

RESPONSE

Double Punishment and the Importance of Mutual Aid to Promoting Individual and Collective Safety

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INTRODUCTION

In recent years, literature on crimmigration that explores how the criminal justice and immigration systems intersect to detain and remove illegalized people via deportation, which is a form “double punishment” (Benslimane and Moffett, 2019), has grown considerably. So too has the literature on desistance from crime, which explores barriers criminalized people face and how to overcome them to end the cycle of law-breaking, criminalization, and incarceration (e.g. Maier et al., 2022). To my knowledge, the intersections between crimmigration and desistance and the barriers they pose to individual and collective safety have not been examined. Drawing on my experience, I seek to illuminate these connections and highlight the importance of mutual aid (Spade, 2020) to keeping each other safe in the face of disenfranchisement and state neglect.

DOUBLE PUNISHMENT AS A BARRIER TO DESISTANCE

While I have recounted my ordeal elsewhere (e.g. Budlakoti, 2020a), I summarize key details below relevant to this piece on double punishment as a barrier to desistance. In 1989, I was born at the Grace Hospital in Ottawa and raised in Canada. I was raised in Canada where I have lived ever since. I have twice held a Canadian passport in my own name. I have held all documents any other citizen would carry such as a long birth certificate, birth certificate, social insurance number, driver’s license, and health card.

I have not had an easy life. At 12 years old, I was apprehended by the Children’s Aid Society, who was supposed to take care and look out for me. Instead, I had to deal with abuse and other issues. In turn, I ran away and got into trouble. However, it is not until I was 20 years old when I was in prison that the Government of Canada stripped my citizenship through an unfair process that ignored the fact that I was born in this country and have lived here all my life. Because my parents worked for the Indian Embassy when

I was born, officials from the Canadian Border Services Agency (CBSA) claimed that all previous government documentation I had received was issued in error and that they were moving to deport me to India – a country where I have never been, let alone lived.

Upon having completed my prison sentence and released from the Toronto West Detention Centre in 2012, I was then placed on immigration bail and rendered stateless (see Stasiulus, 2017). I no longer had access to the necessities of life, which is a massive barrier to successful re-entry into the community and desistance from crime. Due to the double punishment foisted upon me by CBSA and upheld by the courts, I faced conditions through the immigration process that prevented me from obtaining employment pending a work permit, which takes several months to obtain. Deemed to not be a citizen, I did not have access to income assistance or government supports of any kind. I even lost my access to universal healthcare. All the while, I was expected by authorities to be a model citizen.

Eventually, I was able to obtain a work permit following a *mandamus* application that forced authorities to issue a decision of my request. After working for a year, my work permit expired and as I waited for a new application to get processed I relied on supports from the Justice for Deepan campaign. I also took on odd jobs, including helping my friend repair a five-ton vehicle where unfortunately I got into an accident that burned 25 percent of my body. Since I did not have health care coverage and could not cover the medical costs, I felt I had to do what was needed to obtain the best treatment I had knowing my long-term health lied in the balance. I was desperate. Shortly after, I was arrested and imprisoned at the Ottawa-Carleton Detention Centre (OCDC).

The link between immigration and recriminalization is crystal clear. Stripping citizenship or permanent residency status from an individual puts them in an extremely vulnerable position and people in these positions are solely responsabilized for breaking the law by the courts. All this to say that I do not skirt responsibility for my actions, but they did occur in a particular set of circumstances that if different would have led to different choices. I ask what would you do if you have no money and were unable to work? How would you react after not eating for days or if you required medical attention? Would you not find a way, anyway, to live, even if it meant breaking the law? These questions answer themselves.

THE CYCLE AND STRUGGLE CONTINUES

My most recent stint behind bars at OCDC lasted four years and four months. During this time, my physical and mental health stemming from conditions of confinement – notably a lack of fresh air, no exercise or space to do anything productive, being held in a cell without a window, sleeping on a two-inch mat with an open toilet three feet away, and eating meals on the floor – deteriorated. There is no productive mental health support for you while held in the jail. Moreover, I did not get proper medical attention while imprisoned. At one point I was down to just 113 pounds (I usually weigh around 180 pounds), due to medical conditions I suffer from and the failure of the institution to provide meals that meet my health requirements (see Budlakoti, 2019). I also got COVID-19 while in the care of OCDC and the Ontario Ministry of the Solicitor General, where I was then placed in solitary confinement under the name of medical isolation after much advocacy warning of the conditions at the jail that put prisoners at risk of contracting the coronavirus (see Budlakoti, 2020b, 2021, 2022).

As was the case when I completed my previous sentence and was released on immigration bail from the Toronto West Detention Centre in 2012, my February 2022 exit from the OCDC – which followed a plea deal while pursuing several legal challenges that continue regarding the conditions of confinement I endured – and re-entry into the community was further complicated by statelessness. In the half-year I have been on the outside, I have had to struggle with two separate sets of conditions of release, as well as depend on others for the necessities of life pending the receipt of a work permit that I am still waiting for and a job for which I am currently unable to apply due to my lack of citizenship status of any kind. I detail these and how they undermine re-entry and desistance from crime below.

Currently, I am on immigration bail and must observe five pages worth of conditions if I do not want to end-up in immigration detention. These conditions range from regular sign-ins at a CBSA office to observing a curfew. Through the criminal justice system, I am currently on probation where I need to observe conditions like keeping the peace and non-association with criminalized people, which among other limits significantly limits the advocacy I can engage in on my own behalf and those impacted by the criminal justice and/or immigration systems. A breach of conditions in one system would result in an automatic breach in the other. Under these

conditions and again waiting for a work permit, I am currently struggling to cover the basics like food and shelter. People in the community have provided financial and other assistance (e.g. the Jail Accountability & Information Line distributed a starter pack to me containing clothes, toiletries, a cell phone, and other items), but I still come up short every month.

Overall, it feels like I am being setup to fail and to go right back into custody to the benefit of the expanding prison-industrial-complex (PIC) and its profiteers who make a living and, in some cases, fortunes from the deprivation of liberty and the infliction of pain (Davis, 2003). Throughout this experience, I have asked myself more than once how the state can claim it seeks to promote law-abiding behaviour when through disenfranchisement and organized neglect it greatly limits the pathways through which I and others who have endured double punishment can survive.

MUTUAL AID AS RESISTANCE TO THE PIC

As the above makes clear, double punishment does not make communities safer, instead it fuels the PIC. With no means to obtain food, shelter, work or education, transit, health and mental health care, and other necessities, mutual aid that works towards filling in these gaps and allows people to fight against the injustices they face (Spade, 2020), which is critical to upholding our collective humanity, but also to help keep each other safe. This vital support allows people to better navigate the barriers they face and improve their odds of staying out of the clutches of the PIC. At its most basic level, supporting individuals who leave prison from both criminal or immigration matters allows them to keep a roof over their heads and eat at least one warm meal a day. To people who deal with these interlocking systems every single day I say to you, never give up, stay strong, and take care of yourself and others. We will prevail. We will find justice.

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