



Testing ‘Value’ Through the Body: Women and British Immigration Law

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Social utility of migrant women and testing virginity

“He was wearing rubber gloves and took some medicine out of a tube and put it in some cotton and inserted it into me. He said he was deciding whether I was pregnant before. I said that he could see that without doing anything to me, but he said there was no need to get shy.”

(35 year old Indian woman as reported in *The Guardian*, 1 February, 1979, p. 1)





‘Virginity testing’ based on three false assumptions:

- 1) That there was an overwhelming number of migrants who had obtained entry into Britain by falsely claiming to be fiancées
- 2) That Asian wives-to-be should be virgins
- 3) That one can verify virginity by physical examination

Immigration officers and the decision-making process

Immigration officers compelled by pressures of meeting performance targets, while acting within professional guidelines



Evaluating potential entrants under 'fair' guidelines of economic status

(Kandy Woodfield *et al*, *Exploring the Decision Making of Immigration Officers*, Home Office Online Report, 2007, p. v)

Pressure from senior level to meet target of expulsion numbers

(Home Office UK Border Agency, *Enforcing the Deal*, Enforcement Business Plan 2008-09, p. 21)



Background: Trafficking in women for sexual exploitation

Enduring status as triply deviant person

Irregular

- No civil values
- Used by traffickers and demanders
- Abject status



Subject with legal value

- Victim and witness
- Abject value partially suspended

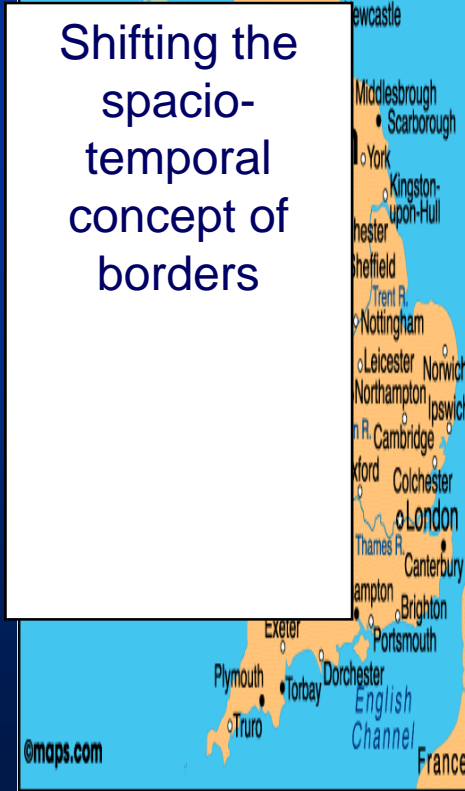


Irregular

- No civil values
- Diminished commercial value
- Abject value reinstated



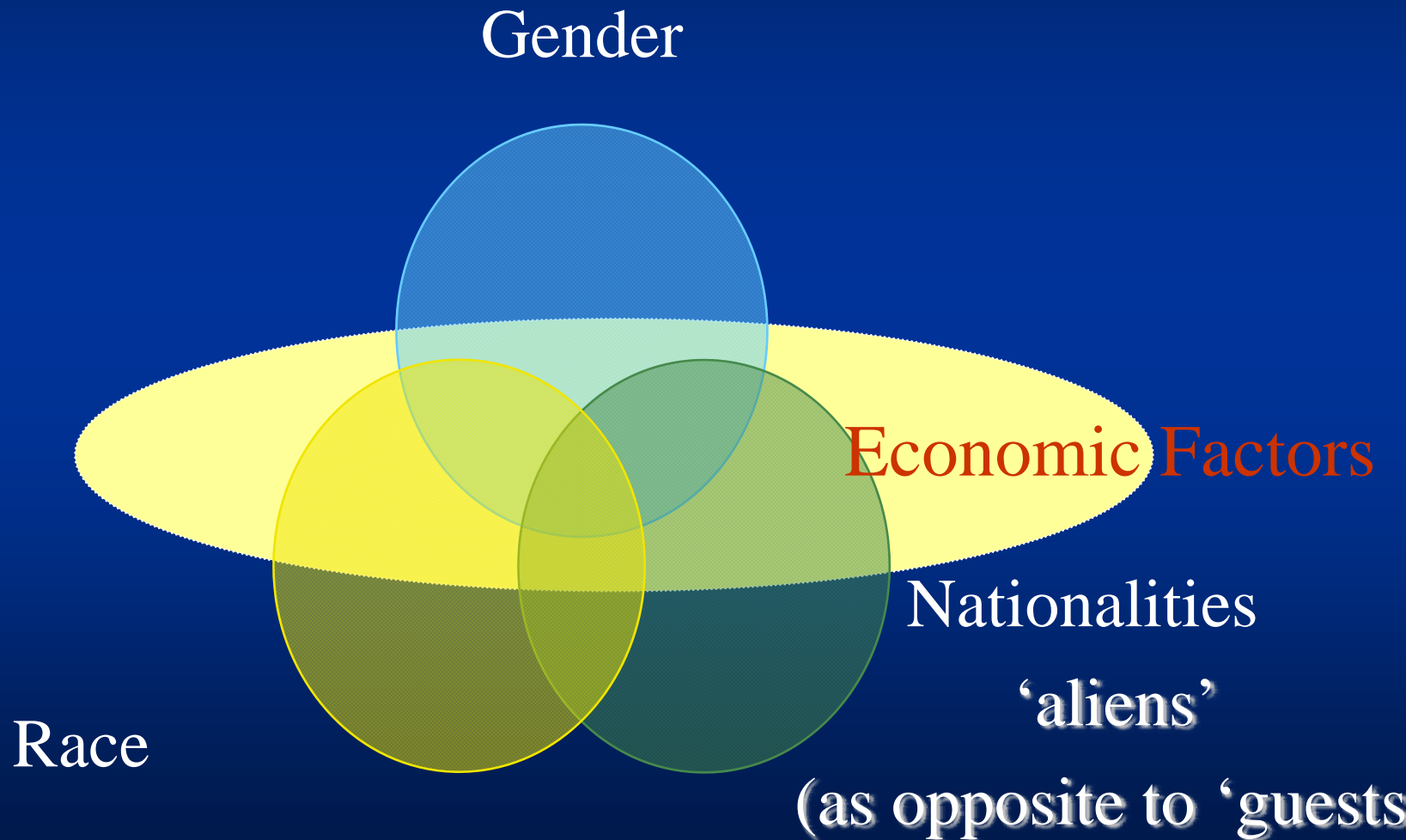
Shifting the spacio-temporal concept of borders



The female body and the Immigration Officer

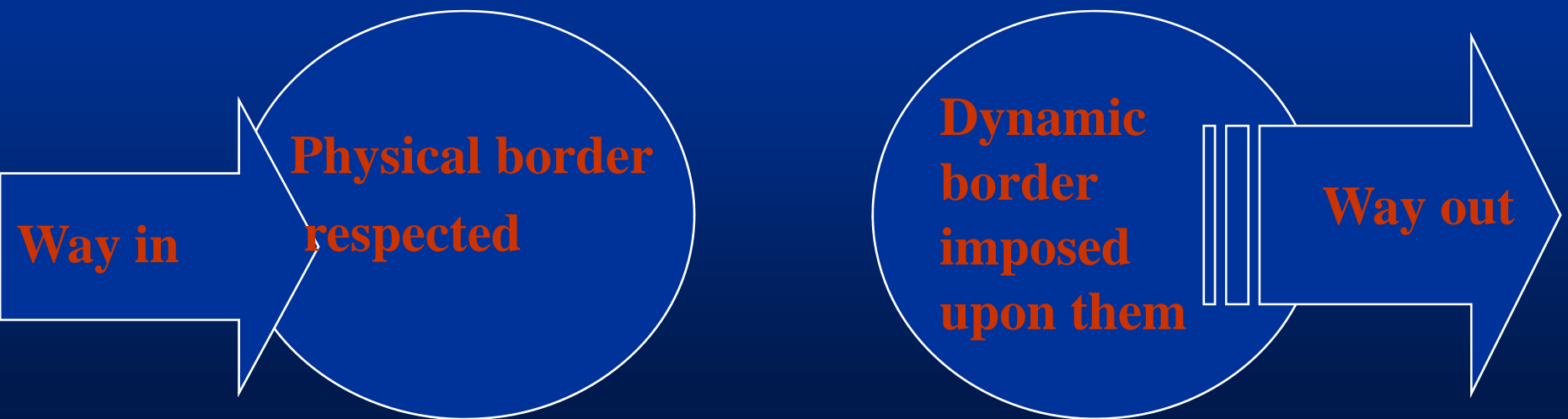
- Integrity of the female body and moral value attached:
 - Moral community to be sheltered
 - Before: 1979-81 physical, intrusive, violence; interior state as evidence of immorality
 - Now?
- The role of immigration officer
 - Scrutinise and decide on the basis of body *image*
 - Before: discretionary powers to decide on legal status attached to integrity of the body and value of the woman
 - Now?

Before and now: The 'control' of migrant women is intersectional



Irony of the two cases

- Before: way in
Full scrutiny - internal (medical) check for purity / integrity
- Contemporary: way out
external (superficial, no medical or specialistic) check for (potential) victims of trafficking



Body reveals that which the surveiller wants to see

Violent outcome
(as aliens and others)

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graph TD; A[Violent outcome (as aliens and others)] --- B[Before: Interior check / state as evidence of immorality]; A --- C[Contemporary: interiority read through reading the body superficially]
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Before:
Interior check / state as
evidence of immorality

Contemporary:
interiority read through
reading the body superficially

Recommendation 3

- In order to implement, successfully, its commitment to a victim-centred approach to human trafficking, the Government must ensure that **those authorising detention are able to identify victims of trafficking.** In addition, **immigration personnel should understand the related physical and psychological health needs of this particular group, as well as their subsequent healthcare requirements.**



Recommendation 6

- Where **detention** is imposed immediately following an immigration raid, **immigration officials** should refer women to a specialist NGO (such as the POPPY Project) for a **comprehensive assessment of her trafficking experience**, rather than undertake questioning themselves. If a referral is not possible, women should be offered the same needs assessment within the first 24 hours of being detained. This must be carried out by appropriately trained medical staff, with a female interpreter present.

(S. Stephen-Smith (2008) 'Prisoners with no crime: detention of trafficked women in UK')