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# Discipline, Control, and the Ins and Outs of Prison for Migrant Overstayers in Hong Kong<sup>1</sup>

Nicole Constable

**Abstract.** *This essay reflects on the prison stories of three women migrant workers in Hong Kong. All three women initially entered Hong Kong as domestic workers, then overstayed their visas and worked illegally before surrendering to immigration and serving prison time. Their stories of life inside and outside of prison raise many questions, especially about the forms of power and control they encountered. Drawing from what Deleuze, building on Foucault, has provocatively characterized as “societies of discipline” and “societies of control” (1992), I show how both sorts of discipline and control (and punitive sovereign ones) coexist in migrant’s lives. Prison, as Foucault described, is characterized by carceral forms of discipline aimed at reforming individuals. Women’s experiences of prison, I argue, are colored by its conventional disciplinary form and function, including expectations of post-incarceration societal reincorporation. Life outside of prison, by contrast, is characterized by more fluid and diffuse assemblages, information technologies, and networks of control. The lives of overstayers before prison, can offer them freedom and temporary escape from networks of control, but also produce anxiety, fear, and exclusion. These women’s experiences thus point to limitations and provocative aspects of Foucault and Deleuze’s models, and to ways in which migratory lives are shaped and characterized by multiple types of control and discipline.*

## Introduction

Over the past two decades, I have met dozens of ‘overstayers’ (in Hong Kong parlance), all of whom initially entered the region with valid visitor/tourist or foreign domestic worker visas, then overstayed their visas and worked illegally. To them, prisons and detention centers were unequivocally considered places to avoid. They spoke of physical danger, gangs, boredom, stress, loneliness, and bland food. The default understanding is that prison and detention are to be avoided, not least because of the loss of income and freedom, and the fear of deportation. In this essay I focus exclusively on prison experiences,

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not detention, due to lack of space. As I argue below, however, there are other ways to think about prison experiences, especially in relation to overstayers' stories of life outside of prison. The three women overstayers described below considered prison 'not so bad,' in some ways 'better' than life outside, and an important step toward a more secure future.

This essay is exploratory and preliminary. It focuses on the prison stories of three women overstayers for what they tell us about being 'inside' versus 'outside' prison. Outside experiences color experiences inside, but outside experiences depend on one's 'legibility' (Scott 1999). A binary view of inside versus outside, incarceration versus freedom, hides more than it reveals about the overlaps of contemporary forms of discipline and control. Although limited, I argue that these three cases are nonetheless suggestive. On a theoretical and generalizable level, I draw from Michel Foucault and Gilles Deleuze's work on 'disciplinary societies' and 'societies of control' to illuminate the women's experiences of life inside and life outside of prison. As I argue, these concepts are pertinent to women's experiences, especially the reform of prisoners and the "apparent acquittal of the disciplinary societies (between two incarcerations)" and the "limitless postponements of the societies of control (in continuous variation)" (Deleuze 1992, 5).

It is important to stress that reincorporation into Hong Kong society as 'citizens' after prison is very difficult, if not impossible, for most overstayers. As temporary migrants, foreign domestic workers enter Hong Kong with two year "foreign domestic helper visas" and have no legal path to citizenship (in the sense of naturalization or in Hong Kong's case, "right of abode") unless they marry a legal resident. Migrant overstayers, who have violated immigration law, have few options to obtain even temporary citizenship-like rights or official recognition. One option, as demonstrated in the three cases below, is to surrender to immigration and submit an asylum or a torture claim. Such claims, based on the United Nations Convention Relating to the Status of Refugees, or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, provide claimants with the right to remain in Hong Kong while their claims are in process, which can take several years. They do not permit them to work, but qualify them for some social services. As of 2015 no former foreign domestic workers had won such claims. For more about asylum and torture claims see Constable 2014, 183-215; 2015.

### **Societies of Discipline and Control**

In "Postscript on the Societies of Control," Deleuze aims to advance Foucault's work. He highlights the distinctions between the 'disciplinary societies' Foucault described that emerged in Europe in the eighteenth and nineteenth centuries and reached their peak in the early twentieth, the older 'societies of sovereignty' that they replaced, and the newer 'societies of control' that he argues are currently replacing them (Deleuze 1992, 3-4).

Disciplinary societies, as Foucault described in *Discipline and Punish* (1979), are epitomized by the prison or penitentiary. A key part of his argu-

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ment is that self-discipline (a modern concept) was promoted within prisons and prison-like institutions (e.g., schools, hospitals, and factories) by the structure of panopticon-like settings in which prisoners (students, patients, or workers) do not know when they are being watched, so they behave accordingly. He describes the shift in 18th and 19th century France away from corporeal punishment typical of societies of sovereignty (which entailed public spectacle, infliction of pain, physical violence and death to punish the criminal) to the disciplinary forms of carceral punishment, that were characterized by imprisonment with little or no public spectacle and no physical pain. Prisons were designed as means to reform the soul and discipline the body of the prisoner. Older standard forms of punishment involving physical pain and suffering were substituted with carceral discipline meted out as sentences by judges in response to the severity of the crime, in which the requisite time needed for reform was to match the severity of the crime and correspond to the length of the sentence. Hardened criminals received harsher sentences and first time offenders, lighter ones in less fortified prisons. As Foucault described, the prison grew into a penitentiary with workshops and prison yards in which prisoners worked and exercised in a modern disciplined and structured fashion. The prison thus developed as an enclosed institutional space in which delinquent criminals were literally re-formed so as to behave as normal and useful members of society.

Deleuze contrasts the ‘enclosed’ spaces of surveillance and strict discipline within the discrete spaces of factories, schools, and other institutions, with the contemporary ‘forms of free-floating control’ that characterize societies of control. A key feature of these emerging forms of control and surveillance is that they are more entangled, fluid or gaseous, technologically complex, and they extend well beyond particular institutions and enclosed spaces, such as prison, school, or factory. In disciplinary spaces, a signature or number designates the individual’s proper place, but in societies of control, he argues, they are replaced with codes, passwords and watchwords, and individuals become ‘dividuals’ who no longer fit into distinct or physically demarcated institutional social spaces (1992, 5-6).

While an immense body of scholarship engages with Foucault and Deleuze’s work, my goals are modest. I ask how some of their insights fit with ethnographic realities. Despite the societal shifts Deleuze outlines in broad strokes, based on my view of Lo Wu Correctional Facility (hereafter Lo Wu) described below, I do not agree with his proclamation that institutions such as schools, factories, and prisons are all in crisis, ‘finished,’ or that “it’s only a matter of administering their last rites” (1992, 4). The disciplinary aspects of the prison that Foucault described – though it is more high tech and modern than a century ago – illuminate many aspects of the stories below. Moreover, forms of discipline and control differ vastly according to the status and the (literal) place of migrants legally and otherwise. Different forms of control and discipline come into play depending on whether, and the conditions under which, migrants work legally or illegally, overstay, or are asylum or torture

claimants. Moreover, some domestic workers experience punitive and violent 'sovereign' forms of discipline, in addition to more modern disciplinary surveillance and technological controls. The three "societies" are suggestive of broader changes but by no means exclusive of one another. They are all contemporary.

### **Methodology**

This essay builds on my earlier research on discipline and resistance among foreign domestic workers in Hong Kong, and more recent work among migrant women who conceive or give birth in Hong Kong (Constable 1997, 2014). My analysis draws from conversations with overstayers and undocumented workers, NGO staff members, lawyers, and scholars familiar with Hong Kong prisons. Out of over fifty structured interviews with migrant mothers in 2011 and 2012, six women said they had been to prison. Those interviews focused on women's experiences of being pregnant or becoming mothers in Hong Kong and only tangentially on prison experiences.

I began to actively pursue the topic after I met a Filipina in her early forties who I call 'April.' April had given birth while an inmate at Lo Wu (Constable 2014, 193-97). Readers and audiences expressed surprise at April's depiction of prison. Hers was not a story of misery and violence. She spoke favorably about her prison experiences, especially compared with her life outside. This prompted me to ask whether her experiences are unique, and what her story tells us about the lives of migrant workers more broadly.

In 2015 I interviewed Melinda and Mary who had also been inmates at Lo Wu. I met Melinda long before she went to prison; we corresponded when she was there, and met again when she came out. Mary had been 'out' for a month when I first met her. She was introduced by a mutual friend and was eager to talk about her experience, partly because she said there were few people she could talk to about it.

### **Three Women**

April, Melinda, and Mary had all left the Philippines to work temporarily in Hong Kong as foreign domestic workers. After working several years, they overstayed their visas, becoming overstayers, choosing to remain there and work 'illegally' rather than return to the Philippines. They eventually surrendered to immigration, filed torture or asylum claims (from prison or before entering) and were sentenced to serve time in Lo Wu.

Although none of them would choose to return to prison, April, Melinda, and Mary all depicted prison – to varying degrees -- as 'not so bad.' April conveyed the clearest sense that life inside prison was 'better' in many ways than life outside, and her life outside was arguably the worst. Melinda, by contrast, spoke of badly missing her son, and of how difficult it was, especially during the first week when she could not sleep and "each hour felt like a day." But she repeatedly said that "it was not so bad" and that prison allowed her to pay for breaking the law and overstaying ("making things right"). Mary complained far

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more than Melinda and April about prison, especially the “shouting, shouting, shouting” and the hard work and low pay, but her main concern was about her own and her daughter’s chances of staying in Hong Kong when she got out.

All three said that prison was not as bad for them as for others, not as bad as they had feared, and better than they imagined it would be in their home countries. They expressed sympathy for fellow inmates, especially those with long sentences, mental illnesses, severe anger or depression, or far from home with no visitors. They described (but did not experience) solitary confinement, a punishment reserved for violent or repeatedly disobedient inmates. All three said that Filipinas are generally well regarded by the staff because they are ‘not trouble-makers’ and because their crimes (overstaying or working illegally) are regarded as ‘less serious’ than theft, drug smuggling, or prostitution.

Their views of prison are likely linked in part to the fact that Lo Wu was recently remodeled and is clean and airy (see below). It is a medium security prison that houses up to 1400 inmates who have been charged with mostly non-violent drug, immigration, or sex work related crimes that are considered more ‘reformable.’ Roughly a quarter of the women in Hong Kong prisons are local residents; most Lo Wu inmates are mainland Chinese women (Dui Hua 2014, Lee 2007).

The women’s views are closely related to their experiences as overstayers before prison, and to their hopes and expectations of life after prison. Their expectations are linked in turn to what Foucault described as prison’s ideal goal of reforming criminals and preparing them to reenter society as productive and disciplined members. They saw prison as a transitional point. It separated the previous stage of their lives as undocumented overstayers, which was characterized by liminality and social invisibility, an inability to claim rights and few prospects of acquiring them, to a new stage of ‘reform.’ In the new stage they reenter the society of control and become socially visible (or legible) again by filing asylum or torture claims, receiving official ‘recognition papers’ (not visas) and being assigned numbers and codes that entitle them to temporary rights and certain benefits. Like many overstayers, they learned that deportation is not the automatic or immediate outcome of surrendering after overstaying and serving time. Instead of closing down opportunities, all three women believed that doing time in prison could qualify them for better post-prison futures. Hong Kong does not offer overstayers prospects for ‘citizenship’ or the legal right to live and work in Hong Kong, but it does allow seemingly ‘limitless postponements’ that characterize societies of control (Deleuze 1992, 5).

#### **April**

When she first overstayed, April found work at a warehouse with many other migrant women overstayers, packing used clothing for export and sale to the Philippines. The warehouse was owned by a Pakistani man named ‘J.’ They became lovers and she moved in with J. As she explained, he started out okay, but she worked long hours, he never paid her, and he became increasingly

jealous and abusive.

Many years I worked there and he never paid me anything... My boyfriend treated me very badly.... Since the day that I go to stay with him I feel that I am more of a slave. I work for him until 1:00 in the morning.... I am always working, working. If I need money, he won't give [any]... He says, "You eat my food, you sleep in my house, what more do you expect?" [He is violent] I just work for him. But I cannot call the police before because I am so afraid because I don't have papers (Constable 2014, 193-94).

J knew that April could not report him without putting herself at risk. His power over her was bolstered by his status as a permanent resident of Hong Kong and hers as an overstayer and illegal worker.

After several years, April became pregnant; J pressured her to have an abortion. As a Roman Catholic she strongly resisted the idea, and being in her early forties she reasoned that it would likely be her last chance to have a child.

He wants me to abort, but I really don't like that. But he is telling because I am not his wife and it seems to be haram [forbidden] with his religion to have a bastard. But I think it is more immoral if I take out [abort] my baby... When I am pregnant he beat me and I ran away to Melinda's. I have so many bruises; they are already violet color. I really don't want to go back with him. But he says "you go back or I will make trouble for your friends." My friends are also afraid. (Constable 2014, 194).

Eventually, as her pregnancy advanced and she feared for the baby's safety, April decided to leave. She surrendered to immigration, went to court, and was sent to Lo Wu, where she served four months, with an early release for good behavior.

After a month and a half in Lo Wu, April went into labor. She was taken to the hospital to give birth, then returned to prison with the baby for two months. Describing her time there, she said:

Lo Wu is a very nice place. In the morning they serve us food, they clean up the diapers, and the food. The people are all nice, especially the staff there...The people who stay there too. Many of them are pregnant and also have babies, one-year olds, two-year olds staying there with the mother.... In one room you have three to five mothers with their children; in the other room maybe six mothers, something like that. ...It's not lonely. There is time for watching TV and listening to the radio..... You get a salary for taking care of your own baby! ...The first time [I am paid] I am surprised. "Why? How come I

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have this salary?” They say “because you are taking care of your own baby.” (Constable 2014, 195).

Compared with years of stripped down isolation, abuse and unpaid labor at the warehouse, Lo Wu was to April a welcome relief. It was ‘very nice’; she had food, shelter, companionship, support and she was even paid. She had rights.

To April’s initial relief, her relationship with her boyfriend ended when she went to prison, but when J learned she gave birth to a son, this changed. He registered the baby’s birth, listed himself as the father on the birth certificate. He alternated between threatening to tell the birth registry that he is not the father (removing his name from the birth certificate and making the child a ‘bastard’ with no right of abode) and threatening to take the baby to Pakistan to be raised by his wife.

When I met April, shortly after she left prison, she had gone back to live with J. She was afraid to leave him, certain that he would find her if she remained in Hong Kong -- and she thought it was impossible to return to the Philippines. A year later, she was still living with him. The main difference from her pre-prison overstaying was that she now had recognizance papers from filing a torture claim from prison. She hoped that when she runs out of appeals to her torture and asylum claims, her role as the custodial parent of a legal resident child might provide grounds to legally prolong her stay again.

#### **Melinda**

Melinda developed a long-term relationship with Niko, a Filipino permanent resident of Hong Kong who did not know she was an overstayer. Niko and Melinda were both separated from their spouses when they met, but neither was divorced. When Melinda became pregnant, she felt she had little choice but to surrender to immigration and file a torture claim. The immigration department provided her with recognizance papers, allowing her to give birth in the hospital. She did not name Niko as the baby’s father, for fear of losing her benefits as a torture claimant; nor did not want to put Niko at risk. Later she realized her shortsightedness, since the baby had legal claims to Hong Kong residence through his father. She and Niko consulted an immigration lawyer and various migrant advocates who advised them to register Niko as the father and to pursue their divorces so as to eventually legally marry in Hong Kong. Marriage offered Melinda her best chance of possibly becoming a Hong Kong resident.

In order to marry, Melinda and Niko first needed divorces. Niko obtained a divorce easily, but Melinda had lost touch with her husband in the Philippines. Although divorce is not legal in the Philippines, Melinda could file for one in Hong Kong, which she did. While that process was underway, Melinda’s court hearing for overstaying took place and she received a six month sentence in Lo Wu. Her lawyer offered to try to delay her sentence for a month or two, but as she explained, “I was just so tired already. I need to pay already, you know? No exceptions. I broke the law. I didn’t want to delay anymore.” She served three months (reduced for good behavior) and spent another month



in an immigration detention center.

Niko brought their toddler to visit once, but he was so angry and upset that he did not bring him again. As Melinda wrote from prison, and reiterated in person, she deeply missed her son but could not complain about prison conditions. "It was not that bad" but "it was very difficult at first." She cried the first few nights until an African woman looked at her prison sentence and said, "Just a few months? Look at mine: fourteen years!" So, Melinda said, "I stopped crying."

"If you are quiet and obey the rules, it's fine" she said. She also described some good memories; improvised facials, birthday cakes surreptitiously made from milk and cookies, and eggs they smuggled out of the dining hall in their bras. Melinda had not experienced the physical violence and isolation that April had experienced outside of prison, but she shared April's sense of relief. Upon entering prison, Melinda described deep relief at escaping her prolonged and overwhelming fear and anxiety about being caught and deported. Going to prison and serving time gave Melinda hope for the future. "It's so hard, very hard. But you have to face your problems... For me, it's very good because I surrender, I go to prison, and then in three years I can get the papers [residency]. Before I just worry, worry, worry. But I need to pay for overstaying." Serving time would help wipe the slate clean, allow her to divorce and remarry (which she did by 2015), and might ultimately lead to Hong Kong residency if immigration agreed to grant her a visa.

### **Mary**

Melinda and April overstayed for under ten years; Mary overstayed more than fifteen. While overstaying, Mary became pregnant and her partner 'disappeared.' She gave birth to Celia in the hospital, using her old identity card (in those days they did not check its validity). She did not register Celia's birth. She worked illegally and left Celia with babysitters. Celia could not be enrolled in school since she had no identity papers. They managed this way – off the official grid -- for thirteen years. When Celia was thirteen, she frequently asked, "Mommy, why can't I go to school?" Mary explained that she had no identity card. This led to more questions and Celia's growing anger.

Celia's best friend, Fely, a neighbor of the same age, met her every day (beginning in second grade) and taught her everything she had learned at school. When Fely's mother, a Filipina with legal residence, learned of Celia's situation, she angrily confronted Mary, threatening to report her to immigration if Mary did not 'make things right' and send Celia to school. Mary consulted with a migrant organization and surrendered to immigration. If not for Celia's desire for schooling and Fely's mother's pressure, Mary would not have surrendered. "I only did it for Celia. She is an innocent child. I suffer every day for her. I did everything to protect her. I did everything for my daughter." When Mary entered Lo Wu, Celia went to live with Fely's family. She received recognizance papers, which allowed her to attend school. By then she was fifteen and remarkably, to her own and Fely's credit, tested into

the first level of high school.

Given how long she overstayed, Mary was sentenced to a year in Lo Wu, which was reduced to seven months, plus two more in an immigration detention center. In prison, she learned about torture claims and filed a claim. More critical of prison than Melinda and April, she complained that it was very difficult. When I pressed her she repeatedly described “the madams’ [staff] shouting, shouting, shouting all the time.” One of the ‘madams’ was very kind and arranged for her to work cleaning her office, but she retired and her replacement did not favor Mary. Mary kept quiet (like Melinda) but complained about the no talking policy during work, the rigid daily schedule, and the low pay compared with outside.

While April was very pleased to be paid to look after her child, and Melinda was grateful to get HK\$300 (US\$48) per month in the sewing workshop, Mary complained of getting only HK\$450 a month for ironing. Her body ached and the supervisor criticized her work. When I asked Melinda about it, she described ironing, cooking, and laundry as the hardest but best paid jobs at Lo Wu. “Better you have a little money than no money, right? Of course it is less money because we are inside.”

Mary’s deepest disappointment and worry was that after paying her debt to society, she still had no right to stay in Hong Kong. When they were reunited, Celia immediately asked, “Mommy, can I get my Hong Kong I.D. now?” Mary evaded the question and said, “I don’t know, I’m not immigration.” Mary’s immediate goal was for her daughter to finish high school. With recognizance papers, Celia was entitled to two more years of schooling at most. Mary could not fathom taking Celia to the Philippines, where she had never been. She hoped Fely’s family could adopt Celia, but their income was prohibitively low. Without a resident spouse or child, Mary’s chances of finding a permanent way to stay in Hong Kong seems nonexistent. Her best hopes are for appeals and postponements.

### **Incarceration Inside or Outside?**

The life of an overstayer outside of prison resembles in many ways a ‘state of exception’ in which they are excluded from most of the rights and privileges of citizens (Agamben 2005, 9-13). As we have seen, as overstayers April, Melinda, and Mary found it difficult to claim rights for themselves or their children until they surrendered to immigration and filed asylum or torture claims, thereby reentering the official grid. In prison, they had less freedom and choice, but acquired more rights. Outside, as overstayers (before surrendering), they felt vulnerable. Inside, they could work legally and earn money (albeit relatively little). Outside, if they worked illegally (which many must) they did so at the risk of getting caught and imprisoned. Prison sentences of those caught working illegally are even longer, compounding the sentence for overstaying. Outside, overstayers cannot formally attend educational institutions, but long-term prison inmates can receive vocational, and educational training. Undocumented overstayers who seek legal abortions, prenatal or oth-

er medical care put themselves at risk of being reported to immigration, since treatment now requires identification and proof of current employment and places of residence. In prison, medical and psychiatric treatment – including obstetrical care and nutritional supplements for pregnant inmates are readily available and free. April spoke in awe of the volunteers who came to Lo Wu and taught her how to care for a baby.

As noted, Lo Wu is unique. An internationally recognized, award-winning green building (Hong Kong Architectural Services Department 2011), its reconstruction in 2010 received praise from architects and environmentalists, but also criticism from the Hong Kong public (Reuters 2011, Dui Hua 2014, Huber 2014). Its architecture is energy efficient, bright and airy, with good air flow and circulation that remains warm in winter and cool in summer, with natural light and ventilation. Local critics described the cells as much bigger and more comfortable than the cage homes or miniscule subdivided apartments of some Hong Kong residents, and the air quality as better than the dark, dank, old buildings and early housing estates in which law abiding citizens, many of them poor or elderly, reside (Yi 2010, SCMP 2010).

Lo Wu exemplifies the space described by Foucault that ‘reforms’ and disciplines inmates so that they can return to society as productive citizens. Like Foucault’s penitentiary, it has exercise facilities, workshops, educational and vocational training. Lo Wu is a green panopticon a la Jeremy Bentham (Futurearc 2011, Hong Kong Correctional Services Department and Architectural Services Department 2011, Reuters 2011, and Telegraph 2013). The open air structure allows for the older prison design of open space and visibility from many angles, yet it also combines the new forms of surveillance Deleuze anticipated such as CCTVs, such that women warned each other to change their clothes in the bathroom rather than in their cells or to risk being recorded nude.

Especially striking, is the extent to which April, Melinda, and Mary’s living conditions as overstayers, outside of prison, involved similar but perhaps more extreme forms of self-policing than inside prison. As overstayers, their fear of surveillance resulted in a constant awareness and the need to self-police, restricting their own movements and curtailing their activities based on text messages alerting them to danger, thus turning ‘outside’ into a panopticon of sorts. This outside space is, as Deleuze described, far less enclosed than the ideal disciplinary society. Yet state laws created ‘undocumented status’ in much the same way as the laws Foucault described created and literally institutionalized the ‘delinquent’ who is ‘in the law’ (1979, 301). While a chicken stolen from one’s landlord in the past would have been the business of the landlord and the thief, it later became a matter of law and judgment, thus creating delinquency.

Similarly, we can say that April, Melinda, and Mary’s right to be in Hong Kong and to work there were defined by laws that had not been conceived of half a century earlier when the FDH Visa did not yet exist. Their undocumented status (overstaying their visas) turned them into law-breaking criminals, a relatively recent concept linked to the development of modern states

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and national boundaries. Their vulnerability was fueled by the fear of getting caught, which produced a lack of trust in social relationships and fear that even friends and partners might report them. Their accounts of life outside, especially state surveillance and resulting self-discipline, illustrate how life outside works a lot like a prison, and its technologically enhanced forms of control know few bounds.

Life outside of prison, especially for pregnant migrant women, mothers, overstayers or illegal workers, can involve more violence and fear than the three women experienced or witnessed inside prison. To April, prison was punctuated by peace and order: being fed, listening to the radio, watching TV, and caring for her baby with other mothers. Outside prison, she never knew when she would be beaten or criticized by her partner, or whether other jealous workers might report her. After prison, as a torture claimant, April no longer had to hide, but she returned to her abusive partner. He held one of the keys to her child's future and her chances of remaining in Hong Kong. As long as the father deemed April the custodial parent while their citizen child was underage, April had some chance of being granted a temporary (nonworking) visa.

Melinda described prison as a quiet time in which she followed rules and made amends. She imagined turning over a new leaf when she got out. She enjoyed talking about friends she made, moments of generosity, prison recipes, and secret birthday celebrations. Before Lo Wu, she had many friends and sources of pleasure, but she often spoke of her fear of getting caught, recent immigration raids, hiding and laying low, and acquaintances who had recently been detained. After Lo Wu, that anxiety was behind her. Back on the grid, she hoped her marriage would lead eventually to legal residency.

Mary could not believe that Celia's excellent school record and her own release from prison did not entitle them to the right to remain in Hong Kong. As a single mother with no local marriage prospect and no citizen child on which to anchor her claim to legal belonging, her main option was to draw out her torture and asylum claims as long as possible. She stubbornly believed that prison reform meant she should be allowed to become a 'citizen' of sorts. She could not accept the logic of going to prison, then being deported. She would not have surrendered had she not expected a different outcome. Read in this way, Mary offers an experientially grounded critique of the notion of citizenship and exclusion. Like Melinda and April, her views are shaped by her understandings of the role of prison reform. But unlike them, she has no opportunity to stay. She roiled at the unfairness of borders, the arbitrariness of citizenship, and the invented nature of legality and illegality. Her best hope is for limitless postponement.

### **Conclusion**

Domestic workers have been known to put up with older forms of violent corporeal punishment and abuse from employers for fear of losing their jobs and their income. Undocumented overstayers and illegal workers are even more vulnerable to abuse. They fear not only loss of income but also loss of

liberty. Deportation is especially harsh when it separates families and deprives children of two parents or of legal citizenship rights. All three women considered the risks and dangers outside of Lo Wu, before surrender, worse than inside. Inside, they were treated more like citizens, with rights they did not have outside as undocumented overstayers. This is not to idealize Lo Wu, but to say that compared with life outside before surrender it is experienced as surprisingly fair, disciplined, and safe.

The three women's experiences as overstayers and inmates differ from each other and may not be representative of other overstayers or prison inmates, but they raise important issues about the construction of the illegality of overstaying, and about the various forms of discipline and control experienced inside, outside and before and after prison. As undocumented overstayers all three women temporarily escaped the society of control, but missed its benefits (especially when they became pregnant) and constantly feared the complex, fluid and technologically enhanced methods of control. Inside prison, they faced what may have been exceptionally good conditions, but experienced many forms of labor and bodily discipline, strict timetables, and constant surveillance. For all of them, prison marked a transition back onto the control grid. It offered fewer freedoms but more rights. Yet, it is important to note that the controls they experienced outside, before and after prison, differed notably according to their social positions. The power of identification cards, CCTV cameras, immigration officers, and immigration papers, varied not only based on inside or outside, but also according to whether they were on or off the grid, documented or undocumented. They might not become citizens, but on the grid they could struggle to avail themselves of seemingly limitless postponements.

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