

## Broad overview of session

This panel brings together early career researchers and scholar-activists with the aim of drawing both methodological and empirical connections between their recent ‘courtwatching’ research. All panellists use this methodology in their work to explore themes of migration control, race, penal power, and punishment within court-spaces. Representing research in criminal courts, immigration bail hearings, and immigration tribunals across England, Scotland, and Germany, speakers will contribute to debates in legal geography with a particular attention to using ethnographic methodologies in the ‘global courtroom’ (Aliverti 2016). Shared methodological questions include: How can ethnographers express and negotiate their presence in courtrooms? How is the move towards court digitalisation experienced and negotiated by different actors? In what ways do researcher and scholar-activist identities manifest and play out in the courtroom? In addition to shared methodological concerns, this panel will address the role of the courtroom in the policing and control of (racialised) migration. What can be learnt about migration control from careful ethnographic attention to different courtroom settings? How do processes of ‘crimmigration’ play out in routine legal practice? What is the function of criminal law in the (b)ordering logics of immigration control? These questions will be addressed throughout the panel, drawing on rich courtwatching research projects informed by critical legal geographic understandings of space and power.

### Vicky

**Title of contribution: “This is a court of law, not of justice”: Courtwatching the criminalisation of asylum in the UK 2022-2023**

Name: Victoria Taylor

In late June 2022 the British government expanded the scope of so-called ‘immigration crimes’ through its attempt at legislative asylum reform, the Nationality and Borders Act 2022. In addition to increasing maximum sentences for ‘illegal arrival’ and its facilitation, the Act removed the legal defence previously relied upon by those arriving irregularly to seek asylum. In its first year, several hundred people - including people seeking asylum, victims of torture, trafficking and modern slavery, and age disputed children - were arrested, charged, and imprisoned for their irregularised arrival. While recently much has been written on the criminalisation of solidarity actors globally, less attention has been paid to the criminalisation of irregularised migrants themselves, including for their supposed roles in ‘facilitating’ the journeys of others. This paper draws on 9 months of ethnographic courtwatching in criminal courts across the British South Coast. Between January and October 2023 I observed over 100 hearings in which people arriving in ‘small boats’ across the English Channel were prosecuted for doing so. Drawing on this ethnographic material, together with interviews with lawyers, this paper discusses the mundane legal violence enacted by and through different actors involved in these criminal proceedings. I argue that the courtroom is an important site of racialised (b)ordering, where the script of the ‘illegal migrant’ is (re)written both discursively and materially, unauthorised mobility is pathologised, and where criminal punishment is relied upon as a crude, often violent tool in the enforcement of borders and belonging.

Affiliation: University of Oxford and Border Criminologies

Short Bio: Vicky is a DPhil Candidate at the University of Oxford and Associate Director of Border Criminologies. Her research focuses on British state responses to people crossing the English Channel on ‘small boats’, and in particular how criminal law is being used against these new asylum arrivals. She holds a BA in Geography from the University of Cambridge, and an MSc in Refugee and Forced Migration Studies from the University of Oxford. Vicky works with several grassroots organisations and charities in the UK, including Captain Support UK, Humans for Rights Network, Our Second Home, CORAM, and formerly as director of Screen Share UK.

### Jo

**Title of contribution: Remote courtwatching: loitering, absences and access to justice**

Name: Jo Hynes

Affiliation: University of Exeter

Short Bio: Jo has recently completed an ESRC funded PhD at the University of Exeter, exploring the legal geographies of immigration bail. Using ethnographies of tribunal hearings and interviews with their key actors, she examined the nature of space and technology in immigration bail hearings. Jo is currently a Senior Researcher at Public Law Project, a charity engaged in research and strategic

litigation across a range of public law issues, including immigration control and civil legal aid. Her work is situated in the fields of legal geography and socio-legal studies. In particular, she is interested in legal and geographical imaginations of space, access to justice and courtwatching methodologies.

**Abstract:** Courtwatching commonly relies on physical co-presence between those watching and those who are watched. This paper explores the opportunities and the challenges of courtwatching without this physical presence. Specifically, it examines what it means to conduct remote ethnographies of legal processes where neither the ethnographer nor the other hearing participants are physically co-present. The sudden shift towards remote hearings in fieldwork conducted during the COVID-19 pandemic presented an opportunity to compare in-person and remote ethnographic methods. Through a case study of bail hearings in the immigration tribunal in the UK, this paper will explore the value and challenges associated with conducting remote ethnographies and asks how they can help to shed light on the impact of absences in legal events. In turn, it seeks to examine how we can use the experiences of a remote courtwatcher to better understand access to justice issues in remote court spaces and improve the experience of hearings for appellants in the immigration tribunal.

### Susannah

**Title of contribution:** Awkwardness, affinity and altering power dynamics: Reflexive insights from courtwatching in the Immigration Tribunal

Name: Susannah Paul

Affiliation: University of the West of Scotland.

**Short Bio:** Susannah has recently completed an AHRC funded PhD as part of the project 'Researching Multilingually at the Borders of Language, the Body and the State' at the University of Glasgow. Susannah's work has sought, through combining empirical evidence and socio-legal reflections, to examine 'adversarialism' and explore empathy in the judicial approaches and workgroup dynamics of the Immigration Tribunal. Her PhD incorporates insights from participant observation of asylum appeals, human rights appeals and immigration bail hearings. Susannah is currently a lecturer in law at the University of the West of Scotland and her research interests include access to justice and workgroup dynamics in legal settings.

**Abstract:** *'This little girl is doing a PhD and I said she should speak to you.'* As the judge approached, I internally grimaced at being called a little girl by the Tribunal Clerk, I put out my hand and, in an attempt to assert a sense of maturity, I gave him a firm handshake.' (First Tier Immigration Tribunal, Glasgow, 2019) Courtwatching involves observation of the day-to-day work of justice systems. The larger project from which this paper draws from examined the workgroup dynamics of the First Tier Immigration Tribunal in Glasgow. In this paper, I reflect that the practice of courtwatching can draw the researcher into the workgroup as an occasional player. I consider from my own experience as a researcher the manner in which factors such as age and gender can: structure access to information and people; provide insights into interpersonal dynamics in the field; and inform a researcher's interpretation of their experience in the field. This paper therefore serves as a reminder of the need for reflexivity in research and encourages a conversation about navigating questions of researcher identity. The paper also highlights the need for courtwatching to be conducted by a diverse range of researchers who, through acting as occasional players in courtroom workgroups, and in inhabiting different legal settings, may interpret different and important insights into justice systems.

### Aino

**Title of contribution:** Racialised legal geographies in the Berlin criminal court

Name: Aino Korvensyrjä

Affiliation: University of Helsinki and Justice Collective Berlin

**Bio:** Aino is a social anthropologist and activist, whose work critically addresses deportation, borders, racism, policing, punishment, and social movements. Her doctoral research explored deportation enforcement as a contested issue in Germany with a focus on black migrants' struggles and the production of race. Currently, she conducts ethnographic and activist research on racism in German criminal courts as research associate in Justice Collective Berlin, partnering with the Institute of Criminology, University of Cologne. Aino also lectures at the Freie Universität Berlin and is active in different activist networks against borders, policing and punishment.

**Abstract:**

Racism in German criminal courts has hitherto received little scholarly attention. This paper presents insights from an ongoing, multi-year research project realised at Justice Collective Berlin and the Institute of Criminology, University of Cologne. The project applies courtroom ethnography, interviews, and activist research. In 2023 I observed 100 trials in the Berlin criminal court, mostly against non-white defendants, for the most common charges (theft, fare evasion, assault, fraud, and drugs). The paper presents a preliminary mapping of how race is produced in court, tracing the most common groups appearing in these trials and showing how their presumed non-belonging is constructed in court. The methodological and theoretical frame draws critical race studies, anthropology of the state, and analyses of racism in courts and the police. I draw particularly on scholarship developed in anti-racist social movements in Germany, which have for decades worked on these topics.