads me to advocate for a zemiology at the border which might draw from critical analyses of problematic state and corporate practices, but which focuses empirically on the experiences of micro-level harms. It is ever more crucial that harms are documented, recognised and *actively opposed* so that they might be mitigated and ultimately eradicated. For this, two things must be central: a strong empirical base which centralises the voices and agendas of refugee communities, including challenging gendered harms, and to actively advocate against the proliferation of state actions which inflict or enable harm. The time has passed to rely on critical analysis alone, or to make surface level recommendations for change. Dominant political approaches to asylum – as in the UK, Australia, New Zealand, North America and other parts of Europe – can be utterly toxic, and it is up to us to say so rather than to continuously engage state actors and agencies intent on inducing further harms. This is a danger that contemporary criminology would do well to avoid, lest we end up mirroring criminology's precarious administrative history with the so-called criminal justice system.

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