Journal on Migration and Human Security

Kidnapped, Trafficked, Detained? The Implications of Non-state Actor Involvement in Immigration Detention

Michael Flynn[1]
Global Detention Project

Executive Summary

Global migration challenges are reinforcing long-standing trends that involve shifting immigration control measures beyond national borders and incorporating new actors into detention systems. Proposals to shape migration management policies — including discussions on developing a Global Compact for Migration — recognize the need to involve a range of actors to implement humane and effective strategies. However, when observed through the lens of immigration detention, some policy trends raise challenging questions, particularly those that lead to increasing roles for non-state actors in migration control. This article critically assesses a range of new actors who have become involved in the deprivation of liberty of migrants and asylum seekers, describes the various forces that appear to be driving their engagement, and makes a series of recommendations concerning the role of non-state actors and detention in global efforts to manage international migration. These recommendations include:

- ending the use the detention in international migration management schemes;
- limiting the involvement of private companies in immigration control measures;
- insisting that the International Organization for Migration (IOM) actively endorse the centrality of human rights in the Global Compact for Migration and amend its constitution so that it makes a clear commitment to international human rights standards; and
- encouraging nongovernmental organizations to carefully assess the services they provide when operating in detention situations to ensure that their work contributes to harm reduction.

1 Michael Flynn is the executive director of the Global Detention Project in Geneva, Switzerland. Some of the ideas addressed in this article also appear in Flynn's "Detained Beyond the Sovereign: Conceptualising Non-state Actor Involvement in Immigration Detention," in *Intimate Economies of Immigration Detention*, ed. Deirdre Conlon and Nancy Hiemstra (Routledge 2017), 15-31. The author would like to thank Mariette Grange and the editors at the *Journal on Migration and Human Security* for their suggestions and comments.

I. Introduction

The border between Thailand and Malaysia has for many years been an important area of activity for human traffickers whose victims include refugees from Myanmar's persecuted Rohingya community, as well as thousands of men, women, and children from other countries in the region who often start out as economic migrants only to end up in situations of forced labor and sex trafficking. The brutality faced by these victims gained international attention in 2015 with the discovery of mass graves in abandoned trafficker camps located on both sides of the border. Official reports describe how some people had been caged in barbed-wire pens and starved or died from disease as their traffickers awaited payment (AP 2015).

The US Department of State (2015) and human rights groups (HRW 2015) cite reports implicating corrupt Thai officials in these trafficking networks. A key factor that makes people vulnerable to trafficking is being labeled "illegal," particularly the Rohingyas who for years were not recognized by Thailand and faced terrible abuses. In 2013, for example, after the Myanmar government refused to accept Rohingyas deported from Thailand, journalists uncovered a secret Thai Royal Police policy called "option two," which aimed "to remove Rohingya refugees from Thailand's immigration detention centers and deliver them to human traffickers" (Szep and Marshall 2013).

The fate of these trafficking victims in Southeast Asia, as well as in numerous other regions of the world, highlights a critical dilemma facing the international community as it seeks to develop a Global Compact for Safe, Orderly, and Regular Migration: as countries across the globe ramp up efforts to block or remove unwanted foreigners, unofficial actors are increasingly serving — either under contract or because of corruption and lawlessness — as the jailers or service providers for migrants and asylum seekers deprived of their liberty.

Collusion between Thai authorities and traffickers in "removing" Rohingya refugees is clearly a criminal activity, which one would be hard-pressed to qualify as immigration detention. However, such activities arguably exist on a sliding scale of deprivation of liberty involving non-state actors, whose involvement can transform licit forms of detention into illicit and deadly situations. At the other end of this sliding scale is the involvement of private security companies in operating detention centers as well as the important roles played by nongovernmental advocacy groups and international organizations in providing services to detainee populations and detention authorities.

Although it is often not explicitly recognized, immigration detention has become intimately entwined with global migration management schemes, even as these efforts incorporate a growing range of actors (Geiger and Pecoud 2010). Migration management is typically viewed as a state-centric activity but it is in fact "polycentric, involving a range of public and private actors" (Betts 2013, 59). This fact was explicitly recognized by the UN Secretary General in his call to develop the Global Compact for Migration. In his April 2016 report, *In Safety and Dignity: Addressing Large Movements of Refugees and Migrants*, the Secretary General wrote that the compact must take into account "the roles and responsibilities of countries of origin, transit and destination of migrants, international organizations, local authorities, private sector recruiters and employers, labor unions, civil society and migrant and diaspora groups."

Nevertheless, the significance of the involvement of non-state actors in immigration detention remains under-evaluated. Most attention has focused on the increasing privatization of detention operations and the impact this has on policymaking (for instance, Arbogast 2016; Conlon and Hiemstra 2014; and Menz 2013). The numerous cases of mistreatment and failed accountability at privately operated immigration facilities in the United States, the United Kingdom, and at Australia's notorious offshore processing facilities have made names like Serco, G4S, and the Geo Group synonymous with the expansion of ineffective and dehumanizing immigration detention regimes (Flynn 2017).

A key goal of this article is to demonstrate that privatization is only one part of a much larger phenomenon involving the incorporation of non-state actors into detention systems. Who are these other actors involved in the expansion of immigration detention? How does their involvement influence our understanding of detention? And what steps should the international community take in response? This article seeks to address these questions by critically assessing our understanding of non-state actor involvement in immigration detention and the consequences of their work. Improved clarity about the actors involved in detention can help us develop concrete recommendations for the international community and individual states as they work to make a more humane global migration management system.

The next section of this article attempts to define the limits of immigration detention in light of the involvement of non-state actors. The article then provides several case studies aimed at broadening our understanding of the range of new actors who have become involved in detention operations, followed by an assessment of how these cases require us to reformulate standard notions of detention and non-state actors. The paper concludes with a series of recommendations for the international community as it works to develop a global compact. These recommendations respond to the expanding use of detention in migration management efforts, private sector involvement in detention, and concerns related to the role of international organizations as well as that of nongovernmental organizations (NGOs).

II. Finding the Limits of Immigration Detention

This article proposes using the definition of immigration detention employed by the Global Detention Project (GDP),[2] an interdisciplinary research center based in Geneva, Switzerland, as a baseline for its investigation: "The deprivation of liberty of noncitizens for reasons related to their immigration status." By assessing the strengths and weaknesses of this definition with respect to the issue of non-state actor involvement in detention, we can see how the activities of non-state actors undermine standard notions of immigration detention and complicate accountability and responsibility.

As with other definitions of immigration detention, the GDP definition is state-centric. Citizenship and status imply the existence of a sovereign power that can bestow or deny them. Yet, as this article shows, deprivation of liberty often takes place at the fringe of state authority. How can we account for these fringe activities within the scope of our current concepts of immigration control and detention?

2 Global Detention Project, http://www.globaldetentionproject.org/about/about-the-project.html.

Alston argues that the term non-state actor was "intentionally adopted in order to reinforce the assumption that the state is not only the central actor, but also the indispensable and pivotal one around which all other entities revolve" (Alston 2005, 3). Immigration detention is only possible as a distinct form of deprivation of liberty because of the existence of the Westphalian state system. This form of deprivation of liberty is circumscribed by the authority of official actors who are empowered to confine non-citizens because of specific legal provisions. This sovereign power often then engages with actors who are not formally a part of the state, contracting them — or interacting with them in an ad hoc or extra-legal manner — to undertake specific detention-related activities. To understand the roles and consequences of these actors, we must first identify the limits of the meaning of immigration detention.

A key feature of the GDP's definition is that it does not differentiate between categories of "non-citizens," in contrast to other recent efforts at conceptualizing immigration detention. For instance, in a March 2017 factsheet on immigration detention, the Council of Europe's Committee for the Prevention of Torture maintained that "asylum seekers are not immigration detainees, although the persons concerned may become so should their asylum application be rejected and their leave to stay in the country rescinded" (European Committee for the Prevention of Torture 2017). However, in many countries there is little effort to separate asylum seekers from irregular migrants within detention regimes. "Reception centers" and shelters can sometimes resemble detention centers in all but name (Gallagher and Pearson 2010). Notable examples include "shelters" in various Arab Gulf states like Kuwait and Saudi Arabia that operate as de facto detention centers for women who have fled abusive employers (GDP 2015b). While there is a rationale for assessing differences in the legal frameworks that treat asylum seekers, trafficking victims, and undocumented migrants, when assessing immigration detention regimes it is arguably preferable to bring into the frame all detention situations involving people whose reason for being in custody is related to their noncitizen status.

A second important aspect of the GDP definition is that it is intended to imply deprivation of liberty in a confined space. Some scholars have sought to define detention broadly to include "restriction of movement or travel within a territory in which an alien finds him or herself" (Helton 1989). A useful correlate for understanding the GDP's concept is the definition of deprivation of liberty provided in the Optional Protocol to the UN Torture Convention (OPCAT), which also acknowledges the complexity of immigration detention by including private actors. The protocol states that "deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will by order of any judicial, administrative or other authority."[3] Thus, at the heart of our definition is the notion of coercion. As Guild (2006) writes: "The common feature of places of detention . . . is their coercive nature." Incorporating this concept can also help us clarify what we mean by "detention center." Only facilities that physically prevent people from leaving should be considered detention centers.

3 Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment art. 4.2, Dec. 18, 2002, 2375 U.N.T.S. 237.

As already noted, unless they have committed unrelated breaches of the law, detained noncitizens have been taken into custody because of alleged complications stemming from their residency status (Cornelisse 2010, 8-22). This is critically important to keep in mind as we explore the variety of cases of nonstate actors in immigration detention systems. Although there are clear cut cases in which we see private-sector actors performing functions at the bidding of the state, there are also cases where the roles of nonstate actors undermine the underlying rationale of the detention itself, thereby raising questions about whether such situations amount to immigration-related detention or should be considered something altogether different.

III. Case Studies

1. Immigration Detention in Situations of Lawlessness: Libya

Libya has become a frontline in European efforts to stem migration from Africa. This has included training the Libyan Navy on search and rescue techniques and providing funding ostensibly to improve the conditions of detention centers where intercepted migrants and asylum seekers are sent. A recent UN investigation of these detention centers found appalling conditions and "a consistent and widespread pattern of guards beating, humiliating and extorting migrants, including by taking money for their release" (UNSMIL 2016). The report also found that "[a]fter interception, migrants are often beaten, robbed and taken to detention centers or private houses and farms, where they are subjected to forced labor, rape, and other sexual violence" (ibid.).

A 2017 report by the United Kingdom's Independent Commission for Aid Impact (ICAI) warned that the country's £10 million aid program in Libya, which includes funding for naval operations and detention center improvements, was at risk of violating the "do no harm" principle of UK aid programs. "While reducing the number of deaths at sea is vital, we are concerned that the program delivers migrants back to a system that leads to indiscriminate and indefinite detention and denies refugees their right to asylum" (ICAI 2017). In stark parallel to the situation in Thailand mentioned earlier, ICAI noted that "there are credible reports that some Libyan state and local officials are involved in people smuggling and trafficking, and in extortion of migrants in detention."

Compounding matters is that there is a parallel system of detention centers that are operated by militias — many of whom are also implicated in smuggling or trafficking rings — in areas of the country that are not under government control as well as reports that groups allied "to the so-called Islamic State in Iraq and the Levant (ISIL) have been involved in the abduction and abuse of migrants in Libya" (UNSMIL 2016). In a recent article for the UN Children's Fund (UNICEF), a journalist wrote of his experience trying to access militia-run detention centers. An official with the Interior Ministry told him, "In Tripoli there are 13 illegal detention centers, managed by the armed militia. We cannot even get close to their areas, because we risk our lives" (Mannocchi 2017).

Following the 2011 uprising in Libya and the subsequent armed conflict there, numerous parts of the country were taken over by armed groups or militias, who assumed many of the

functions of the previous local authorities. In some cases, immigration detention centers fell under the control of these militias, many of whom subsequently became involved in smuggling and trafficking (GDP 2015a). "In the security vacuum created by the absence of a strong central government," reported *The Guardian*, "migrants have become easy prey for kidnappers and militias looking to raise money through ransoms, businessmen looking for slave labor and smugglers looking for passengers to exploit" (Kingsley 2016).

A 2014 briefing from Amnesty International reported on a visit to an immigration detention center near Gharyan, some 80 kilometers south of Tripoli: "The center is run by the 9th Brigade, a militia nominally under the control of the Ministry of Defense. The center has not yet been handed over to state authorities. Although outside of direct state control, Libyan security agencies cooperate with the 9th Brigade, meaning that refugees, asylum-seekers, and migrants continue to be brought to the facility on a regular basis" (Amnesty International 2014).

During Amnesty International's visit there were approximately 1,250 migrants at the center, including 20 unaccompanied children who were detained alongside adults. There were detainees from Chad, Egypt, Eritrea, Niger, Somalia, and Sudan. The facility was comprised of metal hangars that were in "freezing conditions" and provided no access to the outside. In addition, the center did not have a functioning sewage system and lacked clean drinking water. Detainees claimed "that their shoes had been confiscated to prevent escapes and many reported ill-treatment, including beatings with metal bars or plastic tubes, being forced to roll over in dirty water while being kicked by the guards with their boots, and being intimidated by guards shooting at the ceiling inside the hangars" (ibid.).

2. International Organizations and Nongovernmental Groups: Lebanon

Until the 2016 opening of a new dedicated immigration detention center in Beirut (Monique Sokhan, pers. comm.), Lebanon's sole immigration facility, called the General Security Detention Center in Adlieh, was located in a dilapidated subterranean car park under a highway (Flynn 2011). The detention center opened in 2000 and was meant to be temporary. Despite an official capacity of 250, it had an average daily population of 400 to 600 persons cramped in a series of collective cages (GDP 2014). With the start of the Syria crisis, overcrowding surged to a record 720 (Kullab 2013; Slemrod and Meguerditchian 2012).

The conditions at the detention center were so severe they spurred numerous calls for reform, both nationally and internationally. Among the initiatives aimed at improving Lebanon's detention practices was one led by the International Centre for Migration Policy and Development (ICMPD), a Vienna-based international organization comprised of 15 member states from Europe that assists in the development of migration management programs. In 2009, it launched a two-year project titled Strengthening Reception and Detention Capacities in Lebanon (STREDECA). The project aimed to develop "Lebanon's capacities to manage its mixed migration flows post interception and/or apprehension" (ICMPD n.d.a) Partners on STREDECA — which was funded by France, Switzerland, Italy, and the Netherlands — included Caritas Lebanon, the UN High Commissioner

for Refugees (UNHCR), and Lebanon's General Security, the state security apparatus that oversees implementation of Lebanon's detention policies and operates the country's immigration detention center (GDP 2014).

According to ICMPD, the project "evaluated essential national infrastructure and enhanced national institutional capacities for the reception and detention of irregular migrants and asylum seekers in line with international human rights standards" (ICMPD n.d.b). A UNHCR official described the agency's role as focusing "on the provision of expertise in training and evaluation of the legal/administrative framework" (Monique Sokhan, pers. comm.).

Several years after STREDECA was completed, there continued to be severe criticism of the conditions at the Adlieh detention center. Visitors described how detainees were held in a row of cells of some 20 to 30 square meters, separated along gender and nationality lines. Metal gates formed two sides of rectangular cells on each side of concrete pillars marking the former parking spaces. Women were especially tightly packed, with at least 50 women each in the quarters allocated for Bangladeshi and Ethiopian detainees, according to a journalist account in 2012 (Slemrod and Meguerditchian 2012). Water bottles, clothes, dirty blankets, and pillows were crammed into empty spaces in the metal webbing. There were mattresses on the floors, but in the most crowded cells people had to share mattresses (ibid.).

The facility included an office for Caritas, reminiscent to operations at French detention centers (*centres de réception*). Called the Caritas Lebanon Migrants Centre (CLMC), the office received repeated criticism from other civil society groups, who accused Caritas of abetting illegal detention. Caritas, however, countered these claims stating that it was the sole NGO proving assistance to detainees (GDP 2014).

The STREDECA project was part of a larger initiative that is still ongoing today called the Dialogue on Mediterranean Transit Migration (MTM), which ICMPD describes on its website as "an informal consultative platform between migration officials in countries of origin, transit, and destination along the migration routes in Africa, Europe, and the Middle East" (ICMPD n.d.a). It involves national governments from across the Mediterranean, Europol, the EU border control agency, UNHCR, the IOM, and the European Commission, among other entities. As one scholar writes, "The MTM is a textbook example of migration management. The composition of participants brings together states, representatives of different state institutions, as well as intergovernmental organizations with diverging interests" (Kasparek 2010, 134).

STREDECA is also a notable example of how detention has become an element of international migration management initiatives that involve a range of non-state actors. International intergovernmental organizations, particularly those without human rights mandates — like ICMPD and the IOM — are playing increasingly important roles. As Martin Geiger has noted, many "approaches to manage migration are out-sourced and entrusted to non-EU actors such as the IOM" (Van Efferink 2010). The IOM has helped manage offshore detention facilities for Australia including through indirect funding to refurbish detention centers in Indonesia, provided capacity-building initiatives for detention officials in numerous countries, and worked with the European Union to fund detention

operations in countries on the periphery of Europe (Georgi 2010). And yet, "Until recently, one was hard pressed to find any reference to the IOM's programmatic involvement in immigration detention" (Grange 2013). A closely related issue is the IOM's long-standing role in facilitating "voluntary returns." Although the IOM maintains that it assists voluntary returns only, many observers "have expressed concern about the voluntariness of expulsions and the degree of coercion that the IOM is willing to accommodate," especially in light of evidence indicating "that local offices reliant on raising funds from governments may not be as careful" as those operating at the top (Guild, Grant, and Groenendijk 2017).

The case of Caritas Lebanon, although unique in many ways, is also not without precedent. Many civil society groups and non-profit charities have operated detention facilities or provided specific forms of assistance inside centers. The Italian Red Cross for many years operated that country's *centri di identificazione ed espulsione* (GDP 2012). France's *centres de rétention* include offices for NGOs, who by law are mandated to provide judicial and social assistance to detainees (La Cimade n.d.). The children's charity Barnardo's operated a detention facility for families in the United Kingdom until it was replaced, in early 2017, by G4S (Allison and Hattenstone 2017).

3. Carrier Detention in Airport Transit Zones: South Korea

In September 2011, a US citizen travelling from Honolulu to Mumbai was detained while trying to make a connecting flight in Seoul, South Korea. In a lawsuit filed in Florida, the defendant claimed, *inter alia*, that he had been unlawfully detained by Korean Air Lines (KAL) in a holding area at Incheon International Airport, which was a contributing factor in injuries he suffered. The Indian government had ordered KAL to return the passenger to the United States because he did not have adequate immigration papers. The lawsuit[4] sought compensation under the Montreal Convention,[5] an international treaty that makes airlines liable for bodily injury caused by "accident" during international travel. Although the lawsuit was eventually dismissed and failed on appeal, the defendant's detention at the hands of the airline company was not disputed.

According to various accounts, the Incheon airport is equipped with a secure "waiting room" that is operated by an "Airlines Operators Committee" comprised of various airlines and staffed by private security guards. Arriving passengers who are deemed inadmissible by Korean authorities are taken to this facility to await removal by one of the airlines. According to a South Korean lawyer who is an expert in immigration matters: "When people are not admitted to entry at the airport, they are taken to the waiting room until they are deported. . . . The facility remains locked and secured by private security guards employed by the Airline Operators Committee, most of whom do not speak English and are known for their mistreatment to detainees. Detainees are fed chicken burgers three times a day for their meals and their requests for medical service are often neglected" (Jong Chul Kim, pers. comm.).

Although the attorney said that the waiting room is ultimately under the "control of the immigration office of Korean government," a US attorney representing the defendant in the

4 Jacob v. Korean Air Lines Co. Ltd., No. 14-11663 (11th Cir. 2015).

5 Formally, the Convention for the Unification of Certain Rules for International Carriage by Air.

case *Jacob v. Korean Air Lines* claimed that a Korean airlines manager told her firm that the facility was wholly operated by Korean Air Lines and Asiana. She added that people detained at the facility "have a single shower, no soap, no towels and no laundry facilities and they are being kept locked up by airlines who have no legal authority to hold them" (Lisa Cornell, pers. comm.).

The Incheon airport case is an example of the larger phenomenon of the outsourcing of immigration controls that has resulted from the application of "carrier sanctions," in which private transport companies are held accountable and become the de facto custodial authorities for people they transport who are refused admission at their destinations (Rodenhäuser 2014). These sanctions can lead to the detention of passengers by these companies, as provided in many national immigration laws. For instance, the Malaysian Passport Act empowers immigration and police officers to "lawfully detain" persons unlawfully entering Malaysia on board vessels during the period that the vessel is within Malaysia. Another example can be found in Ireland's Immigration Act 2004,[6] Article 7 of which provides: "The master of any ship arriving at a port in the State may detain on board any non-national coming in the ship from a place outside the State until the non-national is examined or landed for examination under this section, and shall, on the request of an immigration officer, so detain any such non-national, whether seaman or passenger, whose application for a permission has been refused by an immigration officer, and any such non-national so detained shall be deemed to be in lawful custody."

IV. The Migration Control Industry and Non-state Actors

The three cases discussed above provide important insights into the evolution of immigration control measures today and the relation between immigration detention and non-state actors. This section of the article reflects on the impact these insights have on our understating of immigration detention, focusing on the relation between non-state actors and human rights, literature on the "migration industry," and critical theory.

One widely noted work on the subject of non-state actors argues that this concept should encompass all entities engaged in transnational activities that are "largely or entirely autonomous from central government funding: emanating from civil society, or from the market economy, or from political impulses beyond state control and direction" (Josselin and Wallace 2001). While such a definition arguably includes all the types of entities covered in the case studies — private companies, NGOs, militias, and international organizations — it nevertheless poses a number of quandaries when seen in light of our case studies and other detention situations. For instance, many detention service providers are local companies or humanitarian groups that do not operate internationally.

Another key omission in this definition is that it fails to make clear what "level of governmental funding, support, or encouragement might disqualify a group as a non-state actor" (Alston 2005). This concern is particularly relevant with respect to international organizations. Although they are not bound by the central government funding of any single state, they operate to a certain extent as surrogates of their member states. The IOM and ICMPD pose particular quandaries because they do not have human rights-based mandates.

6 Immigration Act 2004 (Act No. 1/2004) (Ir.).

This issue has taken on major relevance since 2016, when the IOM became an official related organization of the United Nations and was given a leading role in negotiations on the Global Compact for Migration. As Guild, Grant, and Groenendijk (2017) state, with the United Nations "placing IOM close to the driving seat of the negotiations, and stating it to be a 'non-normative organi[z]ation', the issue of the fidelity to the UN's human rights standards must be addressed."

Many scholars have attempted to detail the various ways in which states — often motivated by the effort to evade normative restrictions like *non-refoulement* of refugees — have sought to share the burden of immigration control policies and to employ non-state actors to assist in "remote control" (Zolberg 1999). Examples include imposing sanctions on transport companies that carry aliens and establishing cooperative agreements with neighboring states and sending countries, as well as the "devolution" of certain roles to private entities. These various forms of outsourcing, all of which we have been observed in our case studies, can be arranged on a field that runs along two intersecting axes: public-private and domestic-international (Lahav and Guiraudon 2000, 58). In the domestic sphere, we find some states delegating responsibility for apprehending migrants to local police forces (public) and increasingly using for-profit companies (private) to run detention centers. In the international sphere, states pressure airlines (private) to verify whether travelers have proper travel documentation and arrange with third countries (public) to manage migration movements (i.e., by establishing readmission agreements).

In this paper, we are concerned with those actors whose activities fall within the private-domestic and private-international axes. Nevertheless, even using a broad schematic like this we find complications. Is it accurate, for instance, to call the operations of international organizations as belonging to a "private" sphere of activities? And how are we to characterize detention activities that do not directly involve state authorities?

Scholarship on the "migration industry" provides concepts that can address these challenges. The migration industry literature focuses on for-profit actors who facilitate human mobility to make a profit. Hernández-León (2008, 154) characterizes this industry as "the ensemble of entrepreneurs who, motivated by the pursuit of financial gain, provide a variety of services facilitating human mobility across international borders." Nyberg Sørensen and Gammeltoft-Hansen (2013) build on this concept to include actors involved in immigration control ("control providers," like private prison companies) as well as private actors who are not profit-motivated, like NGOs involved in the "rescue industry." They thus redefine the migration industry as "the array of non-state actors who provide services that facilitate, constrain, or assist international migration" (ibid., 6-7).

This characterization of the migration industry is a promising framework for assessing the roles of non-state actors in detention. It is not constrained by geographic scope (domestic or international); it does not focus narrowly on profit-driven enterprises; and it encompasses both the facilitation of migration as well as migration control, including interdiction, detention, and deportation. Also, returning to the case studies, all the actors identified in those cases arguably fit with this definition. Militias and rebel groups, international organizations, and private companies acting as custodial agents all fit within the scope of this formulation. However, this raises the question: Should the detention of immigrants and asylum seekers by each of these actors be considered "immigration detention"?

The GDP's definition of immigration detention can provide some clues: "The deprivation of liberty of non-citizens for reasons related to their immigration status." As discussed previously, immigration detention thusly defined exists because of the state. If the state is not involved in the deprivation of liberty, it seems to follows that it must be some kind of illegal activity (i.e., kidnapping, false imprisonment, trafficking). Can a private individual or company hold an asylum seeker in immigration detention? What about an armed group that is operating outside any legal mandate or smugglers working with corrupt officials? Or a private company that uses its airplanes or ships to lock up passengers denied entry in the state? All of these actors can of course be involved in "facilitating, constraining, or assisting international migration," but if they are not operating on behalf of the state with legally bound parameters and obligations when they confine someone, then we should arguably not consider their activities as amounting to immigration detention.

This leads to the next key point in our reflection: To not be arbitrary, immigration detention requires an element of lawfulness. It must be provided for in domestic law. Nevertheless, if such is the case, then some scholars would contend that immigration detention does not exist at all because it represents an inherent absence of legal rights. A popular contemporary discourse on immigration detention revolves around the paradigm of the "camp." This discourse is informed by the work of Giorgio Agamben (1998) and his concepts "*homo sacer*" — which denotes depoliticized life as opposed to the political life of the citizen — and "zones of exception," which are typified in his discourse using the term "camp." Agamben argues that politics is constructed around notions of those who belong within the rights-conferring institutional arena of the state and those who do not. The latter become the object of state power through the absence of rights in "zones of exception." Through this dichotomy, sovereignty is exercised by inclusive exclusion (Flynn, M. B. 2016).

Importantly, Agamben-inspired post-structuralist arguments often fail to specify actors who are involved in the creation of detention centers and who operate within this field, which leads them to posit a functionalist argument. Detention centers play a central logic in the underlying dialectic of the state — its power to extend freedoms, rights, and ultimately to define human life is premised by denying the same to others. This circular thinking is evident when post-structuralists like Rajaram and Grundy-Warr (2004, 26) argue that "the enclosure of certain human beings [is] not an anomaly of the logic of contemporary sovereignty, but a normal outcome of this logic." A weakness in this analysis is that "disembodied notions of the state and sovereign power substitute the role and intentions of actors for changing laws used to classify sets of people as illegal, to construct systems of control, and to operate detention centers" (Flynn, M. B. 2016).

To summarize, immigration detention properly understood is a function of the state that exists because a set of actors adopt and/or implement relevant laws — and not as a result of a state of exception or absence of rights. Thus, our conceptual framing of non-state actors in immigration detention must have at a minimum the following two elements: actors and state authority. Building on Nyberg Sørensen and Gammeltoft-Hansen's conceptualization of the migration industry, we could argue that non-state actors involved in immigration detention include the array of actors not formally part of any official state apparatus who, in agreement with the state, provide services that facilitate the state's objective of depriving noncitizens of their liberty for reasons related to their immigration status.

How does this concept help us deconstruct the three case studies? The case of the Libyan militias poses challenges. The militias have stepped into the vacuum of authority created by internal armed conflict, acting as a de facto sovereign power. While they are not technically a state, militias act as a kind of surrogate because they carry out a function that had been mandated by the presumably temporarily absent official state authority. Arguably, in instances where militias exert effective control over a territory, we should consider their activities as immigration detention. However, cases of militias — or migrants traffickers in Thailand — colluding with authorities to "detain" and "remove" unwanted foreigners is less clear. In the case of Thai police's "option two" discussed in the introduction, it is clear that there was an original state of immigration detention, but once authorities colluded with criminal networks to remove these people from the country, the deprivation of liberty turned into trafficking, kidnapping, and — in many cases — murder. However, both the Libya and Thai cases underscore a critically important point: the often close proximity between legal detention regimes and lawlessness.

The STREDECA case in Lebanon and similar migration management initiatives elsewhere involve an amalgam of entities — including local NGOs, international organizations, and national authorities — engaged in a detention-related project funded by foreign governments who want to halt the onward movement of migrants and asylum seekers. This type of externalization activity has been widely noted in academic works assessing the policies of recipient countries like Australia and the United States (Frelick, Kysel, and Podkul 2016; Flynn 2014). In the process these countries have enlisted a range of actors — not all of whom necessarily aim to make a profit — in immigration detention efforts. As noted previously, however, bringing in "non-normative" organizations like the IOM as lead managers of these kinds of projects raises important concerns about ensuring adherence to international human rights standards.

The case of the Incheon Airport also appears to meet the necessary criteria to be considered immigration-related detention even though it reveals important strains in the international protection regime and the custodial authority remains unclear. The case has some similarities to STREDECA in that it is a form of detention that seems aimed in part at preventing people from officially reaching or remaining inside the border. These detention activities have emerged as a result of a country's laws and occur at the behest of state authorities, even if the custodial relationship between the detainees and the state appears to be tenuous, thereby calling into question whether this particular instance of deprivation of liberty is within the framework of our formal definition of immigration detention. Nevertheless, this particular manifestation of "carrier sanctions" calls to mind the work of political geographers like Mountz (2004, 341) who have demonstrated how states create "detached geographies of detention" inside their borders that limit asylum seekers' ability to access relevant legal processes.

V. Conclusions and Recommendations

This article contends that the effort to build a truly humane, rights-based global migration management system requires taking a hard look at how detention has become intimately incorporated into such efforts, often with the involvement of non-state actors. A starting point

for this analysis has been to assess the expanding range of actors involved in immigration detention. To date, the major focus has been the growing involvement of private for-profit prison companies. However, as this article has demonstrated, many other actors have been pulled into immigration detention operations, ranging from international organizations and local NGOs to airline companies and militias. In some cases, the form of deprivation of liberty that has resulted from these myriad engagements turns out not to be immigration detention at all, but something else, like smuggling or kidnapping.

Shadowing — or overshadowing — our discussion has been the question of who is accountable when rights are violated in detention. As Gammeltoft-Hansen (2013, 144) writes, "By its very design the migration control industry brings about certain responsibility and accountability gaps, which risks further undermining human rights of migrants and refugees." Countries must not be able to shield themselves from liability by shifting responsibilities to private companies or other non-state actors. At the same time, new actors involved in immigration control efforts must not be allowed to argue that they are merely acting on the orders of a country and thus not liable for abuses occurring under their watch (see, for instance, MRS and CMS 2015, 184-86).

A telling example is that of "carrier sanctions," which were mentioned in the case of the detention room operated by private airlines at the airport in Seoul and which have been the subject of much attention (Rodenhäuser 2014; UK Refugee Council 2008). The effort to block asylum seekers from boarding planes or entering national territory has resulted in private companies serving as de facto arbiters of asylum as airlines are pressured to deny passage to certain people, which can lead to violations of *non-refoulement.* On the one hand, as scholars have noted, state responsibility in such cases can be interpreted narrowly so that the state is not held accountable for the rejection of asylum seekers on another state's territory; however, it may be impossible to hold the airline accountable for a violation, particularly in extraterritorial cases (Rodenhäuser 2014; Reinisch 2005).

Many of the cases discussed here merit "shared accountability," a legal concept that "recognizes that more than one entity may be responsible for the same wrongful act" (Majcher 2015). Numerous scholars have sought to apply this concept to human rights violations that involve a range of actors working alongside or at the behest of state authorities, including international organizations, private companies, as well as cases involving public-private partnerships (Clarke 2014).

However, states continue to try to insulate themselves by "creating the appearance that migration control is . . . private and thus external to the state itself" (Gammeltoft-Hansen 2013, 145). To break through this conundrum, it is important to insist on the ties between the actions of non-state actors and the state, to carefully circumscribe the activities of non-state actors in control schemes, and to clarify which activities can be termed immigration-related detention and thus give rise to specific rights and obligations. To this end, the article concludes with four recommendations, which are directed at the range of different actors involved in shaping the Global Compact for Migration:

RECOMMENDATION 1. Detention should not play a role in international efforts to address migration and refugee challenges.

In his final report as Special Representative of the Secretary-General on Migration (SRSG on Migration 2017), Peter Sutherland recognizes that an "emerging model" of response to transnational migration crises is that some states agree "to quietly deter and detain [migrants] in exchange for greater development and economic assistance" even though "Such policies undermine respect for human rights and place further strain on already fragile States, thereby running the risk of weakening the collective security of all States." However, in his recommendations for developing the Global Compact, Sutherland limits his detention-related proposals to "Ending the detention of migrant children and their families for reasons of their migration status." To be sure, this is a critically important agenda item. But more attention must be placed on the almost knee-jerk response by wealthy countries, often assisted by the IOM and other international organizations, in resorting to detention in their regional or "neighborhood" migration management strategies and schemes.

In many countries that are targeted for more migration management assistance — like Libya — there appears to be an inevitable connection between legal and illicit forms of detention and removal because of pervasive lawlessness and corruption. This reality is reflected in recent proposals by the UN Special Rapporteur on the Human Rights of Migrants (SRHRM 2017) when he writes that "States must move from a zero-tolerance attitude to one of harm reduction, thereby undercutting the criminal organizations responsible for migrant smuggling, addressing the security concerns of States and, ultimately, reducing human suffering and saving lives. If States want to regain control over their borders, migrants should be provided with regular, safe, affordable and accessible mobility channels." Among his "human mobility goals," the Special Rapporteur includes "End[ing] the use of detention as a border management and deterrence tool against migrants."

As many scholars and advocates have long argued, detention is expensive and ultimately ineffective. Nevertheless, to the extent that countries have a clearly stated legal framework providing detention measures, they have a sovereign right to employ them if they can establish that detention is "necessary, reasonable in all the circumstances and proportionate to a legitimate purpose" (UNHCR 2012). However, effort should be made to exclude detention measures in multinational migration management initiatives, and the Global Compact would benefit from a clear statement on this point. Additionally, when people are apprehended for migration-related reasons, non-state actors should be excluded from serving custodial functions. Apprehended migrants and asylum seekers should always unambiguously be in the custody of a state, whether they are on that state's national territory, in transit zones, aboard vessels, or on territories where the state exercises extra-territorial jurisdiction or responsibilities.

RECOMMENDATION 2. States and the international community should limit the involvement of private companies in immigration control measures and their roles in migration management schemes must be subject to the domestic laws and international obligations both in the states where they operate as well as those in which they are domiciled.

Private companies play an important role facilitating migration. However, a variety of concerns arise when they become involved in migration control and detention, including questions of accountability, transparency, and responsibility. As we see in the case of "carrier sanctions" and situations like the one at Seoul airport, states can try to shield themselves from responsibility or obligations by placing noncitizens in the hands of private actors. It is also important to note that every major multinational company that has operated detention centers has been the target of severe criticism or lawsuits for mismanaging them or mistreating detainees, making it hard to avoid the conclusion that private companies will inevitably seek to cut costs, leading to a decline in services. Immigration detention is intended to serve an administrative role to accomplish immigration goals. However, in deciding to privatize detention operations, one opens the door to the potential that the rationale for immigration detention is not to meet the limited aims of administrative detention, but to satisfy the profit motives of companies (Flynn 2017).

A growing chorus of voices at the international level has begun to address this problem, including within the scope of the UN Guiding Principles on Business and Human Rights and efforts to develop an international code of conduct for private security companies. The UN Working Group on the Use of Mercenaries, which in early 2017 held a day of discussion on "PMSCs in places of deprivation of liberty and their impact on human rights," has called for a binding international agreement to regulate the use and activities of private military and security companies. A fundamental pillar of the UN Guiding Principles is the extraterritorial responsibility of states when it comes to private businesses: "States should set out clearly the expectation that all business enterprises domiciled in their territory and/or jurisdiction respect human rights throughout their operations."

Not only should states limit the involvement of private companies in immigration control measures, states and their partners must ensure that private companies roles in migration management schemes are subject to the domestic laws and international obligations both in the states where they operate as well as those in which they are domiciled. To help ensure that the work of for-profit actors involved in migration management initiatives do not harm migrants and refugees, states and other partners jointly working to address migration and refugee challenges should only seek private sector partners who have expressed a policy commitment to respect human rights, for instance by agreeing to relevant codes of conduct.

RECOMMENDATION 3. The IOM should actively endorse the centrality of human rights in the Global Compact for Migration and amend its constitution so that it makes a clear commitment to international human rights standards.

This recommendation — a restating of proposals made by Guild, Grant, and Groenendijk (2017) in their timely paper "IOM and the UN: Unfinished Business" — emerges from our reflection in this paper on the growing role that the IOM and other non-human rights-based international intergovernmental organizations are playing in detention situations, as well as the IOM's new status as an official related organization of the United Nations and its central role in negotiations on the Global Compact. Despite the IOM's insistence that it is a "non-normative" organization, at recent meetings and consultations of the Global Compact it has made an effort to highlight its role in the "UN System." This could be misleading, failing IOM's clear recognition that it accepts to be guided by relevant UN human rights norms. As Guild, Grant, and Groenendijk (ibid.) ask, "Is it possible to define the term 'non-

normative' in a manner which is consistent with the human rights objective of the UN?" Although human rights are mentioned in various IOM planning and strategy documents, human rights are not mentioned in its constitution. The IOM should actively endorse the centrality of human rights and amend its constitution so that it makes a clear commitment to international human rights standards.

RECOMMENDATION 4. NGOs should carefully assess the services they provide when operating in detention situations to ensure that their work contributes to harm reduction.

In his April 2016 report, *In Safety and Dignity: Addressing Large Movements of Refugees and Migrants*, the UN Secretary General rightly calls for boosting the capacities of NGOs so they can "play a greater role in humanitarian responses" (UN Secretary-General 2016). However, the involvement of nonprofit groups in detention operations can lead to accountability questions like those that apply to for-profit companies. Some observers have also raised concerns that the involvement of nongovernmental groups in detention services risk providing the state with normative cover for its detention activities. There is a fine and not-very-obvious line that advocacy groups must navigate when they become involved in providing services to detainees that should properly be the responsibility of the state. In the case of Lebanon, for instance, Caritas provides services that Lebanon's General Security might otherwise neglect. It is also important to recognize that the presence of NGOs in detention centers can help ensure that the rights of detainees are respected, especially in cases — like for instance at Australia's offshore processing facilities — where independent monitoring and access by journalists or other observers are severely limited. Thus, it is critically important that states enable civil society to access and assist undocumented migrants, asylum seekers, and refugees in detention, with particular attention to vulnerable persons including children, pregnant women, and stateless persons. At the same time, NGOs that find themselves in these difficult situations should continually work to make sure that the harm-reducing services that they provide do not lead to more detention, or prevent states from being held fully accountable for the rights and well-being of detainees.

REFERENCES

Allison, Eric, and Simon Hattenstone. 2017. "With its history, G4S should not be trusted to care for vulnerable children." *The Guardian*, February 20.

Alston, Philip, ed. 2005. *Non-State Actors and Human Rights*. Oxford: Oxford University Press.

Agamben, Giorgio. 1998. *Homo Sacer: Sovereign Power and Bare Life*. Stanford: Stanford University Press.

Amnesty International. 2014. "Amnesty International's Submission to the Council of Europe Committee of Ministers: Hirsi Jamaa and Others V. Italy (Application No. 27765/09)." London: Amnesty International.

Arbogast, Lydie. 2016. "Migrant Detention in the European Union: A Thriving Business." Paris and Brussels: Migreurop and Rosa-Luxemburg-Stiftung. https://www.rosalux.eu/fileadmin/user_upload/Publications/MIGRANT-DETENTION-EU-EN.pdf.

Associated Press. 2015. "Malaysian human traffickers' camps had 139 suspected graves, barbed-wire cages." *Associated Press*, May 25.

Betts, Alexander. 2013. "The Migration Industry in Global Migration Governance." In *The Migration Industry and the Commercialization of International Migration*, Thomas Gammeltoft-Hansen, and Ninna Nyberg Sørensen, 45-63. New York: Routledge.

Clarke, Lisa. 2014. *Public-Private Partnerships and Responsibility under International Law*. New York: Routledge.

Conlon, Deirdre, and Nancy Hiemstra. 2014. "Examining the Everyday Micro-Economies of Migrant Detention in the United States." *Geographica Helvetica* 69(5): 335-44. https://doi.org/10.5194/gh-69-335-2014.

Cornelisse, Galina. 2010. *Immigration Detention and Human Rights: Rethinking Territorial Sovereignty*. Leiden: Martinus Nijhoff Publishers. https://doi.org/10.1163/ej.9789004173705.i-384.

DOS (US Department of State). 2015. *Trafficking in Persons Report*. Washington, DC: DOS. https://www.state.gov/j/tip/rls/tiprpt/2016/index.htm.

Ek, Richard. 2006. "Giorgio Agamben and the Spatialities of the Camp: An Introduction." *Swedish Society for Anthropology and Geography* 88 (4): 363-86. https://doi.org/10.1111/j.0435-3684.2006.00228.x.

European Committee for the Prevention of Torture. 2017. "Factsheet: Immigration Detention." Strasbourg: Council of Europe. https://rm.coe.int/16806fbf12.

Fischer, Nicolas. 2011. "Monitoring Detention: The Control of Immigration Detention in France and the Role of Human Rights Organizations." Paper prepared for the "Europeanization of Exclusion Policies and Practices" workshop, University of Neuchâtel, June 16-17.

Flynn, Matthew B. 2016. "From Bare Life to Bureaucratic Capitalism: Analyzing the Growth of the Immigration Detention Industry as a Complex Organization." *Contemporary Readings in Law and Social Justice* 8(1): 170-97.

Flynn, Michael. 2011. Visit to General Security Detention Center in Adlieh, Beirut Organized by Caritas-Lebanon, August 28.

———. 2012. "Who Must Be Detained? Proportionality as a Tool for Critiquing Immigration Detention Policy." *Refugee Studies Quarterly* 31(3): 40-68. https://doi.org/10.1093/rsq/hds008.

———. 2013. "Be Careful What You Wish For." *Forced Migration Review* 44: 22-23.

———. 2014. "There and Back Again: On the Diffusion of Immigration Detention." *Journal on Migration and Human Security* 2(3): 165-97. https://doi.org/10.14240/jmhs.v2i3.31.

———. 2017. "Statement to the Working Group on the Use of Mercenaries Panel on 'PMSCs in places of deprivation of liberty and their impact on human rights.'" Geneva: Global Detention Project. https://www.globaldetentionproject.org/statement-to-the-working-group-on-the-use-of-mercenaries-panel-on-pmscs-in-places-of-deprivation-of-liberty-and-their-impact-on-human-rights.

Flynn, Michael, and Cecilia Cannon. 2009. *The Privatization of Immigration Detention: Towards a Global View*. Geneva: Global Detention Project.

Frelick, Bill, Ian M. Kysel, and Jennifer Podkul. 2016. "The Impact of Externalization of Migration Controls on the Rights of Asylum Seekers and Other Migrants." *Journal on Migration and Human Security* 4(4): 190-220. https://doi.org/10.14240/jmhs.v4i4.68.

Gallagher, Anne, and Elaine Pearson. 2010. "The High Cost of Freedom: A Legal and Policy Analysis of Shelter Detention for Victims of Trafficking." *Human Rights Quarterly* 32(1): 73-114. https://doi.org/10.1353/hrq.0.0136.

Gammeltoft-Hansen, Thomas. 2013. "The Rise of the Private Border Guard." In *The Migration Industry and the Commercialization of International Migration*, edited by Thomas Gammeltoft-Hansen and Ninna Nyberg Sørensen, 128-51. New York: Routledge.

Geiger, Martin, and Antoine Pecoud, eds. 2010. *The Politics of International Migration Management*. New York: Palgrave. https://doi.org/10.1057/9780230294882.

Georgi, Fabian. 2010. "For the Benefit of Some: The International Organization for Migration and Its Global Migration Management." In *The Politics of International Migration Management*, edited by Martin Geiger and Antoine Pecoud. Basingstoke: Palgrave. https://doi.org/10.1057/9780230294882_3.

GDP (Global Detention Project). 2012a. *Italy Immigration Detention Profile*. Geneva: GDP. http://www.globaldetentionproject.org/countries/europe/italy.

———. 2012b. *A Survey of Private Contractor Involvement in U.S. Facilities Used to Confine People for Immigration-related Reasons*. Geneva: GDP. http://www.globaldetentionproject.org/publications/survey-private-contractor-involvement-us-facilities-used-confine-people-immigration.

———. 2014. *Lebanon Immigration Detention Profile*. Geneva: GDP. http://www.globaldetentionproject.org/countries/middle-east/lebanon.

———. 2015a. *Libya Immigration Detention Profile*. Geneva: GDP. http://www.globaldetentionproject.org/countries/africa/libya.

———. 2015b. *Immigration Detention in the Gulf: Global Detention Project Special Report*. Geneva: GDP. https://www.globaldetentionproject.org/immigration-detention-in-the-gulf.

Grange, Mariette. 2013. *Smoke Screens: Is There a Correlation between Migration Euphemisms and the Language of Detention?* Geneva: Global Detention Project.

Guild, Elspeth. 2006. *Report for the European Parliament: Directorate General Internal Policies of the Union: A Typology of Different Types of Centres in Europe*. Brussels: Centre for European Policy Studies.

Guild, Elspeth, Stefanie Grant, and Kees Groenendijk. 2017. "IOM and the UN: Unfinished Business." Queen Mary School of Law Legal Studies Research Paper No. 255/2017. https://ssrn.com/abstract=2927414.

Helton, Arthur. 1989. "The Detention of Refugees and Asylum Seekers: A Misguided Threat to Refugee Protection. In *Refugees and International Relations*, edited by Alexander Betts and Gil Loescher. Oxford: Oxford University Press: Oxford.

Hernández-León, Ruben. 2008. *Metropolitan Migrants: The Migration of Urban Mexicans to the United States*. Berkeley: University of California Press.

Human Rights Watch. 2015. "Thailand: Mass Graves of Rohingya Found in Trafficking Camp." New York: Human Rights Watch. https://www.hrw.org/news/2015/05/01/thailand-mass-graves-rohingya-found-trafficking-camp.

ICAI (Independent Commission for Aid Impact). 2017. *The UK's aid response to irregular migration in the central Mediterranean*. London: ICAI. http://icai.independent.gov.uk/report/uks-aid-response-irregular-migration-central-mediterranean/.

ICMPD (International Centre for Migration Policy and Development). n.d.a. "MTM: Completed Projects." http://www.icmpd.org/Completed-Projects.1624.0.html.

———. n.d.b. "Migration Dialogues: MTM." http://www.icmpd.org/index.php?id=1558.

Josselin, Daphne, and William Wallace, eds. 2001. *Non-State Actors in World Politics*. New York: Palgrave.

Kasparek, Bernd. 2010. "Borders and Populations in Flux: Frontex's Place in the European Union's Migration Management." In *The Politics of International Migration Management*, edited by Martin Geiger and Antoine Pecoud. Basingstoke: Palgrave. https://doi.org/10.1057/9780230294882_6.

Kingsley, Patrick. 2016. "'They Were Psychopaths': How Chaos in Libya Fuels the Migration Crisis." *The Guardian*, June 17.

Kullab, Samya. 2013. "New General Security Detention Centre in Limbo." *The Daily Star*, November 1.

La Cimade. n.d. "Histoire." Paris: La Cimade. http://www.lacimade.org/la_cimade/cimade/rubriques/4-histoire.

Lahav, Gallya, and Virginie Guiraudon. 2000. "Comparative Perspectives on Border Control." In *The Wall Around the West*, edited by Peter Andreas and Timothy Snyder. Lanham: Rowman & Littlefield.

Levy, Carl. 2010. "Refugees, Europe, Camps/State of Exception: 'Into the Zone,' the European Union and Extraterritorial Processing of Migrants, Refugees, and Asylum-Seekers (Theories and Practice)." *Refugee Survey Quarterly* 29(1): 92-119. https://doi.org/10.1093/rsq/hdq013.

Majcher, Izabella. 2015. "Human Rights Violations during EU Border Surveillance and Return Operations: Frontex's Shared Responsibility or Complicity?" *Silesian Journal of Legal Studies* 7: 45-78.

Mannocchi, Francesca. 2017. "Trapped: Inside Libya's detention centres." UNICEF blog, February 22. https://blogs.unicef.org/blog/libyan-detention-centres/

Menz, Georg. 2013. "The Neoliberalized State and the Growth of the Migration Industry." In *The Migration Industry and the Commercialization of International Migration*, edited by Thomas Gammeltoft-Hansen and Ninna Nyberg Sørensen. New York: Routledge.

Mountz, Alison. 2004. "Embodying the Nation-State: Canada's Response to Human Smuggling." *Political Geography* 23: 323-45. https://doi.org/10.1016/j.polgeo.2003.12.017.

MRS and CMS (Migration and Refugee Services of the US Conference of Catholic Bishops, and Center for Migration Studies). 2015. "Unlocking Human Dignity: A Plan to Transform the US Immigrant Detention System." *Journal on Migration and Human Security* 3(2): 159-204. https://doi.org/10.14240/jmhs.v3i2.48.

Nyberg Sørensen, Ninna, and Thomas Gammeltoft-Hansen. 2013. "Conceptualizing the Migration Industry." In *The Migration Industry and the Commercialization of International Migration*, edited by Thomas Gammeltoft-Hansen and Ninna Nyberg Sørensen. New York: Routledge.

Rajaram, Prem Kumar, and Carl Grundy-Warr. 2004. "The Irregular Migrant as Homo Sacer: Migration and Detention in Australia, Malaysia, and Thailand." *International Migration* 42(1): 33-64. https://doi.org/10.1111/j.0020-7985.2004.00273.x.

Reinisch. August. 2005. "The Changing International Legal Framework for Dealing with Non-State Actors." In *Non-State Actors and Human Rights*, edited by Philip Alston, 37-92. Oxford: Oxford University Press.

Rodenhäuser, Tilman. "Another Brick in the Wall: Carrier Sanctions and the Privatization of Immigration Control." *International Journal of Refugee Law* 26(2): 223-47. https://doi.org/10.1093/ijrl/eeu020.

Slemrod, Annie, and Van Meguerditchian. 2012. "Inside Adlieh's infamous detention centre." *The Daily Star*, November 24. http://www.dailystar.com.lb/ArticlePrint.aspx?id=196043&mode=print.

SRHRM (UN Special Rapporteur on the Human Rights of Migrants). 2017. "Report of the Special Rapporteur on the human rights of migrants on a 2035 agenda for facilitating human mobility." Geneva: UN Human Rights Council.

SRSG (UN Special Representative of the Secretary-General) on Migration. 2017. "Report of the Special Representative of the Secretary-General on Migration." New York: UNGA.

Szep, Jason, and Andrew R.C. Marshall. 2013. "Special Report - Thailand secretly dumps Myanmar refugees into trafficking rings." *Reuters*, December 5. http://uk.reuters.com/article/uk-thailand-rohingya-special-report-idUKBRE9B400920131205.

UK Refugee Council. 2008. *Remote Controls: How UK Border Controls are Endangering the Lives of Refugees*. London: UK Refugee Council.

UNHCR (United Nations High Commissioner for Refugees). 2012. *Detention Guidelines*. Geneva: UNHCR. http://www.unhcr.org/publications/legal/505b10ee9/unhcr-detention-guidelines.html.

UN Secretary-General. 2016. *In Safety and Dignity: Addressing Large Movements of Refugees and Migrants: Report of the Secretary-General*. New York: UNGA (United Nations General Assembly). http://refugeesmigrants.un.org/sites/default/files/in_safety_and_dignity_-_addressing_large_movements_of_refugees_and_migrants.pdf.

UNSMIL (United Nations Support Mission in Libya). 2016. *"Detained and Dehumanised": Report on Human Rights Abuses Against Migrants in Libya*. Geneva: UN Office for the High Commissioner for Human Rights.http://www.ohchr.org/Documents/Countries/LY/DetainedAndDehumanised_en.pdf.

Van Efferink, Leonhardt. 2010. "Interview with Martin Geiger." *Exploring Geopolitics*, October. http://www.exploringgeopolitics.org/Interview_Geiger_Martin_International_Immigration_Management_Organization_Policy_Politics_EU_Schengen_Treaty_Illegal_Human_Women_Trafficking_Minorities_Citizenship.html.

Walters, William. 2010. "Deportation, Expulsion, and the International Police of Aliens." In *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement*, edited by Nicholas De Genova and Nathalie Peutz, 69-100. Durham: Duke University Press. https://doi.org/10.1215/9780822391340-003.

Zolberg, Aristide R. 1999. "Matters of State: Theorizing Immigration Policy." In *The Handbook of International Migration: The American Experience*, edited by Charles Hirschman, Philip Kasinitz, and Joshua DeWind, 71-93. New York: Russell Sage Foundation.