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## **Detection, detention, deportation : criminal justice and migration control through the lens of crimmigration**

Brouwer, J.

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### CHAPTER 1

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## CHAPTER 2

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## Annex

### Research methodologies

This dissertation studies bordering practices in the Netherlands from a crimmigration perspective. The empirical core of the dissertation consists of two case studies: one on intra-Schengen migration policing and one on the punishment and deportation of criminally convicted migrants (CCNCs). As an empirical examination of the broadly defined concept of crimmigration, the choice for a case study approach was the result of several contemplations. When research for this dissertation commenced, most of the existing crimmigration literature consisted of legal scholarship and was normative and theoretically oriented. This body of work generally described macro-level developments on a global scale – with a strong focus on the United States. While such macro-level accounts are particularly valuable in painting broad patterns that occur in multiple settings around the globe, they fail to account for considerable differences in how such global trends materialise at the national or local level (Crewe, 2015). Moreover, they say little about how such developments are interpreted, experienced, and understood ‘on the ground’ (Turnbull & Hasselberg, 2017). In order to avoid descriptions that are too generic and understand what these developments actually mean in practice, it is essential to study these theoretical constructs in specific national and local contexts (Aas, 2014). Empirical case studies are particularly suitable to do so and to answer questions related to the how and why of certain phenomena. The aim of such studies is not to achieve generalisability, although the analytical findings can often be applicable in other contexts as well, but rather to add depth and nuance to more abstract accounts (Moffette, 2018).

The choice for these specific two case studies was motivated by several factors. First, both case studies are interesting examples of novel bordering practices that have come into existence relatively recently. The MSM was created in response to the lifting of internal border controls following the implementation of the Schengen agreement, while the policy framework regarding CCNCs has seen considerable changes in recent years. Second, while there is a rich body of criminological research on policing and punishment in the Netherlands, neither the MSM nor the punishment and deportation of CCNCs had been the subject of empirical research. Third, besides different forms of social control, the two case studies are situated at different ends of the chains of social control. As such, they enable insights into both the front and the back of the criminal justice and migration control chain [see De Ridder]. Fourth, the case studies incorporate originate in the two different chains of social

control. Whereas the first case study focusses on an actor situated in the migration control chain, the second case study primarily focusses on a setting located in the criminal justice system. This has the added benefit that the case studies address both directions of the crimmigration spectrum: the criminalisation of migration control and the immigrationalisation of the criminal justice system. Of course, the choice for these two case studies automatically means that other potentially interesting cases and actors have not been studied for this dissertation. In particular, studies into the migration control activities of police officers and the overlap between immigration detention and crime control rationales are potentially interesting avenues to pursue.

This annex will elaborate upon the methodological approach of these two case studies, including the choices, challenges, and limitations experienced before and during the fieldwork. Besides these two case studies, this dissertation also contained a contextual chapter on the media discourse on unauthorised migrants. Because the methodology of this study has already been discussed in detail in that chapter, it will not be discussed again here. Furthermore, both case studies also involved a significant amount of desk study: collecting, reading, and analysing academic literature, relevant and publicly available official documents, and some limited case law. Because this was not done in any structured way on the basis of a predetermined methodology, it will also not be discussed here. Instead, this annex will focus on the different types of empirical research that have been carried out through extensive (semi-)structured fieldwork.

#### CASE STUDY I: INTRA-SCHENGEN MIGRATION POLICING

The first case study examined intra-Schengen migration policing by means of a case study of the Mobile Security Monitor (MSM) carried out by the Royal Netherlands Marechaussee (RNM). The data used for this part of the dissertation was collected in the context of a larger research project on discretionary decision-making in border contexts (Van der Woude, Brouwer, & Dekkers, 2016). Empirical data for the larger research project was collected between November 2013 and March 2015. The research project was set up and coordinated by prof. Maartje van der Woude, at that time Associate Professor in criminal law, but nowadays Professor of Law and Society at Leiden Law School. She had also arranged fieldwork access to the MSM through existing contacts at the RNM by the time joined Leiden Law School as a PhD-Candidate. The fieldwork was carried out by prof. van der Woude, Tim Dekkers, junior researcher and later PhD-Candidate at Leiden Law School, and myself. Moreover, in the planning phase of the research several colleagues from the Department of Criminology at Leiden Law School provided help with the research design and creating the different research instruments.

The data used for this dissertation consist of observational data, transcripts of focus group discussions with officers, and semi-structured interviews or surveys with people who have been stopped. For the larger research project we also analysed quantitative data provided by the RNM and conducted in-depth interviews with senior policy officials, but these data have not been used for this dissertation. By combining these different research methodologies, also referred to as methodological triangulation, the data collected is enriched and improved (Van Staa & Evers, 2010). This triangulation included in some cases verifying the findings from one methodology through another methodology. Further triangulation was established by the fact that the fieldwork was carried out by three researchers. In this way, observations and interpretations could be cross-checked and validated amongst each other (Denzin, 1989).

#### *Participant observation*

The first part of the empirical data for this case study was collected through participant observation. During a period of roughly fifteen months – between November 2013 and March 2015 – the three researchers carried out participant observations during a total of 57 MSM controls, always in duos. This amounted to over 800 individual hours of observation. I was present at 53 of the observed MSM control. All researchers completed a two-day training in participatory observation before the beginning of the fieldwork.

In order to build up trust and acceptance and get a comprehensive understanding of the MSM controls, all six brigades that carry out the MSM were visited at least six times. The duration of the controls varied, depending on the number of RNM officers and the events during the control. For example, during one of the first controls we observed there was a small team of RNM officers and one of the first vehicles immediately led to a ‘case’. As a result, all officers went back to the brigade and the control was over after less than an hour. However, on average the controls lasted between six and eight hours. A regular shift started with a briefing and included plenty of time drinking coffee in the canteen; both function as important sites for storytelling, briefings in a more factual manner and the canteen as a place of informal conversation (Van Hulst, 2013). When it was the first time we visited a certain brigade, this was usually also the moment where we introduced ourselves and the research project and gave officers the opportunity to ask questions. This approach helped to create some trust among the research participants and frequently one of the officers would approach us after the briefing to discuss some elements of the MSM.

Most of the controls were so-called ‘static’ controls, meaning that one or several officers on motorbikes would stand just after the border to select vehicles for a check. He or she then directed the vehicle to a control location further inland, where other officers carried out the actual control by checking the identity papers of the persons stopped. Researchers usually spent most

of the day on the control location, where they could observe the selected vehicles and the actual control, ask about the reasons behind a specific stop and chat with officers during the sometimes long periods waiting for a new vehicle. However, sometimes the RNM carried out so-called 'dynamic' MSM controls, usually when capacity was relatively low. This meant officers would drive around in the border area and stop vehicles to subsequently carry out the control themselves. In this case, the researchers would usually sit in the back of the vehicle, from where they could chat with the RNM officers and observe their decisions. This included cases where both researchers joined the same vehicle and cases where they went separately in different vehicles. During the observations, researchers were always clearly distinguishable from RNM officers. Whereas the officers always wore their official uniform, researchers were dressed in regular clothes and wore a reflective vest.

Besides observing the MSM controls, there was also ample opportunity for conversations with the RNM officers. These conversations were generally very informal and were often about the events taking place during the control. The nature of these conversations also depended on how busy it was during a control. Because of the informal nature of these conversations and the fact that they took place in a familiar setting, RNM officers often appeared to be very honest and open. More generally, most RNM officers were very welcoming and open towards the researchers. Whereas there has been no doubt somewhat of an observer effect, it did not appear as if officers radically altered their behaviour because of the presence of the researcher. In that regard, the fact that we usually observed for many hours and repeatedly visited the same brigades was a distinct advantage. This helped us to build up trust and acceptance, as we regularly saw the same officers during different controls.

During the observations a so-called observation form was used to note the characteristics of stopped vehicles and individuals, the reasons for this particular stop, the overall process during the stop, and the interaction between the officer(s) and the individual(s) who were stopped. Before we started using this form in practice, it had been tested several times to see if all relevant data was accurately captured with and whether researchers interpreted and filled out the forms in a similar manner. In case we also conducted an interview with one of the stopped individuals (see below) the forms were numbered in order to link them. A total of 330 of these forms were filled out during the observations. Researchers also wrote down short notes about their observations and impressions, which were turned into extensive fieldnote reports after the end of each shift. Researchers drew up individual fieldnotes, giving the opportunity to cross-check certain observations. Moreover, to ensure the overall quality and consistency of these fieldnotes we regularly read and discussed each other's fieldnotes.

*Focus group discussions*

Towards the end of the period of participant observations, we started with the second type of data collection: focus group discussions. Focus groups are structured discussions with a relatively small number of participants, guided by the researcher. They allow researchers to capture prevailing collective opinions and views within a social group. The group in this case is a homogenous population, usually consisting of about seven to ten individuals who discuss their ideas, beliefs, and thoughts about a specific topic. The questions that are asked are usually aimed at retrieving harder to get phenomena that play at the group level and topics that are normatively charged. The aim of these specific focus groups was to gain insight into how officers themselves interpreted and used their role and task. The data collected through the observations was used to inform the focus group discussions, considerably improving the discussions and enriching the data. This strategy also allowed for further reflection and validation of the findings from the observations.

A total of thirteen focus group discussions were organised with street-level officers between October 2014 and January 2015. Questions were structured around several topics that had either been part of the research from the start or had emerged as particularly interesting during the observations. Two sessions were organised at each brigade, except for one larger brigade where we held four sessions, and one smaller brigade where we only had one session. Twelve out of thirteen focus groups were conducted by the three researchers, with prof. van der Woude, who had completed a training in leading focus groups, generally taking the lead in asking the questions. One focus group was conducted by Tim Dekkers and myself. A previously created topic list was used to make sure the same issues were discussed during all focus groups. The number of respondents varied between eight and ten, with differences in experience, rank and age. The majority of respondents were men, in line with overall male-female ratio within the RNM. Participants were encouraged to react and disagree with each other, in order to create dynamic discussions and obtain rich data. The discussions lasted anywhere between 1,5 and 3,5 hours and all of them were recorded.

*Interviews with people who are stopped*

Besides data on the RNM officers, we also collected data among people who were stopped during the MSM. Collecting data on the perceptions of individuals who were stopped during the MSM proved to be a challenging task. In previous studies used for the design of this study, researchers asked people whether they were willing to answer a number of questions over the phone in a later stage (Alpert, Macdonald, & Dunham, 2005). Many people responded negatively to this request or gave false phone numbers, resulting in a very low response rate. For our research project we therefore decided to directly approach the

people during the controls and ask whether they were willing to participate in a short interview or fill out a brief survey. During the actual controls, one researcher would focus on the characteristics of the vehicle and persons and reasons for the stop, while the other asked people if they were willing to participate in an academic study. This made it possible to link the observation data to the data on people's perceptions about the controls, which enriched the overall picture of what exactly happened during the controls and how this is perceived by different parties involved.

Before the start of the fieldwork, a survey was created on the basis of the main research and theoretical concepts regarding perceptions of law enforcement. After an explanatory text in the beginning of the survey, it contained a set of open questions about people's perceptions regarding the fact that they had been stopped, why they thought they had been stopped, whether they trusted the RNM officers had done the right thing and if the reason for the stop had been explained to them. It also asked people's country of birth, the country of birth of both their parents and, in order to capture their own sense of social identity, to what ethnic or national group they felt they belonged most. To measure legitimacy, two sets of five-point Likert-type scale ranging from 1 (strongly disagree) to 5 (strongly agree) were included. The first set of five statements focussed on the perceived effectiveness and acceptability of the instrument, while the second set of four questions focussed on treatment by the officers.

Initially the idea was to conduct the survey orally and fill in the answers people gave. However, it became quickly apparent that many of the potential respondents did not speak any of the languages the researchers spoke. It was therefore decided to translate the survey into eleven different languages, for which we used friends and acquaintances who upon completion of the fieldwork also translated the answers.<sup>1</sup> This greatly enhanced the number of respondents, including groups otherwise completely missed. However, whereas the interviews sometimes resulted in lively conversations, respondents filling out the survey themselves inevitably led to more basic information.

Vehicles were approached while RNM officers were checking the papers, as at this time there was usually no interaction between the officers and the stopped persons. RNM officers also agreed to give the researcher space to conduct the interview. The researcher was clearly distinguishable from RNM officers and always stressed before an interview that he or she did not work for the RNM but was part of an independent academic research team. He or

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1 The survey was translated into Albanian, Bulgarian, Czech, German, French, Hungarian, Italian, Polish, Romanian, Russian, and Spanish. I want to thank Rogier Vijverberg for his assistance with designing the survey and thank the following persons for the translations: Francesco Cacciola, Sarah Castéran, Theodora Petrova, Benjamin Kiebler, Ekaterina Kopylova, Bogdan Popescu, Silvia Rodriguez Rivero, Marie Skálová, Magdalena Szmidt, Burbuqe Thaci, Luca Valente, and Andrea Varga.

she also emphasised that all information would be treated anonymously and confidentially. Depending on the origin of the vehicles' license plate and the language proficiency of the researcher, people were approached in Dutch, English, French or German. If it became clear a language barrier prevented an actual interview, the researcher tried to identify the preferred language of the potential respondent and handed her/him the survey. In the end, a total of 167 respondents were interviewed or filled out a survey. A table with the breakdown of the different respondents can be found in chapter 5.

#### *Analysis of the data*

Prior to the data analysis phase, all researchers took a course in qualitative data analysis. The fieldnotes and transcripts of the focus group discussions were analysed with AtlasTi, a software package for qualitative data analysis. Prior to starting these materials, a list of different codes was created based on the main research questions and overarching themes of the research. This list was drawn up together by the three researchers involved. While this list formed the basis of the coding exercise, it was constantly updated and amended during the coding process, according to relevant topics that emerged. All three researchers were involved in the coding of the data. As this creates the risk of inconsistencies in the way the raw data is coded, we ran a test round before the actual coding started. All researchers coded the same piece of data, which was subsequently checked for crucial differences. The results of this test demonstrated general uniformity in the way we coded. Upon completion of the coding, all the relevant excerpts for specific research questions and topics were extracted, providing a good overview of the different situations, decisions, and perceptions regarding certain topics. It is important to note that, although this way of analysing the data helps to reduce the risk of researcher biases informing the outcomes of the research, his or her interpretation of the data and the analysis still plays an important role in the final reporting. Moreover, the decisions around the coding process are not objective in nature and therefore shape to a certain extent the focus of the analysis. However, this is to a certain extent inevitable in any form of qualitative research.

The data in the observation forms was put in an excel document, providing a good overview of the characteristics of the different vehicles and individuals that were stopped. Similarly, the data from the interviews and surveys with stopped people was also put in excel. Responses to the open questions were subsequently categorised in 'positive', 'negative', and 'neutral', making it possible to move beyond the quotes and get a broader idea of the overall perception of the RNM and the MSM. We also categorised and counted the closed questions with yes or no as possible answers. For the analysis of the Likert-type scale questions, we only used the surveys that responded to all statements in the concerned set. We calculated the two sets of questions as

well as all questions individually. Finally, we categorised the survey results in different groups. For example, we looked at whether people were stopped for the first or had already been stopped before. As further elaborated on in chapter five, we also categorised respondents in ‘non-Dutch citizens’, ‘Dutch majority citizens’ and ‘Dutch ethnic minority citizens’. The responses of the different groups were then analysed and compared to gain insight into noteworthy differences in overall perceptions. Moreover, the relatively small group of outspoken negative respondents was analysed separately to see whether they differed from the other respondents on other parts of the survey as well.

#### *Ethical considerations*

The first case study raised several ethical issues, although considerably less than the second case study. On a general level, the research has adhered to the ‘code of conduct for scientific practice’ and the ‘code of use of personal data in research’ of the Association of Universities in the Netherlands (VSNU). The large number of officers present during the MSM prevented the possibility of obtaining individualised written informed consent of all participants. However, officers were informed about the research project and the researchers before the observations and focus group interviews. It was during these introductions that the officers were informed that they were not obligated to participate by interacting with the researchers and also that all the collected information would be processed anonymously and no information would be traceable to an individual or even a brigade. Officers also had the opportunity to ask questions, which many of them did. The overall openness of almost all officers during the fieldwork could be seen as an indication of the willingness to engage with the research project.

The interviews with people who were stopped raised more questions about ethical issues, in particular voluntariness and written informed consent. Researchers always stressed that respondents were not obliged to participate and that all information would be anonymous. Moreover, it was emphasised that it was an independent academic study and that none of the surveys would be shared with the RNM. It was agreed with the RNM officers that they would give us space to approach a vehicle while they were carrying out their control. However, there were some instances where RNM officers told people they had stopped that we wanted to conduct a brief interview or survey, which could have given the impression we were part of the RNM and participation was not really optional. After all, during the interview or survey, the officers often still had the documents of people they were controlling. However, at least one good indicator of the fact that in general it will have been clear for people that participation was entirely on a voluntary basis, was the relatively high rate of people who did not want to participate.

Finally, the sensitivity of at least some of the data collected required a careful approach to data storage and sharing. Digital data was only stored

on password-protected USB sticks and a folder on the university's network that was only accessible by the researchers. All physical data – primarily the observation forms and surveys – were stored in a locked closet with one key, that was kept by one of the researchers.

#### CASE STUDY II: PUNISHMENT AND DEPORTATION OF CRIMINALLY CONVICTED NON-CITIZENS

For this research project, I designed the research approach and methodologies, arranged access to research sites, and coordinated all of the fieldwork myself. Although various types of data were collected for this study, the most important empirical data for this study consists of semi-structured interviews with CCNCs, departure supervisors of DT&V, and prison officers in Ter Apel prison. Interviews are a particularly valuable method to capture people's experiences and feelings, enabling in-depth assessments and resulting in relatively 'thick' descriptive data (Jacobsen & Landau, 2003). More than for example questionnaires or surveys, they allow for a rich understanding of how people interpret and negotiate their experiences. The focus is not necessary on what exactly happened, but rather on how something is experienced, perceived, and understood (Kaufman, 2015; Turnbull and Hasselberg, 2016). Respondents' narratives are not objective versions of an absolute truth; instead, the aim is to portray one version of the experience of punishment and deportation and interpret these stories in the wider social and political contexts that have shaped the circumstances of respondents' lives (Eastmond, 2007; Kaufman, 2015). As Eastmond (2007, p. 253) suggests, "by juxtaposing individual accounts, we may glean the commonalities in the experiences of a particular group of forced migrants, as well as understand the internal variation among them." Analysing these narratives can therefore reveal diversity in seemingly similar accounts that make it possible to move beyond a generalised and homogenous understanding of imprisonment and deportation. Besides being a suitable methodology to achieve the envisaged aims of the research, it was also out of practical considerations that I opted for individual interviews. As Ter Apel prison is a relatively inaccessible research site, more ethnographic methodologies, such as long-term participant observation, were complicated or even impossible to organise.

##### *Access 1: DT&V*

Because of the two governmental agencies involved in the punishment and deportation of CCNCs – DT&V and DJI – access had to be ensured to both of these. Access to DT&V was established through already existing contact with the agency of one my supervisors. Following an initial e-mail exchange to indicate our interest in carrying out a research project on the deportation of

CCNCs, a brief research proposal was shared with the organisation in February 2014. This proposal provided a short background to the proposed study and outlined the main research questions, proposed data collection methods, and envisaged deliverables of the research project. This proposal elicited a positive response from DT&V and eventually full access and cooperation with the research project was granted in May 2014.

The department of DT&V that deals with CCNCs operates at two locations: Ter Apel prison, where the vast majority of CCNCs are incarcerated, and the relatively newly built multipurpose Judicial Complex Schiphol (JCS), which houses a tribunal, asylum application centre, immigration detention centre, and a prison. The latter location houses primarily CCNCs in pre-trial detention or with a relatively short sentence. For practical reasons, in particular the relatively short distance from my home and the university, it was decided that I would be able to access data at the offices of DT&V at JCS. I did bring a visit to the office in Ter Apel prison, during which I also got a tour of the prison and was able to see the different living and work areas.

Starting in February 2015, for a period of roughly one and a half year and on an irregular basis, I spent about one day per week at the offices of DT&V at JCS. I had access to the office building through a personal badge, could use one of the many empty work stations, and had login details for the computer system. Here, I could access digital files of CCNCs, which contained a wealth of information on their background, as well as written transcripts of so-called 'departure talks' between departure supervisors and CCNCs. I could also observe everyday working activities and hold informal conversations with departure supervisors and managers. I attended several departure talks and a presentation of several men at the Turkish consulate, aimed at confirming their identity and nationality. Although I did not use any of this data directly in this dissertation, this relatively long period of informal fieldwork did provide me with valuable insights in the day-to-day operations of organising the return of CCNCs. I did not take structured field notes during these observations and conversations, but I did write the most interesting observations down in a dedicated word file.

I was also provided with a dataset containing the characteristics of the population of CCNCs being managed by DT&V. This dataset contained information about the nationality, country of origin, age, crime committed, prison sentence, and current location of imprisonment. This enabled me to get a rough picture of the overall population. As further discussed below, I also used this dataset for the sampling of respondents.

#### *Access 2: DJI and Ter Apel prison*

As noted above, the majority of CCNCs are imprisoned in Ter Apel prison and it was there that I intended to conduct my interviews. As the prison falls under the authority of DJI, and I also wanted to interview prison officers working

there, I had to get approval of DJI in order to carry out this part of the fieldwork. In order to get access to the research site and research participants, a formal request was sent to the Director of DJI. The application described the aim of the research and the research questions, the envisaged data collection activities and respondents, and the period of fieldwork. It also included the more detailed research proposal that had been written for DT&V. The application relied on the earlier established cooperation agreement between DJI and the Institute of Criminal law and Criminology of Leiden University for the period 2015 – 2020, which intended to advance knowledge about detention and imprisonment in the Netherlands through research activities and knowledge exchange. Several weeks after the formal application was lodged, an official letter was received granting permission to carry out the fieldwork. Following this, I got in touch with the administration of Ter Apel prison to organise the logistics and practical arrangements for the interviews.

#### *Interviews with criminally convicted non-citizens*

For the interviews with CCNCs, I worked together with four students from the Criminal Justice Master's programme at Leiden University.<sup>2</sup> This approach had several benefits, while simultaneously posing a couple of challenges. The main benefit of this approach was that I could recruit participants who only spoke languages I do not speak myself. Especially the ability to conduct interviews in Spanish and Italian greatly enhanced the diversity of the final sample. Moreover, by being able to interview respondents in their native or preferred language, it was generally easier to build up trust and rapport, thus improving the overall quality of the data. A second benefit of this approach was that it enabled us to conduct several interviews at the same time, thus increasing the number of interviews per day. Considering the significant travel time to Ter Apel and as the limited number of days we were allowed to come to the prison to conduct the fieldwork, this was an efficient way to collect as much data as possible within a relatively short period of time. A final benefit of this approach, although not directly related to this research project itself, was that it exposed students to the experience of conducting research and doing fieldwork. For all students involved in the project this possibility was a unique opportunity and generally perceived as adding considerable value to their regular education. In one case, it even resulted in a peer-reviewed publication in a criminological journal (Di Molfetta & Brouwer, 2019).

Conducting the interviews by different researchers also posed several challenges. Whereas I had been trained in qualitative interviews through a two-day training and had some experience from previous research projects, none of the students had significant training or experience in conducting

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2 I would like to thank Arturo Alberto Muñoz, Eleonora di Molfetta, Karola Kolomainen, and Nadja Holfelder for their valuable assistance in data collection.

qualitative interviews. To somewhat compensate for this, and ensure consistency in the interviews, a training day was organised where we discussed what to expect, interview techniques, and the topic list for the interviews. Different interviewers also raises questions about the consistency of the data collected, since factors such as age, gender, nationality, and personality of the interviewers are likely to have influenced the interview process and therefore also the collected data. Although a topic list was used to make sure all relevant themes were raised during the interviews, the relatively open nature of the interviews also meant that they could result in very different conversations depending on the follow-up questions and discussions. Fortunately, in practice these differences turned out to be relatively small. This is in line with recent research on Romanian prisoners in Norway conducted by two very different researchers in terms of age, gender, nationality, and linguistic capabilities (Damsa & Ugelvik, 2017). Whereas Damsa is a young woman of Romanian origin, Ugelvik is a slightly older Norwegian man who does not speak Romanian. Whereas these differences did have an effect on how they experienced their fieldwork, the substantial findings of their research turned out to be very similar, leading them to argue that “our colleagues should not simply take researcher field effects in ethnographic studies for granted in future research (p. 2)”. Indeed, it could even be argued that some of the findings that surfaced in interviews conducted by a number of different researchers – as was often the case with the data collected for this dissertation – can be considered stronger than findings on the basis of one interviewer only.

Sampling of respondents was a combination of purposive sampling and convenience sampling (cf. De Ridder, 2016). Potential respondents were identified through the list of current CCNCs provided by DT&V, with the aim to capture as much diversity as possible in terms of nationality, age, prison sentence, remaining prison time left, and time spent in the Netherlands. They were also sampled on the basis of their language skills, as this was a necessary requirement to conduct an interview. Whereas the list provided by DT&V did not include information on the languages spoken by CCNCs, their digital files did. Although departure supervisors informed me this was not always accurate, this was the only source of information and it eventually turned out to be very reliable. Eventually there were also respondents who were not deliberately sampled, but nonetheless offered to participate. As I will further discuss below, recruiting respondents was rather challenging and it was long uncertain whether it would be possible to conduct a reasonable amount of interviews. For this reason, these ‘spontaneous respondents’ were also included in the final sample.

Recruiting potential respondents was quite a challenging task, as I could not go around the prison to approach CCNCs myself. Instead, an information letter was drawn up to invite potential respondents to participate in an academic research project, providing some background and outlining the main purpose of the research. It also emphasised the independent nature of the study

and that all interviews would be anonymously and confidential. The letter stressed the voluntary nature of participating and informed potential respondents that they could stop with the interview whenever they wanted, in which case all information provided so far would be deleted. They were also invited to let me know if they wanted more information about the study, the researchers, or anything else. The letter was translated in six languages (matching the language skills of the different interviewers) to reach as many potential respondents as possible. These were subsequently shared with the contact person in Ter Apel prison, who ensured distribution to the identified potential respondents via the prison staff at the different prison wings.

This approach was obviously not ideal, as I had little control over the actual information provided to CCNCs. Indeed, during the interviews it became apparent that various respondents had never seen the invitation letter, but had merely been asked by a prison officer whether they wanted to participate in a study. This might have also had an impact on the response rate, as positive responses were more likely when potential respondents had been able to read the invitation letter. The approach to already identify potential respondents had also had its downsides. One of the eventual respondents told me that he saw other prisoners at his wing being asked to participate in the study and believed they deliberately excluded him because of his outspoken criticism of the prison. He had therefore proactively ensured that the prison officer put his name on this list of interested CCNCs. Indeed, several of the eventual respondents had not been identified as potential respondents on the basis of the list of DT&V. This might have had an impact on the data collected, as these respondents might have been extra critical of the prison and the migration system. However, during the interviews a wide diversity of voices was apparent and not all respondents were critical of the prison or the regime.

The list of CCNCs provided by DT&V was not a real-time reflection of the population of CCNCs and sometimes potential respondents were no longer imprisoned in Ter Apel. Among those who were approached for participation, positive responses varied greatly between prison wings, with sometimes around eighty percent positive responses and other times less than twenty percent. This suggests that there was something of a ‘negative snowballing’ effect, with prisoners telling each other not to participate. This suggestion was supported by the time that an expected respondent decided at the last moment not to do the interview anymore. When the next respondent also no longer wanted to participate, I was informed by one of the prison guards that they had their cells next to each other and were good friends. It was therefore suggested that they had influenced each other’s’ decision not to participate.

Based on the responses I received from the contact person in Ter Apel prison, I made a list of respondents we would like to interview on each field-work day, primarily based on the languages spoken by respondents and interviewers. The contact person subsequently made a planning, taking into account the part of the day respondents did not work. Prisoners in Ter Apel

work one part of the day, either the morning or the afternoon; the other part of the day is for broadly defined recreation. Despite this planning and the initial consent of respondents to participate in the research, interviews regularly did not go through in the end, either because a respondent was no longer available at a given time or because he decided at the last moment to not participate after all. Eventually, 37 CCNCs were interviewed over a period of four days in April and May 2016, with the final list of respondents displaying considerable diversity on all factors mentioned above. The exact breakdown of respondents can be found in table A1.

The interviews took place in the building of the Repatriation and Departure Service, as this was one of the few places inside the prison where one can establish an acceptable level of privacy. These offices are located within a small separate building on the prison grounds, but outside the main prison building. This building is separated in two parts: one part with the offices of staff members of DT&V and one part with five ‘conversations rooms’ where they hold departure talks with CCNCs; the two parts are separated by a locked door. The part with the conversation rooms also has a counter where a prison officer is working. Prisoners who have an appointment with someone from DT&V enter the building in this part and then give their personal card to the prison officer, in order to keep track of their whereabouts. The conversation rooms themselves are relatively sober rooms, installed with little more than a desk with a phone that is used for translation services and two chairs. Underneath the desk was an emergency button, which would alert the prison officer located just outside the room. The rooms had one window and a window in the door, so that if needed people could look inside to see what happened. This also meant other people – such as departure supervisors looking for an empty room – would generally not disturb the interview.

For the interviews, some respondents came over spontaneously, as they were aware of their appointment for an interview. Other times respondents were not aware they were expected for an interview and the prison officer at the counter would contact a colleague at the relevant prison wing to ask a respondent to come over; in those cases there was frequently some initial confusion, as respondents believed they were called for a meeting with their departure supervisor. Indeed, conducting the interviews in the rooms of DT&V sometimes generated some issues of distrust, this could quickly be addressed when researchers explained who they were and what the interview was for. For example, during one interview a respondent came into the room with a clear hostile attitude and refused to sit down, saying that he preferred to keep standing and had nothing to say anyway. After I made clear that I did not work for DT&V but was a researcher for Leiden University he relaxed and sat down. Eventually, this was one of the most engaging respondents.

Creating rapport and trust during the interviews was crucial and several steps were taken in order to achieve this. Once respondents arrived in the building of DT&V, the interviewer would welcome him and shake hands to

introduce her- or himself. The respondent was then invited into one of the rooms and asked to take the seat he preferred; it was interesting to note that all respondents chose the seat normally used for CCNCs and not the one normally used by the departure supervisors. The interviewer also asked whether the respondent preferred to have the door open or closed, with nearly all respondents preferring to have the door closed. In many cases the interviewer also tried to make some small talk to further lighten the mood and decrease any tensions.

	<i>Interviewer</i>	<i>Country of origin</i>	<i>Language</i>	<i>Transcript</i>
Mar-22	Jelmer	Algeria	Dutch	Yes
	Jelmer	Bosnia and Herzegovina	Dutch	Yes
	Jelmer	Morocco	Dutch	Yes
	Jelmer	Ecuador	English	Yes
	Karola	Surinam	English	Yes
	Karola	Albania	English	Yes
	Karola	China	English	No
	Karola	Iraq	English	Yes
	Nadja	Lithuania	English	Yes
	Nadja	Canada/Angola	English	Yes
	Nadja	Tunisia	English	Yes
Apr-05	Jelmer	Albania	English	Yes
	Jelmer	Turkey	Dutch	Yes
	Jelmer	Morocco	Dutch	Yes
	Jelmer	Morocco	Dutch	Yes
	Arturo	Colombia	Spanish	Yes
	Arturo	Colombia	Spanish	Yes
	Arturo	Colombia	Spanish	Yes
	Arturo	Colombia	Spanish	Yes
	Eleonora	Albania	Italian	Yes
	Eleonora	Bosnia and Herzegovina	English	Yes
Eleonora	Serbia	English	Yes	
Eleonora	Costa Rica	English	Yes	
Apr-12	Jelmer	France	Dutch	Yes
	Jelmer	Surinam	Dutch	Yes
Apr-20	Jelmer	Morocco	Dutch	Yes
	Jelmer	Kosovo	Dutch	Yes
	Jelmer	Israel	Dutch	Yes
	Jelmer	Guinea	Dutch	No
	Jelmer	Albania	Dutch	Yes

<i>Interviewer</i>	<i>Country of origin</i>	<i>Language</i>	<i>Transcript</i>
Arturo	Morocco	French	Yes
Arturo	Colombia	Spanish	Yes
Arturo	Ecuador	Spanish	Yes
Eleonora	Serbia	English	Yes
Eleonora	China	English	Yes
Eleonora	Italy	Italian	Yes
Eleonora	Algeria	English	Yes

*Table A1 Interviewed CCNCs*

Before the start of the actual interview, respondents were clearly informed about the purpose of the research, the role and position of the interviewer, the main topics and expected duration of the interview, the voluntary nature of their participation, including the possibility to stop with the interview, and the anonymous and confidential nature of the interview. As CCNCs experience frequent interviews by a range of state actors, it was deemed especially important to emphasise our position as independent researchers affiliated with Leiden University. It was also stressed that none of the information they provided would be share with DJI, DT&V, or any other government bodies in a way that would enable identification of the source. Respondents were also given the opportunity to ask any questions, which regularly resulted in questions about the eventual purpose of the overall research. At the end of the interview, they were again explicitly asked whether they had any questions left. As respondents had volunteered to be interviewed, they were generally very willing to talk about their experiences. Indeed, several respondents indicated they were pleased to be able to talk with an outsider about their experiences in Ter Apel prison, a sentiment that seemed to be broadly shared among respondents. This obviously helped improve the overall richness and quality of the interview data.

Respondents were also asked whether they agreed to recording the interview in order to transcribe it later. They were informed that the interviews would be transcribed by the interviewer or by a professional transcription service, which had signed a confidentially agreement. It was also mentioned that the transcripts would be anonymised and that the audio recording would be deleted afterwards. Moreover, all recordings and transcripts would be stored in a secure location only accessible by myself or my supervisors, and the latter only if needed. Respondents could also stop the audio recordings at any point during the interview. Only two respondents did not consent to recording the interview. In those cases, notes were taken during the interview and reworked into an interview report as soon as possible. During all other interviews, a recording device was visibly located at the table. On the first day of fieldwork, some of the researchers recorded the interview with their phone. However, this created some unrest among both respondents and staff and it was therefore

decided – upon request of the contact person in the prison – to subsequently only use recording devices.

Interviews lasted anywhere between twenty minutes and more than an hour, largely depending on how talkative a respondent was. Where possible, respondents were interviewed in their native language or another preferred language; translators were never used. All interviews conducted for this research were semi-structured, informed by the main concepts and topics discussed in existing literature and issues that arose during the relatively long period I spent at the offices at DT&V. A topic list was used to conduct the interviews, reflecting the main research questions of the study. The main topics discussed were life before coming to the Netherlands, life in the Netherlands before their current imprisonment period, experiences in Ter Apel prison, experiences with the criminal justice and migration control systems more broadly, and how they saw the future. Depending on the respondent, some of the interviews neatly followed this topic list, whereas others were much more jumbled. Indeed, during some of the interviews it was barely necessary to ask a question, as the respondent simply kept talking about his experiences and telling stories. More generally, the flexibility allowed by the semi-structured nature of the interviews and the open questions meant that respondents were able to share their experiences in their own way with as little pressure as possible to use certain narratives.

Interviewing prisoners generally provided rich and thick narrative data on the subjective experiences of CCNCs, perceptions of imprisonment in Ter Apel, and the impact this had on their life and future. At the same time, it is important to stress the limitations of primarily relying on verbal exchange, and for example not include participatory observation or other more ethnographic research methods. Respondents no doubt had their own agendas during the interviews and might exaggerate or even make up certain claims. Whereas this is perhaps less relevant when studying prisoners' experiences, particularly critical accounts of prison life in Ter Apel were always corroborated with other respondents, prison officers, and other staff members for accuracy.

#### *Interviews with departure supervisors*

A total of seventeen departure supervisors working specifically with CCNCs were interviewed, accounting for more than 80% of the total number of departure supervisors dealing with CCNCs at the time of research. For these interviews, I cooperated with dr. Steven de Ridder, who had previously conducted similar research in Belgium and was at that time employed as a postdoctoral researcher at the Vrije Universiteit Brussel. Departure supervisors at JCS were recruited by asking them personally, after they had already been informed about the research by the manager of the unit. The interviews with departure supervisors in Ter Apel prison were arranged via one of the senior departure

supervisors, who acted as my primary contact person for this team. The interviews took place between April and October 2016, and were conducted by myself, by Steven de Ridder, or by the two of us. A topic list consisting of clusters of questions dealing with a specific topic was drawn up beforehand, but during the interviews the conversation often flowed freely to other issues. All interviews took place in the offices of DT&V, either at JCS or in Ter Apel Prison. Interviewed departure supervisors differed in their years of experience and some also worked with other migrant groups, such as rejected asylum seekers. However, all had at least some CCNCs among their current cases.

Before the start of the interview, the aim of the research and the interview were explained and participants were given the opportunity to ask any questions. Respondents were also asked whether the interview could be recorded and subsequently transcribed verbatim, something all respondents agreed upon. The interviewer also stressed the anonymity of the respondents, emphasizing that none of the information would be used in a way that it could be traced back to specific individuals, although most departure supervisors indicated they would not find it problematic if the interviews were not anonymised. Departure supervisors were generally very talkative, perhaps in part because they are used to having conversations because of the nature of their work. Many of them indicated they found it interesting to be on the other side of an interview, since usually they are the ones asking the questions. Most respondents talked very open about the different elements of their work and seemed to enjoy the fact that someone showed interest in how they go about this. The interviews likely further benefitted from the fact that both Dr. de Ridder and myself had been working on this topic for a while and were relatively well informed about the main issues. Moreover, Dr. de Ridder had the added benefit of having experience with the Belgium system regarding punishment and deportation, something departure supervisors were generally very interested in. Finally, as I had been working in the offices of DT&V at JCS for over a year, many departure supervisors there already knew me, resulting in a certain level of rapport and trust.

#### *Interviews with prison officers*

Finally, eight semi-structured interviews were conducted by myself with prison officers working in Ter Apel. These interviews took place over the course of two days in October 2016. The total number of interviews is relatively low, because the prison had to schedule one extra prison officer during the interview days to take over from the officer being interviewed. It was therefore decided to only conduct interviews during two days. Respondents were recruited via the contact person in Ter Apel prison, who deliberately sampled a rather diverse group in terms of age, gender, and years of experience. All respondents received a short letter describing the research project and the interview process.

The interviews took place in one of the meeting rooms inside the part of the prison where the offices of staff members are also located and lasted between forty minutes and almost two hours. Respondents were guaranteed anonymity and confidentiality, although most prison officers indicated this was not important to them. A topic list was used to structure the interviews, but in many cases conversations went beyond the topics on this list. The interviews focussed on the question how the creation of an all-foreign prison influenced their tasks and responsibilities, their day-to-day work activities, and how they experienced working in such a novel institution. Some respondents were particularly talkative and seemed pleased that someone showed interest in their work and have their voice heard.

#### *Data analysis*

All interviews with departure supervisors and prison officers have been recorded and subsequently transcribed by a professional transcription service. All interviews with CCNCs were also recorded, except for two respondents who preferred not to be recorded. Transcripts of these interviews have been either transcribed by the same professional transcription service or by the interviewers themselves, partly depending on the language of the interview. Interviews in another language than English have been translated by the interviewer, except for interviews in Dutch, where only quotes that have been used in this dissertation have been translated.

All interview transcripts have been analysed and coded according to relevant research themes, this time using the qualitative software program NVivo. The choice of software was the result of my stay as a visiting scholar at Monash University in Melbourne, Australia, where the computers are equipped with NVivo instead of AtlasTi. However, both programmes essentially offer the same services. As with the first case study, a list of different codes was created based on the main research questions and overarching themes of the research. This list was subsequently further amended and expanded during the coding, based on new themes that emerged during this part of the analytical phase. Upon completion of the coding, all the relevant excerpts for specific research questions and topics were extracted, differentiated by the three different groups of respondents: CCNCs, departure supervisors, and prison officers.

#### *Ethical considerations*

Like the first case study, all fieldwork and data collection was done in accordance with the 'code of conduct for scientific practice' and the 'code of use of personal data in research' of the Association of Universities in the Netherlands (VSNU). Conducting research on imprisonment and deportation raises a number of ethical concerns, involving both sensitivity (referring to the research area)

and vulnerability (referring to the research subjects) (Düvell, Triandafyllidou, & Vollmer, 2009). It is therefore important to not only be aware of these issues, but also to be as transparent as possible about how this might have influenced the research (Düvell et al., 2009). This includes being transparent and accountable about the methodological choices that have been made. The most pressing ethical concerns that rose out of this research project were related to issues of identity and power, informed consent, confidentiality, and accountability (Eastmond, 2007; Hasselberg, 2016; Peutz, 2006). Although some of the ethical issues could be addressed in advance, in other cases they required ongoing sensitivity and reflection in terms of ethical decision-making. In those cases, it was particularly valuable to be able to fall back on advice of more experienced academic colleagues or supervisors.

All research affects their subjects in one way or another, but there are different levels of influence. It is commonly accepted that the researcher is not so much interfering with the data, but rather an integral part of it (Eastmond, 2007). Especially conducting research with individuals who have very limited control over the way their narratives are presented, raises a number of issues regarding researcher identity vis-à-vis the research subjects, power and representation (Düvell et al., 2009; Eastmond, 2007; Jacobsen & Landau, 2003). A common experience among people studying unauthorised migrants is to find that research subjects have certain expectations of the researcher (Düvell et al., 2009; Hasselberg, 2016). This was also the case with some of the respondents of this study, as several of them expressed the hope that their participation would help in making the 'outside world' aware of their situation. One respondent had even smuggled some food to the interview, in order for the researcher to bring this outside the prison and raise public attention about the bad quality of food and overall perceived bad circumstances. Such cases required the researcher to be very clear about what they can – and especially cannot – do for respondents, in order to not raise false hope among respondents. In all these cases, the researcher therefore carefully explained the aim of the research project as well as the expected outputs. He or she also emphasised that for any legal assistance, they could best turn to their lawyer.

No interviews were conducted without explicit written informed consent of the respondent. In practice, this meant all respondents signed an informed consent form before the actual interview started. This form outlined the aim of the research project, stressed that all interview data would be treated anonymous and confidential, and that no information would be shared with authorities or third parties. Respondents were asked to confirm that they understood the study design, had been able to ask questions and these had been satisfactorily answered, agreed to participate, and allowed the interview to be recorded and used for research purposes. The informed consent form was available in six languages, matching the languages of the interviews. All of the information was also discussed verbally to make sure respondents clearly understood everything before the signed the form and started with

the interview. Respondents were also informed that they could decide to not answer any questions or withdraw from the interview at any time, which would result in destruction of all collected data. Almost all respondents signed the informed consent form, but some admitted to using a false name, while others refused to sign any document because they were hiding their identity from the authorities. In those cases, verbal consent was the best possible alternative.

Finally, there are questions of representation and a fair and balanced discourse. By focusing the analytical gaze on deportees as a group, researchers can unwittingly become part of the everyday production of individuals as a – highly stigmatised – legal category (De Genova, 2002). This is an important critique of any social science research with people who have been marginalised and rendered powerless by state interventions. Although this is to some extent inevitable, a good example of responding to this critique is provided in Coutin's (2000, p. 23) study of legalisation struggles of Salvadoran migrants in the United States, which she frames as "an ethnography of a legal process rather of a particular group of people." A similar approach could be adopted in a study on deportations, by taking as a starting point the socio-political condition of deportation instead of the legal category of deportee. Avoiding language that contributes to stigmatisation, including victimisation, is important (Düvell et al., 2009).

Because departure supervisors and prison officers are not considered vulnerable respondents, a less stringent protocol was adhered to for the interviews with these actors. For example, no informed consent form was used in these cases, as their agreement to participate in the research was seen as a sufficient indication of their consent. At the beginning of all interviews, respondents were also informed about the aim and methods of the research project, the position and role of the interviewer, and the envisaged outcomes of the research project. All respondents were guaranteed anonymity and confidentiality, meaning that none of the information they provided would be traceable to an individual. However, many departure supervisors and prison officer indicated this was not an important issue to them and they would have no problem with information being not anonymous. The interviewer also always stressed the independent nature of the research project, which was not commissioned by DJI or DT&V. Transcripts of the interview would therefore not be shared with the employers of respondents. Before starting the actual interview, as well as at the end of the interview, respondents were always given the opportunity to ask any questions they might have.

Finally, data was handled and stored in a secure manner. This means that all audio files and transcripts, as well as the data file from DT&V with the information on the population of CCNCs, were stored in password protected folder that was only accessible by myself. E-mails containing audio files and transcripts that were sent between the different interviewers were immediately deleted upon sending or receiving them.



## Curriculum vitae

Jelmer Brouwer was born in Harderwijk on June 10, 1988. After finishing his secondary education, he studied Criminology at Leiden University from 2006 to 2010, spending the last semester at American University in Washington, DC. In 2012, he obtained a master degree in International Crimes and Criminology from VU University Amsterdam. For his master thesis, which won the VU Criminology thesis award, he conducted six months of empirical fieldwork on ethnic conflict in Burma/Myanmar. He subsequently obtained the European Master's Degree in Human Rights and Democratisation from the European Inter-University Centre for Human Rights and Democratisation (2013), for which he studied one semester in Venice (Italy) and one semester in Montpellier (France). He worked as a PhD-Candidate at the Institute for Criminal Law & Criminology at Leiden University from 2013 to 2017, spending periods as visiting scholar at Oxford University and Monash University in Melbourne, Australia. After that, he was a research consultant for the International Organization of Migration. Since January 2018, he works as research officer at Euro-pol.



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