

Crimmigration in convergence? Comparing trends in prison policy and practice in England and Wales, and Norway

Francis Pakes, University of Portsmouth, UK and Katrine Holt, Higher Executive Officer, Oslo politidistrikt, Norway.

ABSTRACT

The crimmigration landscape in the UK is much lamented. Reference is frequently made to the recent creation of dozens of new immigration offences and a sharp increase in the administrative detention of immigrants during the last two decades. In particular the prison has recently become an acute site of crimmigration with separate prisons for foreign nationals (Kaufman, 2013). Norway, on the other hand has traditionally been regarded an exception. The treatment of criminals and outsiders is described as inclusive and rehabilitative and focused on their successful return to society. However, here a distinction is also increasingly made between prisoners that will return to society and those that will not, most particularly foreign nationals. The UK and Norway are virtually the only countries in Western Europe with regular prisons that are exclusively reserved for foreign nationals. This article examines how the arguably most benign and the arguably most severe prison systems of Western Europe have come to mimic each other in this fashion. Wider implications for our theoretical understanding of the nature and loci of crimmigration policies are also considered.

Introduction

Any comparative research that is worth doing will reveal both similarity and difference (Pakes, 2010; Nelken, 2010)). Researchers are frequently inspired by seeking to understand why criminal justice arrangements in one jurisdiction can be so strikingly different from the next. But similarities can be as intriguing. This is in particular the case where highly dissimilar countries deploy highly similar approaches. What would be the cause of such convergence?

Comparative research can be motivated by any number of considerations. However, overly pragmatic approaches are often deemed suspect. Jones and Newburn (2008) and Nelken (2009) warn against the assumption that criminal justice arrangements can be studied out of context, and, if desired, plucked out of their original context and airlifted into another. Policy transfer is never a case of simply shopping around. The work of Jones and Newburn shows that rather than precise policies or institutions, what is transferred usually concerns less tangible aspects of policy, such as catch phrases or broad orientations which are subsequently refitted into a different context.

Often the more meaningful comparative approaches consider arrangements in context. Through studying phenomena in a range of different contexts both a wider and a deeper appreciation of such phenomena can be gained (Pakes, 2014). It is the latter approach that is taken here. By studying a specific aspect of crimmigration, its emergence in national prison systems and its manifestation in two very different places we can gain a deeper insight into whether and how crimmigration may play out in very different contexts. That should give an indication of the power of the phenomenon in particular where we discern similarity in unexpected places.

The similarity that sparked this article is the fact that, despite their obvious and well published differences in penal philosophy, both England and Wales and Norway are European frontrunners in segregating foreign national inmates in their regular prison systems. This makes the pair virtually unique in Western Europe. To be clear, many countries do deploy other ways in which to detain foreign nationals. For instance, in many countries there are detention centres for those who await deportation or whose application for asylum is being processed. But these tend not to be regular prisons even though conditions may be disturbingly similar. In the UK there are numerous Immigration Detention Centres (IRCs) that hold a few thousand individuals at any one time. In Norway there is a single such institution, at Trandum.

But that it should be Norway that has followed the English example of a separate prison for foreign nationals is striking. After all, the Norwegian prison system frequently is juxtaposed to that of England and Wales. The former is a prime example of Scandinavian exceptionalism (Pratt, 2008a, b, Pratt and Eriksson, 2011) whereas the latter is an exponent of 'Anglophone penal excess' (Pratt and Eriksson, 2011). Prisons in the UK are invariably discussed in terms of crisis and failure. The estate is creaking, there is severe overcrowding and the talk is of suffering, self-harm, suicide, drugs, riots and the building of ever bigger titan prisons, and there are high rates of reoffending. The Norwegian prison system, in contrast is frequently described as small scale, positive and truly focused on rehabilitation at which it seems to be quite successful, as reoffending rates are much lower.

A deeper appreciation of emerging similarities between Norway and England and Wales could serve to inform the wider crimmigration literature, in particular through the identification of the prison as place of crimmigration. Prisons are, after all, traditionally very much national institutions, so that historically, as Pratt and Eriksson have demonstrated, prisons have developed differently and serve subtly different purposes. In addition, the extent of similarity between Norway and England and Wales could shed light on any nascent Europeanisation of crimmigration. After all, the treatment of foreign nationals, asylum seekers, and 'migrants' is of acute concern across Europe. Through European-wide policies and structures, such as Frontex (see Aas and Grundhus, 2015) and the Dublin convention on asylum, we do see increasingly salient European policy making on migration. But can we also discern a European dimension when it comes to crimmigration in the prison?

In terms of method, this can be termed a 'most different design' (Pakes, 2014), the consideration of one phenomenon in two very different contexts. We analyse these developments through an analysis of the changing prison populations in the UK and Norway (both in terms of size and demographics) through data held by the Council of Europe. It is furthermore informed by popular media, academic literature and visits of several prisons in Norway, including Bastøy, Halden and Kongsvinger.

Foreigners in prison in the UK and Norway: between crisis and idyll

The contrast between how prisons are reported in the UK and Norway could scarcely be more dramatic. From the UK there are tales of overcrowded and poorly performing prisons filled with dangerous, addicted and riotous inmates. In contrast, from Norway, from time to time we are treated to the sight of sunbathing prisoners who seemingly live the life of Riley. Erwin James's piece in UK newspaper the Guardian (2013) is an example. It highlights the conditions and low reconviction rates of *Bastøy* prison, the Island prison in the Oslo Fjord. True to type, an inmate, without shirt, is sunbathing on a wooden table typically found in parks in the UK. A CNN piece from

2012 highlights meaningful activity in computing and farming (Sutter, 2012). Typically these reports feature thoughtful prisoners who sing the praises of the prison system that seems to truly seek to rehabilitate.

Prison policy in Norway has historically been informed by the normalisation thesis. As the sentence to prison is considered the punishment, prison conditions should be as rehabilitative as possible. Prisons are part of society, not outside it and hence, life inside should be as 'normal' as possible. The normalisation thesis informs policy making throughout, including prison design, staff training, staff-prisoner relations, opportunities for prisoners and an emphasis on prisoner agency. This is all in contrast to the UK where imprisonment is invariably a thoroughly disempowering experience. The difference in culture, material conditions and lived experience remains stark.

Foreign national prisoners: Data and trends

Stepping aside from impressions and media depictions let us consider data on foreign national prisoners in England and Wales and Norway on a national level. These data are held by the Council of Europe (under its SPACE 1 programme) and, since 2011 much care has been taken to ensure that data are comparable between countries. Only since 2011 are categories of exclusion and inclusion harmonised. Prior, some countries submitted figures that included those held in alien detention, juveniles or those in secure mental health facilities whereas others did not (Aebi and Delgrande, 2009; see also Van Dijk, 2011). For both countries, the data below exclude those in immigration detention or psychiatric care but includes both remand and sentenced prisoners. Where nationality is unknown these prisoners are not included.

The data for England and Wales on prisoner numbers and the proportion of foreign national prisoners in it, is as below in Table 1. The prison population has obviously risen between 2000 and 2013 but has actually slightly reduced between 2008 and 2013. That means that there have been a number of recent years with very little overall movement in the total prison population figures. The rise from 2006, the onset of the 'foreign prisoner crisis' that we will discuss later, until 2013, is just under 4%. The proportion of foreign national inmates has remained relatively stable too, hovering as it does between 13% and 15% between 2006 and 2013, although there was a near doubling of numbers of foreign national prisoners between 2000 and 2006. Indeed, the more recent figures show very little recent change in terms size or of composition of the prison population. Crisis? What crisis?

England and Wales				
Year	Total number of prisoners (inc. remand)	Prison population per 100,000	Number and % of foreign inmates	
2000	65 666	124	5,586	8.5 %
2001	67 056	126	not available	not available
2002	71 324	137.1	not available	not available
2003	72 992	139.1	not available	not available
2004	74 488	140.4	8,941	12%
2005	76 190	142.7	9,650	12.2 %

2006	77 982	145.1	10,879	14 %
2007	75 461	139.6	11,310	14.2 %
2008	83 194	152.8	11 498	13.8 %
2009	83 454	152.3	11 350	13.6 %
2010	82 383	149.1	11 135	13.1 %
2011	82 875	147.5	12 344	14.5 %
2012	83 626	147.8	12 810	14.9 %
2013	81 048	142.3	11 663	13.9 %

The figures for Norway paint a different picture. First of all there is an obvious difference in scale, with the prison estate in England and Wales housing well over 80,000 prisoners whereas in Norway the system houses only a few thousand. Prisons are smaller in size too (Jensen, Granheim and Helgesen (2011)). The percentage of foreign inmates in Norwegian prisons only reached 1,000 in 2010, a factor 10 less than in England and Wales. But the trajectories are interesting to consider. The prison population in Norway went up from 2,643 to 3,649, an increase of 38%. But the rise of foreign inmates is much more dramatic. It went up from 314 (12.9%) to 1209 (33.1%), a rise of 385%. That, arguably is much more transformational than the rise of the prison population itself, and, much more transformational than the comparatively small increase of foreign prison numbers in the UK.

So in conclusion, what both countries share is an increase in prison numbers since the New Millennium. The degree of increase for the UK is 23.4% as compared to 38.1% in Norway. In Norway the number of foreign prisoners went from 341 in 2000 to 1,209 in 2013. That is a proportional increase of 354%. The equivalent figure in the UK is from 5,586 to 11,663, a proportional increase of just over 2-fold. Deportations from Norway went up from 718 per year in 2000 to 5198 during the same period. This is a 7-fold increase. Thus, in Norway the prison rate has climbed up somewhat quicker than in England and Wales, but of course it came from a very low base. The proportion of foreign national prisoners rose rather quicker in Norway too but this already came from a higher base. In 2013 the effective difference between both countries is between 1 in 3 prisoners being of foreign national status or, as was the case in the UK in 2013 roughly 1 in 7. These situations do not quite compare.

		Norway		
Year	Total number of prisoners (inc. detainees)	Prison population per 100,000	Number and % of foreign inmates	
2000	2 643	59	341	12.9 %
2001	2 666	59.2	not available	not available
2002	2 662	58.8	398	15 %
2003	2 914	64	not available	not available
2004	2 975	65	572	19.2 %
2005	3 097	67.2	551	17.8 %

2006	3 164	67.8	576	18.2 %
2007	3 280	70.9	680	20.7 %
2008	3 278	70.6	812	24.8 %
2009	3 285	68.4	913	27.8 %
2010	3 636	74.8	1 129	31.1 %
2011	3 535	71.8	1 087	30.7 %
2012	3 551	71.2	1 151	32.4 %
2013	3 649	72.2	1 209	33.1 %

Ugelvik (2011) rightly argues that the term foreign national prisoner needs unpacking. The ‘cold’ definition would be that a foreign national prisoner is one who serves time in a prison in a country of which they are not a citizen. In practice, nationality is confused with ethnicity and assumptions, frequently erroneous are made about residence, religion, culture and language. As we shall see, this is not just a matter of counting, but also a matter of treatment.

Separate systems?

In the UK, major changes to the prison system occurred further to a much publicized purported ‘foreign prisoner crisis’. Kaufman (2013) describes it very cuttingly. Her opening sentence of the chapter in Aas and Bosworth’s edited collection (2013) is “The foreign national prisoner crisis began in 2006.” She then relays the story of how Charles Clarke (then Home Secretary) was forced to announce that 1,000 ‘non citizens’ had been released from prison without having been considered for deportation. Amid headlines shrieking that scores of foreign murderers and rapists were on the loose, Clarke lost his job soon after. It prompted a drastic restructuring of the prison service that has made prisons in England and Wales the acute crimmigration battle site that it is today. Although relatively little noticed from the outside and certainly under-researched, this transformation was achieved through the establishment of prisons exclusively or predominantly for foreign national prisoners, and through close working relationships between these prisons and the UK Border Agency (UKBA), the agency that then was in charge of deportations.

The policy is goes by the non-descript term of ‘hubs and spokes’. A number of prisons were designated for foreign inmates and UKBA and the prison service work together in these prisons. Hubs and spokes is relatively little known in the UK. The agreement between UKBA and the prison service has not been made public. UKBA has since been abolished and immigration issues dealt with by two agencies, UK Visas and Immigration and Immigration Enforcement. But this truly has been a quiet revolution.

Kaufman (2013) describes practice under the new ‘hubs and spokes’ regime. She explains that the hubs and spokes policy inaugurated an inter-agency effort to identify the ‘foreigners’ in British prisons. She then describes that the effects of the new emphasis of border control within the prison are far reaching. Prison staff become, to an extent quasi immigration officers. They contact embassies, mediate between prisoners and immigration officials and serve foreign national prisoners with legal notices. Another, most controversial state of affairs is that prisons can hold foreign nationals after they have served the length of their sentence, on administrative grounds as immigration detainees. As there is no time limit in the UK on this form of administrative detention, it

places foreign nationals in a position that is rich in irony and nothing short of outrageous: they are forced to 'overstay' in prison. Kaufman discusses these developments explicitly in relation to crimmigration. In terms of the extent to which the 'hubs and spokes' arrangement can be viewed as expressions of crimmigration, she sees a less than perfect fit. The concept of crimmigration, she argues, "tends to encourage an overemphasis on the process of criminalization (...). By foregrounding the process of criminalization, the crimmigration framework can suppress this crucially non-criminal element of the relationship between crime and border control" (Kaufman, 2013, p.174). Perhaps the fusion of immigration control with prison policy and practice is an area not highlighted if you take a strictly legal perspective of crimmigration. It is true that the transformation of the British prison, as Kaufman calls it, did not rely on such a fusion of immigration law and criminal law.

But then, certainly on the European mainland, there are scholars that do not fall into this trap. Van der Leun and Van der Woude and Nijland (2014) in particular take a broad, societal perspective on crimmigration. They list the following manifestations of crimmigration in the Netherlands: the criminalisation of migration; the banning of 'undesirable' aliens, criminalising illegal stay; immigrationalisation of criminal law; increased powers for the deportation of criminal aliens; administrative detention for criminal migrants; parallels in the actual operation of criminal and immigration law, and lastly; the fusion of investigative powers. True, several of these comprise crimmigration in a narrow legal sense. But there is more, such as administrative powers, and the harmonising of various working practices. And there is a more pertinent point: states revert to non-criminal justice modes of operating because it is easier: it can be done quietly, without parliamentary debate, by simply invoking organisational change which can easily be justified by referring to oblique and non-transparent 'virtues' such as 'efficiency', and 'multi-agency working'.

At the same time Kaufman (2013) makes it clear that the transformation of the prison as a site of border control is far from complete. There are tensions between the agencies, and the identification of individuals targeted for deportation is piece meal and often ad hoc. She even writes that there was staff assigned to work with foreign nationals in these prisons that had never even heard of hubs and spokes.

And in Norway there is *Kongsvinger* prison (Ugelvik, 2012). Kongsvinger, nearly fifty miles from Oslo's International Gardermoen Airport, was designated a foreign national prison in late 2012 and started operating as such in 2013. In the Government brief it was stipulated that provision in Kongsvinger should be no worse than for other prisons. The prison operates two separated sections: a high security and a low security section. The target group of the prison is those likely to be deported with a remaining sentence of no more than one year (low secure) or two years (high secure). The capacity of the prison is 120 cells (48 low security, 78 high security) but there are plans for expansion. The high and low secure areas are separated by a concrete wall that circles the high secure part of the prison. The low secure area is contained with an iron see-through fence. Visitors are explained that the erection of the high secure wall was engineered so as not to compromise the panoramic view. The year 2014 saw in total 348 prisoners enter Kongsvinger for a longer or a shorter spell. There were 166 prisoners that had resided at Kongsvinger who had subsequently been removed from the country in 2014.

Kongsvinger is very much a Norwegian prison. It is set on top of a hill in a rural setting. The area used to contain ski jumping facilities and that part of the reception building started life as a ski lodge, with

views to match. Kongsvinger can make similar appeals to healthy living as is done throughout the Norwegian prison estate. With private prisons a non-issue, prison staff are trained as all others which further places Kongsvinger prison firmly within the Norwegian prison system and its ethos. In terms of architecture the prison consists of a constellation of small buildings many of which have had varying uses. Somewhat at odds with the normalisation thesis, however, may be the fact that prison staff has riot gear at their disposal such as helmets, shields and other specialist equipment. Staff are very regularly trained in how to handle riots or disturbances, something that is unlikely to escape the notice of prisoners. This may be an example of the contradictions of punishment in Norway: on the one hand, the normalisation thesis is extended to a good degree to Kongsvinger prison, exclusively filled with non-Norwegian nationals. On the other, the frequent training to deal with riots reinforces an idea, possibly both within the minds of prisoners and of security staff. That said, the message conveyed was very much one of dynamic or relational security, through building personal relationships with prisoners, and being sensitive to their needs.

What is the wider significance of Kongsvinger prison? It should not be overplayed. The size of the prison with a capacity of 120 is unremarkable in a global sense but it does in fact make it one of Norway's bigger penal establishments. The fact that there have been 166 deportations further to a stay in Kongsvinger needs to be set against total national deportation figures of over 5,000, in 2013. Here again, the impact of Kongsvinger is not much more than a drop in the ocean. Add to this the official emphasis placed in not having Kongsvinger prison become a second rate prison by any means, it might be argued that Kongsvinger represents not much more than one small-ish corner of the Norwegian criminal justice system, but one that is specifically aimed at foreigners and at deportation. Although by design, and set up by the previous government, it remains small scale, even when considered within the already small-scale Norwegian prison estate.

Where Kongsvinger takes on a larger than life significance is in the penal imagination. In Norway there is now regular talk as to how to achieve ways in which foreign national prisoners can be 'rid of' (see also Aas, 2014). This penal imagination, you might say has propelled Norway to access prison capacity in the Netherlands. The penal establishment in rural *Veenhuizen* in the North of the Netherlands is earmarked as the prison where some of those convicted in Norway will serve part of their sentence and in September 2015 the first airplane with prisoners has arrived. In The Netherlands the deal is welcomed as it secures employment for prison staff. In Norway the deal is regarded as sensible as it, at least temporarily, enhances penal capacity. Added to this is the view that many of the prisoners who will be transferred to the Netherlands are expected to be foreign nationals. It therefore is impossible not to see this move as furthering a 'segregation followed by deportation' agenda. Voices within Norwegian's anti-immigration Progress Party have even suggested the idea of securing prison capacity in Eastern European countries so that nationals from those countries who are convicted in Norway can serve their sentence back in Eastern Europe. Thus there are now a range of ideas aimed at shutting out foreign national prisoners. That is evidence that the 'normalization' thesis may not be quite as dearly held when it comes to these prisoners.

The bifurcations that we see in how foreign nationals are thought about and dealt with have a tangible and disruptive effect on foreign national prisoners. Ethnographic work by Ugelvik (2011, 2013) provides insight into how this plays out. He found that that foreign national prisoners in Norway engage in various means of identity work while incarcerated, involving food in particular (Ugelvik, 2013a). Elsewhere he notes that foreign national prisoners have other discursive ways in

which they set themselves apart: they describe Norwegians as cold, Norwegian men as soft, and belittle Norway as a backwater in a forgotten corner of Europe (Ugelvik, 2011). This is also evidenced by Kruttschnitt, Dirkzwager and Kennedy (2013) in the area of racism and identity, in relation to Dutch prisoners in English prisons. They set out to examine experiences of Dutch nationals in the UK prison system and vice versa. When they carried out their field work, they inevitably ran into the arrangements of hubs and spokes as they visited HMP Bullwood Hall. This is one of the two British prisons exclusively designated for foreign national prisoners. Across the prison estate they compared experiences of white Dutch foreign national prisoners with Dutch prisoners which are described as visible minorities. Their sets of accounts are different. White Dutch prisoners provided unemotional and 'distant' accounts of prison life, as if they were observers rather than relaying their lived experience. They kept a distance, both practically and emotionally from many aspects of prison life. The Dutch prisoners that were part of a visible majority were, instead, in the thick of it. They rather felt the double deviance of being a criminal and an outsider on the basis of race. Harris, Evans and Beckett (2011) refer to this as a 'courtesy stigma', whereas Feteke and Webber (2010) among others consider this as part of a double punishment doled out to visible minority foreign national prisoners, as they very much embody 'the dangerous other'.

Ugelvik (2013b) says that while the England and Wales and Norway have taken levels of segregation of foreign national prisoners relatively far, in many countries there is a degree of concentration of foreign national prisoners in specific parts of the prison estate. Ugelvik (2013b) follows in Feteke and Webber's (2010) footsteps by speaking of a tendency to create two separate but parallel systems; one for citizens, another for non-citizens. He argues that we see the contours of two other dividing lines, one between Norwegian citizens and EU citizens, and another between EU citizens and the rest of the world. However, all these dividing lines will forever fail to capture the multitudes of statuses that exist among incarcerated populations (see Guild, 2009).

The extent of separation and ejection: mission impossible?

In Norway this trend of segregating possibly deportable prisoners is interpreted as 'thinking like a welfare state' (Ugelvik, 2013b). By segregating foreign nationals from 'domestic' prisoners, the system might, in some partial way, manage to separate prisoners deemed worthy of rehabilitation from 'non worthy' prisoners. Where much is invested in the rehabilitation of prisoners, such distinctions may become increasing meaningful and regarded as essential in order to maintain both the high standards of the Norwegian prison, and the lofty aims and foundations upon which it is built, for 'deserving' prisoners. In Norway, there is an important, even a principled distinction between foreign national prisoners and Norwegian nationals: the latter remain part of the herd. The former do not, or at least, not necessarily. Therefore the distinction between foreign national prisoners and Norwegian nationals is sharper than in the UK: there is heartfelt inclusivity reserved for the latter whereas the former experience the cold and excluding face of the Norwegian state. Therefore in Norway, from an ideological standpoint, the difference between those that deserve to remain part of society and those that do not sits deeper, and may over time find expression in different ways. The Janus face that Barker (2011) identified in relation to the workings of the Scandinavian state, may turn one side to foreign national inmates whilst at the same time reserve its other, more benign, face to native Norwegians.

The segregation has perhaps gone further in the UK. But at the same time, the drive for segregation is more for pragmatic reasons. After all there is not a similar heartfelt desire in the UK to ensure that prisons are as rehabilitative as possible. Prisoners across the board are not regarded as very much part of the herd, not even prisoners that are most likely to be perceived as 'insiders'. Rather it is an expression of a wider fear of the dangerous other, not offset against the deserving members of an 'in-group' in prison - both are simply set against society at large. In Norway, that bifurcation runs right through the prison system. In the UK, that dividing line is at the prison gate. Thus, within the UK there is an important pragmatic distinction between foreign national prisoners and UK citizens: the latter may be removed which offers practical advantages. But the system is coy about the extent to which this succeeds. Statistics on deportations are hard to find, which is interesting in and of itself. It contributes to the notion that the 'foreign national prison crisis' which played out loudly in the media has led to a very quiet revolution, where there is public quietness both about arrangements and about their outcomes.

Nonetheless, at the same time, both in the England and Wales and in Norway, the process is partial and far from complete. In the UK Kaufman (2013) highlighted the haphazard nature of arrangements very clearly. In Norway after close inspection it turns out that the very best of the Norwegian prison estate, *Halden* prison southeast of Oslo and *Bastøy* island prison in the Oslo-fjord have not at all been cleansed of foreign prisoners. Statistics regarding the proportion of foreign nationals in *Halden* prison speak for themselves and show that the proportion of foreign national prisoners is consistent over 30%, which is in line with the national average. At *Bastøy*, during recent visits it was clear that the prison population was far from exclusively Norwegian either. Thus, whatever the ideological or pragmatic drive, seeing that implementation through on the prison floor is a different matter. It is just not that simple. The limitations involve human rights, there are tensions and conflicts between organisations, there are thorny issues to do with deportability which may change over time due to world events, and prisoners have a varied and ever-changing set of individual circumstances and statuses. The grand design fails to feel grand at any level. This is true both in England and Wales and in Norway.

Conclusion: Crimmigration is settling into the Western European prison

The prison has become a key site of crimmigration, at least in Western Europe where foreign nationals are over-represented in most prison populations. Where crimmigration was originally understood to refer to the fusing of criminal law measures, languages and imaginations with immigration arrangements, hubs and spokes in the UK is a text book example of that fusion. Kongsvinger prison in Norway similarly represents a wider development that we may be sleepwalking into: that it simply becomes regarded as inevitable that imprisonment is an ante-chamber of deportation. Norway's level of deportation is surprisingly effective: it departs around 5000 individuals per year. That far exceeds its overall prison population at any given time. Just for comparison the US has a prison population of around 2 Million yet departs some 500,000. If such comparisons ever make sense, it seems that Norway is an enthusiastic deporting nation as well as a reluctant jailer. That is perhaps some form of evidence that even in Europe's most benign prison system, the logic of select, eject and immobilise (see Weber and Bowling, 2008), has taken hold. Aas (2014) describes how deportation has been widely promoted as a crime solution within the criminal justice system. Thus, similar pressures in the prison system have led to similar responses in two qualitatively different prison systems. This may speak to a process of convergence.

But at the same time, this does not quite provide strong evidence for any Europeanisation of crimmigration with the prison as its emerging locus. The Europeanisation of crimmigration in the prison should not be overplayed. Prisons remain national institutions. Big differences remain between Eastern European countries with very few foreign national prisoners and many Western countries with substantial proportions foreign inmates in their prison estate. Similarly, we can rest assured that Norwegian prisons will not turn into British ones overnight. That makes us question whether at the locus of the prison, we can truly speak of a Europeanisation of crimmigration. What we can see, however is that similar pressures produce similar 'solutions', even in the most opposite of prison systems. Perhaps the prison does not provide evidence of a Europeanisation of crimmigration, but does highlight it as a place of crimmigration in convergence.

What we can see in addition is an intensification of crimmigration practices. Where crimmigration was originally coined as the fusion of immigration law and criminal law (Stumpf, 2006), Aas emphasises its cumulative effect: deportation is increasingly meant to follow imprisonment. A prison sentence alone is not enough: the job is only done once deportation is achieved *and* measures are in place to prevent re-entry. This is certainly discernible in Norway. At the same time, she argues, elements of the idea of reintegration have retained their historic centrality: the prison system remains about bringing the offender back into the fold. She goes on to argue that punishment both achieves and symbolises the termination of membership and with that termination of the membership to society comes the real threat of the subsequent physical removal from it. As is the case with hubs and spokes in the England and Wales, these practices appear to be scarcely visible hence under the radar of legal and normative debates of about punishment (Aas, 2014).

The latter is an important further similarity between the England and Wales and Norway. It highlights the ostensibly administrative nature of crimmigration. Where Kaufman argues that crimmigration tends to zoom in on the legal aspects of such trends, it is entirely clear that crimmigration is very often achieved through administrative reshuffles, and the changing of procedures in a way that evades public scrutiny, let alone outrage. Both the administrative tone, the low key nature of it in public debate and the non-availability of documentation in the public domain makes these processes surprisingly oblique. We say surprising, as it is clear that 'tough on immigration' rhetoric, certainly in the UK, and possibly increasingly in Norway, are vote winners. It is therefore interesting that those that devise and implement these practices are so coy about their effects. As Aas says, there is no doubt that this is the result of intentional political strategy, but both the means and the ends, remain to a large extent obscure.

In sum, the UK versus Norway comparison shows similarities when it comes to the way in which the prison has become a site of crimmigration, as punitive immigration measures increasingly occur subsequent to a prison sentence. The prison system in both countries is increasingly geared up to facilitate this. Of course there are differences in scale and differences in stage with the UK's efforts nearly a decade old and Norway only just embarking on such processes for a couple of years. And of course the UK prison system is a different beast from that of Norway and despite this convergence this is exceedingly likely to stay that way. It is just that what is converging is the discovery of the prison as a key place in which a captive audience can be identified, separated and subsequently ejected.

Finally, our investigation highlights that our perspective on crimmigration should be broad, so that we are seeing what we need to see. Crimmigration is a multi-faceted thing and as a watchword, it is one that ties a multitude of processes together. That should focus our gaze, not only on criminalization processes that are foregrounded and more easily discerned, but also and perhaps in particular on the administrative, oblique and hidden processes that acquire their potency from the very fact that they evade scrutiny. Whereas the term crimmigration may highlight certain aspects of this spectrum of activity, the term has a mobilising quality that cannot be dismissed.

References

- Aas, KF (2014) Bordered penalty: Precarious membership and abnormal justice. *Punishment & Society*, 16(5): 520-541.
- Aas, KF and Gundhus, HO (2015) Policing Humanitarian Borderlands: Frontex, Human Rights and the Precariousness of Life. *British Journal of Criminology* 55(1): 1-18.
- Adams, WL (2010) Sentenced to Serving the Good Life in Norway. *Time Magazine*, 12 July 2010. Available on line: <http://content.time.com/time/magazine/article/0,9171,2000920,00.html>.
- Aebi, MF and Delgrande, N (2009) *Council of Europe Annual Penal Statistics, SPACE 1, Survey 2007*. Strasbourg: Council of Europe.
- Banks, J (2011) Foreign national prisoners in the UK: Explanations and implications. *Howard Journal of Criminal Justice*, 50(2): 184-198.
- Barker, V (2012) Nordic Exceptionalism Revisited: Explaining the Paradox of a Janus-faced Penal Regime. *Theoretical Criminology* 17(1): 5-25.
- James, E (2013) Bastoy: the Norwegian prison that works. *Guardian Newspaper*, 13 September 2013. Available on line: <http://www.theguardian.com/society/2013/sep/04/bastoy-norwegian-prison-works>.
- Fekete, L and Webber, F (2010) Foreign nationals, enemy penology and the criminal justice system. *Race & Class*, 51(4): 1-25.
- Guild, E (2009) *Security and migration in the 21st century*. Cambridge: Polity Press.
- Harris, A, Evans, H and Beckett, K (2011) Courtesy Stigma and Monetary Sanctions Toward a Socio-Cultural Theory of Punishment. *American Sociological Review*, 76(2): 234-264.
- Hernu, P. (2011) Norway's controversial 'cushy prison' experiment - could it catch on in the UK? *Daily Mail*, 25 July 2011. Available on line: <http://www.dailymail.co.uk/home/moslive/article-1384308/Norways-controversial-cushy-prison-experiment--catch-UK.html>

Jensen, B, Granheim, PK and Helgesen, J (2011) Exceptional prison conditions and the quality of life: Prison size and prison culture in Norwegian closed prisons. *European journal of criminology* 8(6): 515-529.

Jones, T and Newburn, T (2008) *Policy transfer in criminal justice*. Milton Keynes: Open University Press.

Kaufman, E (2012) Finding Foreigners: Race and the Politics of Memory in British Prisons. *Population, Space and Place* 18(6): 701-714.

Kaufman, E (2013) Hubs and Spokes: The Transformation of the British Prison. In KF Aas, and M Bosworth (eds) *The Borders of Punishment: Migration, Citizenship, and Social Exclusion*. Oxford: Oxford University Press, pp. 166 -182.

Kruttschnitt, C, Dirkzwager, A and Kennedy, L (2013) Strangers in a strange land: Coping with imprisonment as a racial or ethnic foreign national inmate. *British journal of sociology* 64(3): 478-500.

Nelken, D (2009) Comparative criminal justice beyond ethnocentrism and relativism. *European Journal of Criminology* 6(4): 291-311.

Pakes, F (2010) The comparative method in globalised criminology. *Australian and New Zealand journal of criminology* 43(1): 17-30.

Pakes, F (2014) *Comparative criminal justice* (3rd edition). Abingdon: Routledge.

Stumpf, JP (2006) The crimmigration crisis: Immigrants, crime, and sovereign power. *American University Law Review* 56(2): 368-419.

Sutter, JD (2012) *Welcome to the world's nicest prison*. 24 May 2012. Available on line: <http://edition.cnn.com/2012/05/24/world/europe/norway-prison-bastoy-nicest>.

Ugelvik, T (2011) The dark side of a culture of equality: Reimagining communities in a Norwegian remand prison. In: T Ugelvik and J Dullum (eds) *Nordic Prison Practice and Policy - Exceptional Or Not?: Nordic Prison Policy and Practice*. Routledge, pp.121-138.

Ugelvik, T (2013a) The hidden food: Mealtime resistance and identity work in a Norwegian prison. *Punishment and society* 13(1), 47-63.

Ugelvik, T (2013b) Thinking like a welfare state: Immigration control, statecraft, and a prison with double vision. In: K Aas and M Bosworth (eds) *The borders of punishment: Migration, citizenship and social exclusion*. Oxford: Oxford University Press, pp. 183-198.

Ugelvik, T (2014) The Incarceration of Foreigners in European Prisons. In S Pickering and J Ham (eds) *The Routledge Handbook on Crime and International Migration*. London: Routledge, pp. 107-119.

Van der Leun, J. van der Woude, M. and Nijland, J. (2014) Crimmigration in the Netherlands. *Law and social inquiry*, 39(3): 560-579.

Van Dijk, J. (2011) Trends in Dutch prisoner rates: Regression to the mean or enduring exception? In E Shea and H Kury (eds) *Punitivity International Developments .Vol. 1: Punitiveness - a Global Phenomenon?* Bochum: Brockmeyer, pp. 203-225.

Weber, L. and Bowling, B (2008) Valiant beggars and global vagabonds: Select, eject, immobilize. *Theoretical criminology*, 12(3): 355-375.