

MSc in Criminology and Criminal Justice

Michaelmas Term 2015

Criminal Justice, Migration and Citizenship

Prof. Mary Bosworth and Prof. Lucia Zedner

This option runs on Wednesdays from 10 – 1130am in Seminar Room E, Manor Road Building.

Overview

Immigration and its control are highly charged topics in contemporary policy and politics. Over the past two decades they have become subjects of extensive scholarly analysis, primarily in fields such as anthropology, sociology, human geography, refugee studies, and human rights law. It is all the more surprising then, that, with some notable exceptions, criminologists have been relatively slow to pay them much attention.

The apparent lack of criminological interest is by no means merited by the size of the phenomena and the intensity of the legal, social, and sociological developments in this area. In the United States, for instance, immigration-related prosecutions outnumber all other federal criminal prosecutions, including drugs and weapons prosecutions, while Immigration and Customs Enforcement is now the largest investigative arm of the US Department of Homeland Security. In Europe, national and transnational police forces intercept irregular migrants at the border and within national territory. Within the prisons of each member state, the rapidly growing foreign populations represent on average 20 per cent of prison inmates, reaching extraordinary highs in countries such as Switzerland (71.4 per cent), Luxembourg (68.8 per cent), Cyprus (58.9 per cent), Greece (57.1 per cent), and Belgium (44.2 per cent).¹ All states have criminalized at least some aspects of immigration, establishing networks of immigration detention centres and extending their powers to deport.

Under these conditions, as those within the burgeoning field of border criminology observe, traditional distinctions between criminal law and immigration law are eroding. Institutions like the police and the prison, previously bound to the nation state, these days extend well beyond its borders. As more foreigners end up in prison and as states pursue more vigorously additional forms of confinement in immigration detention alongside deportation, the distinct justifications of punishment and administrative penalties blur. This course will examine such matters.

Students who take this course will gain an understanding of the shifting nature of criminal justice under conditions of mass mobility. They will also piece together the connections between migration control, race and gender, and will explore the methodological implications and challenges of this emerging field of research.

¹ Source: <<http://www.prisonstudies.org/info/worldbrief/>>.

Schedule of seminars

- 1: Mass mobility in an era of globalization
- 2: Citizenship, Migration and Criminology
- 3: Citizenship, Migration and Criminal Law
- 4: Citizenship, Migration and Policing
- 5: Citizenship, Migration and Punishment
- 6: Immigration Detention
- 7: Deportation
- 8: Immigration status is irrelevant to the criminal justice system and should not concern criminologists: A Debate

Preparation for Class

We expect everyone to come to the seminars ready to engage in discussion with the same level of knowledge of the subject. Therefore you should read all of the essential pieces. The additional readings provide further reading for interested students and for the assessed essays.

The introductory paragraph to the readings for each week provides a guide to the key issues you should be considering when preparing for class. However, as with most of your studies at graduate level, you should also formulate your own questions as you do the reading, and raise these in class for discussion. Please bring at least one written question to class each week to generate discussion.

For those who wish to do some reading before the option begins, or who are considering writing a dissertation on a topic related to border control, please consult the list of preparatory readings below. Students should also keep abreast of recent work in criminology and law journals and in government reports. Some migration studies journals may also be relevant, eg *Citizenship Studies* and the *Journal of Forced Migration*, while *Ethnic and Racial Studies* and the *Journal of Ethnic and Migration Studies* often includes pieces on migration control. The website for the Border Criminologies research group (<http://bordercriminologies.law.ox.ac.uk>) and its twitter feed @bordercrim offers up to date links to research about criminology and migration control around the world.

Official websites can also provide useful information and reports.

Eg on European border policing and arrivals data: see Frontex:

<http://frontex.europa.eu/publications/>

in UK see <https://www.gov.uk/government/organisations/border-force> for general info about border control and

https://www.justiceinspectorates.gov.uk/hmiprisons/inspections/?post_type=inspection&s&prison-inspection-type=immigration-removal-centre-inspections#.VdRyLZXfZTw for information about immigration removal centres.

Finally, NGOs like Detention action, Refugee Council and the IOM also have useful website.

Preparatory Reading and key texts

As preparation for the course you should read:

Aas, KF (2013), *Globalization and Crime*, 2nd edn. London: Sage.

and

Bosworth, M. (2014). *Inside Immigration Detention*. Oxford: OUP.

A key text from which a number of readings are drawn is:

K. Aas and M. Bosworth (eds.), (2013). *The Borders of Punishment: Criminal justice, citizenship and social exclusion*. Oxford: Oxford University Press.

Mary Bosworth and Lucia Zedner

Seminar One: Mass Mobility in an Era of Globalization

This seminar sets the scene for the rest of the course, and will provide a statistical overview of migration around the world as well as terminology and key concepts. Who is a migrant? Where are people from? How many people are on the move and why? This week will also explore some methodological implications of studying mass mobility. Do traditional research methods work or do we need new strategies? How well suited is criminology to understanding the impact of migration? Unlike subsequent weeks, this session starts with an introductory lecture, before turning to a seminar format and class discussion.

Statistical & Policy Context

Create Charts on Migration Observatory of global number of migrants (including refugees), <http://migrationobservatory.ox.ac.uk/data-and-resources/charts/create/international-comparisons/number-migrants-and-refugees/number-migrants-including-refugees>

Frontex. (2014). *Annual Risk Analysis 2014*.

http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2014.pdf

Frontex (2013). *Twelve Seconds to Decide*. Warsaw: Frontex.

http://frontex.europa.eu/assets/Publications/General/12_seconds_to_decide.pdf

Theoretical Overview: Globalization and Methodological nationalism

Aas, KF (2013), *Globalization and Crime*, 2nd edn, London: Sage. Chapter 4: The 'Deviant Immigrant': Migration and Discourse about Crime.

Aas, K.F., (2007). 'Analysing a world in motion Global flows meet "criminology of the other"', *Theoretical Criminology*, 11(2): 283–303.

Bigo, D. (2008). 'Globalized (In)security: The Field and the Ban-Opticon.' In D. Bigo and A. Tsoukala (Eds.). *Terror, Insecurity and Liberty*. London: Routledge. pp. 10 -48.

Fraser, N. (2005). 'Reframing Justice in a Globalizing World.' *New Left Review*. 36: 69 – 89.

Wimmer, A and N Glick Schiller (2003). 'Methodological Nationalism, the Social Sciences and the Study of Migration: An Essay in Historical Epistemology.' *International Migration Review*. 37(3): 576 – 610.

Methods

Bosworth, M. (2014). 'Chapter 2: Understanding immigration detention.' *Inside Immigration detention*. Oxford: OUP.

Kaufman, E. (2015). 'Chapter 2: Bearing Witness' in *Punish and Expel: Border Control, nationalism and the new purpose of the prison*. Oxford: OUP.

Loftus, B. (2015). 'Border regimes and the sociology of policing.' *Policing and Society: An International Journal of Research and Policy*. 25(1): 115 – 121.

Sanchez, G. (2015). Introduction and Conclusion in *Human Smuggling and Border Crossing*. Abingdon: Routledge.

Further reading

Baker, S-A, et al. (2013), 'More sinned against than sinning? Perceptions about European migrants and crime', *Criminology and Criminal Justice*, 13 (3), 262-78.

Beck, U. (2006). *Cosmopolitan Vision*. Cambridge: Polity.

Fraser, N. (2009). *Scales of Justice: Reimagining Political Space in a Globalizing World*. New York: Columbia University Press.

Gold, S and Nawy, S. (Eds.). (2013). *The Routledge International Handbook of Migration Studies*. Part IX: Methods for Studying International Migration. Abingdon: Routledge.

Sanchez, G. (2015). *Human Smuggling and Border Crossing*. Abingdon: Routledge.

Discussion Questions

1. What is globalization?
2. What is methodological nationalism?
3. Why are so many people on the move?
4. What is the difference between a migrant, a refugee and an asylum seeker? To what extent do such categories matter?
5. Is immigration status relevant for understanding criminal justice?
6. How, if at all, does mobility intersect with issues of race, gender and ethnicity?
7. How well suited is criminology to understanding the impact of migration?
8. Do traditional research methods work in a global frame or do we need new strategies?

Seminar Two: Citizenship, Migration and Criminology

This seminar explores the relationship between criminology and citizenship, laying out the new subfield of border criminology. In this seminar we will discuss key themes of the course, and lay the foundation for thinking about what changes in our understanding of and approach to criminology when we broaden our analytical gaze beyond the nation state. Of what relevance is citizenship to our understanding of crime, victimization, punishment and the law? How might this concept intersect with other factors like race, gender and ethnicity? Are there any methodological implications of studying citizenship and migration?

UK Policy Context

Home Office (2010). *Protecting Our Border, Protecting the Public. The UK Border Agency's Five Year Strategy for Enforcing our Immigration Rules and Addressing Immigration and Cross Border Crime* (London: Home Office). Available at: <http://webarchive.nationalarchives.gov.uk/20100303205641/http://www.ukba.homeoffice.gov.uk/sitecontent/documents/managingourborders/crime-strategy/protecting-border.pdf?view=Binary>

See also press releases at:

https://www.gov.uk/government/policies/immigration-and-borders?keywords=&detailed_format%5B%5D=press-release&public_timestamp%5Bfrom%5D=&public_timestamp%5Bto%5D=

Citizenship

Isin, E. (2008). *Acts of Citizenship*. London: Zed Books.

Marshall, TH (1950) *Citizenship and social class and other essays*. Cambridge: Cambridge University Press. Available online at: http://www.jura.uni-bielefeld.de/lehrstuehle/davy/wustldata/1950_Marshall_Citizenship_and_Social_Class_OCR.pdf

Border Criminology/Criminology of Mobility

Bowling, B. (2013). 'Epilogue.' In K. Aas and M. Bosworth (eds.), *The Borders of Punishment: Criminal justice, citizenship and social exclusion*. Oxford: Oxford University Press.

Pickering, S, Bosworth, M and K. Aas. (2014). 'The Criminology of Mobility', in S. Pickering and J. Ham (Eds). *The Routledge Handbook on Crime and International Migration*. Abingdon: Routledge.

Membership, race and ethnicity

Barker, V. (2013). 'Democracy and deportation: Why membership matters most', in K. Aas and M. Bosworth (eds.), *The Borders of Punishment: Criminal justice, citizenship and social exclusion*. Oxford: Oxford University Press.

- Bowling, B. (2013). 'Epilogue.' In K. Aas and M. Bosworth (eds.), *The Borders of Punishment: Criminal justice, citizenship and social exclusion*. Oxford: Oxford University Press.
- Cole, D. 2007. 'Against Citizenship as a Predicate for Basic Rights'. *Fordham Law Review*, 75, 2541-2548.
- Yuval-Davis, N., F. Anthias, et al. (2005). 'Secure borders and safe haven and the gendered politics of belonging: Beyond social cohesion.' *Ethnic and Racial Studies* 28(3): 513 - 535.

Further Reading

- Anderson, B. (2013). *Us and Them: The Dangerous Politics of Immigration Control*. Oxford: OUP.
- Bauman, Z. (1998) *Globalization: The Human Consequences*. Cambridge: Polity Press.
- Benhabib, S. (2004) *The Rights of Others: Aliens, Residents, and Citizens*. Cambridge: Cambridge University Press.
- Dauvergne, C. 2008. *Making People Illegal. What Globalization Means for Migration and Law*, New York, CUP (Chapter 2).
- Honig, B. (2001) *Democracy and the Foreigner*. Princeton and Oxford: Princeton University Press.
- Sassen, S. (2008) 'Neither global nor national: novel assemblages of territory, authority and rights', *Ethics and Global Politics* 1(1-2): 61.
- Webber, F. (2012). *Borderline Justice: the Fight for Refugee and Migrant Rights*. London: Pluto.
- Weber, L., Pickering, S., (2011), *Globalization and Borders: Death at the Global Frontier*, London: Palgrave Macmillan.

Discussion Questions

1. What is globalization?
2. To what extent is criminology attached to a particular view of the nation state and its relationship to citizens?
3. What are the implications of this view for those who are not, or not yet, or no longer citizens?
4. What happens if we change the frame of analysis? Do our methods and concepts still hold true?
5. What are the connections and disconnections between citizenship, race and gender?
6. When discussing migration control and criminology, do we need to differentiate between refugees, migrants, irregular migrants, foreign offenders etc?

7. Which other disciplines might assist in the development of criminological accounts of migration control?

Seminar Two: Citizenship, Migration and Criminal Law

Over the last decade questions of citizenship have become increasingly relevant to the criminal law. Immigration offences have been criminalized, and non-citizens have become subject to additional forms of sanction like deportation. While usually presented by the state as relevant only for foreigners offenders, such matters, legal scholars point out, have increasing relevance for us all.

UK Policy Context

Anderson, B 'Policy Primer - Citizenship: What is it and why does it matter?' (COMPAS, Oxford University) see <http://www.migrationobservatory.ox.ac.uk/policy-primers/citizenship-what-it-and-why-does-it-matter>

Theoretical Overview "Crimmigration"

Stumpf, J. (2006) 'The Crimmigration Crisis: Immigrants, Crime, and Sovereign Power', 56 *American University Law Rev.* 367.

Criminalisation

Aliverti, A. (2012) 'Making People Criminal. The Role of the Criminal Law in Immigration', *Theoretical Criminology* 16(4): 417.

Chacón, J. (2012). Overcriminalizing Immigration. *Journal of Criminal Law & Criminology*, 102, 613-652.

Gomez-Jara Diez, C. (2008) 'Enemy combatants versus enemy criminal law', *New Criminal Law Review* 11(4): 529.

Spena, A. (2014). 'Iniuria Migrandi: Criminalization of Immigrants and the Basic Principles of the Criminal Law', *Criminal Law and Philosophy*. 8(3): 636 – 657.

Zedner, L. (2010) 'Security, the State, and the Citizen: The Changing Architecture of Crime Control', *New Criminal Law Review* 13, 379-403.

Criminal law – citizens and non-citizens

Aharonson, E. and Ramsay, P. (2010) 'Citizenship and Criminalization in Contemporary Perspective', *New Criminal Law Review*, 13/2: 181-89

Duff, R. (2010) 'A criminal law for citizens', *Theoretical Criminology*, 14, 293-309.

Zedner, L. (2013) 'Is the Criminal Law only for Citizens? A Problem at the Borders of Punishment', In: Aas, K. F. & Bosworth, M. (eds.) *The Borders of Punishment*. Oxford: OUP.

'Enemy Criminal Law'

Krasmann, S. (2007) 'The Enemy on the Border: Critique of a Programme in Favour of a Preventive State', *Punishment and Society* 9/3: 301-18

Gomez-Jara Diez, C. (2008) 'Enemy combatants versus enemy criminal law', *New Criminal Law Review* 11(4): 529.

Further Reading

Aliverti, A. (2014) *Crimes of Mobility: Criminal Law and the Regulation of Immigration*. Abingdon: Routledge esp. ch.s 1, 4 & 6

Ashworth, A. & Zedner, L. (2014) *Preventive Justice* Oxford: OUP. ch. 10 'Prevention and Immigration Laws'.

Duff, R.A. (1998b) 'Inclusion and exclusion: citizens, subjects and outlaws', *Current Legal Problems* 51: 241.

Duff, R.A. (2011) 'Responsibility, citizenship and criminal law', in R.A. Duff and S.P. Green (eds), *The Philosophical Foundations of the Criminal Law*. Oxford: OUP.

Sklansky, D. A. (2012) 'Crime, Immigration, and Ad Hoc Instrumentalism.' *New Criminal Law Review*, 15, 157-223.

Dauvergne, C. (2013) 'The Troublesome Intersections of Refugee Law and Criminal Law' In: Aas, K. F. & Bosworth, M. (eds.) *The Borders of Punishment*. Oxford: OUP.

Discussion Questions

1. What grounds the authority of the state to criminalise and punish its citizens?
2. What are the implications for the prosecution and punishment of non-citizens?
3. Is it problematic to criminalise non-citizens?
4. What is meant by the term crimmigration?
5. What evidence is there for growth in criminalization of immigration?
6. Are claims of a 'crimmigration crisis' well founded?
7. Should breaches of immigration law be subject to criminalization?
8. What is meant by 'enemy criminal law'?
9. Is this a useful analytical or normative concept?

Seminar Four: Citizenship, Migration and Policing

This seminar examines the role of the police in securing the border from within and without. In particular, the seminar considers what is happening at the sharp end of border policing in diverse settings, and reviews a growing body of theoretical and empirical work that considers how border regimes disadvantage social distinctions of race, ethnicity and gender. One important development is the increasingly expansive policing and surveillance apparatus. Since 9/11 we have been witnessing a diversification of border enforcement mobilising numerous state enforcement agencies and an ever-expanding range of private actors ('vigilantes') and commercial/private sector bodies. If crime fighting continues to define the border priorities of many states, we can only expect to see more extensive policing of borderlands and global folk devils.

Policy Context

Frontex. (2014). *Annual Risk Analysis 2014*.
http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2014.pdf

ICIBI (2014). *An Inspection of Immigration Enforcement in West Midlands and London (Operation 'Nexus')* Available at:
<http://icinspector.independent.gov.uk/wp-content/uploads/2014/12/Operation-Nexus-Report-FINAL.pdf>

Theoretical Overview

Aas, K and H Gundhus. (2015). 'Policing Humanitarian Borderlands: Frontex, Humanitarianism and the Precariousness of Life.' *British Journal of Criminology*. 55(1): 1 – 18.

Aliverti, A. (2015). 'Enlisting the Public in the Policing of Immigration.' *British Journal of Criminology*. 55(2): 215 – 230.

Doty, R.L. (2007) 'States of Exception on the U.S.-Mexico Border: Security, 'Decisions' and Civilian Border Patrols', *International Political Sociology*, 1, 113-137.

Weber, L., & Bowling, B. (2004). 'Policing Migration: A Framework for Investigating the regulation of Global Mobility.' *Policing & Society*. 14: 195 – 212.

Membership, race and ethnicity

Parmar, A. (2011). 'Stop and Search in London: Counter-terrorist or counter-productive?' *Policing and Society* 21(4): 369-382.

Sentas, V. (2006) 'Counter-Terrorism Policing: Investing in the racial state',

ACRAWSA ejournal, 2(1)

<http://www.acrawsa.org.au/files/ejournalfiles/86VickiSentas.pdf>

Weber, L., & Bowling, B. (2008). Valiant beggars and global vagabonds: Select, eject, immobilize. *Theoretical Criminology*, 12(3), 355-375.

Case Studies

Mutsaers, P. (2014) An ethnographic study of the policing of internal borders in the Netherlands. *British Journal of Criminology*. 54 (5) 30-40.

Vigneswaran, D. (2013). 'Making Mobility a Problem: How South African Officials Criminalize Migration.' In KF Aas and M Bosworth. (Eds.). *The Borders of Punishment*. pp. 111 – 127.

Wasllin, M. (2011). *The Secure Communities Program*. Washington, DC: The Immigration Policy Centre.

Weber, L. (2011). 'It sounds like they shouldn't be here': immigration checks on the streets of Sydney. *Policing and Society*, 21, 456-467

Further Reading

For those particularly interested in the US/Mexico border:

Short Documentary (20 mins long)

'On Patrol with Arizona's Minuteman Project' [warning, there are images of dead people in film] <https://www.youtube.com/watch?v=NkXjMvUy5ak>

Baker, S.-A., Madoc-Jones, I., Parry, O., Warren, E., Perry, K., Roscoe, K. D. & Motterhead, R. 2013. More sinned against than sinning? Perceptions about European migrants and crime. *Criminology and Criminal Justice*, 13, 262-278

Bigo, D., (2006). 'Internal and external aspects of security', *European Security*, 15 (4), 385 - 404.

Bowling, B. and Sheptyki, J., (2012) *Global Policing*. London: Sage.

Hudson, B. (2006) 'Punishing Monsters, Judging Aliens: Justice at the Borders of Community', *Australian and New Zealand Journal of Criminology* 39(2): 232.

Krasmann, S. (2007) 'The Enemy on the Border: Critique of a Programme in Favour of a Preventive State', *Punishment and Society* 9(3): 301-18.

Nogala, D. (2001) Policing across a dimorphous border: challenge and innovation at the French-German border. *European Journal of Crime, Criminal Law & Criminal Justice* 9 (2): 130-14

Pickering, S and L. Weber (2013). 'Policing Transversal Bodies.' In KF Aas and M Bosworth. (Eds). *The Borders of Punishment*. Oxford: OUP. 93 – 110.

Sitkin, L. (2013). "'The right to walk the streets": Looking for illegal migration on the streets and stations of the UK and Germany'. *Prison Service Journal: Special Issue on Migration, Nationality and Detention*. Issue 205: 29-33.

Theodore, N. (2011) Policing borders. *Social Justice* 38 (1/2): 90-100.

Zureik, E. and Salter, M. (2005) *Global Surveillance and Policing: Borders, security and identity*. Cullompton: Willan.

Discussion Questions

1. Has the policing of minority ethnic groups changed in response to the 'threat of terror?' How?
2. What role does policing hold in influencing notions of citizenship and belonging?
3. How are the police involved in the surveillance of borders?
4. Is policing global?
5. Is it fair to say that the boundaries of policing and governance become more porous? Is there research scholarship which supports this?
6. What are some barriers to research in this area and how might they be overcome?
7. How do those other bodies (e.g. The Minuteman Project) involved in the informal policing of borders justify their practices?
8. Do we need different analytical tools to understand policing of the external borders and those already resident?
9. Are Operation Nexus and Secure Communities legitimate forms of policing?

Seminar Five: Citizenship, Migration and Punishment

This seminar examines the effect of mass mobility on the prison, concentrating on the experiences of foreign national prisoners, but also exploring how understanding of punishment shifts once we adjust our frame of analysis to include citizenship. How, if at all, has the prison changed in response to the growing number of foreign national prisoners? Is it possible to reconcile traditional justifications of punishment with border control? Who are the foreigners in prisons in England and Wales and why are they there?

Policy Context

NOMs, MOJ and UKBA (2009), *Service level agreement to support the effective management and speedy removal of foreign national prisoners.*

http://www.irr.org.uk/pdf2/FNP_SLA.pdf

Prison Reform Trust (2012). *No Way out: women foreign national prisoners.*
<http://www.prisonreformtrust.org.uk/Portals/0/Documents/NoWayOut.pdf>

Vine, J. (2011). *A Thematic inspection of how the UK Border Agency Manages Foreign National Prisoners.* London: Independent Chief Inspector of the UK Border Agency.

Statistical Overview

World Prison Brief

http://www.prisonstudies.org/info/worldbrief/wpb_stats.php?area=europe&category=wb_foreign (percentage of prison population who are foreigners in prisons of European countries)

Theoretical Overview

De Giorgi, A. (2010). Immigration control, post-Fordism, and less eligibility: A materialist critique of the criminalization of immigration across Europe. *Punishment & Society*, 12, 147-167.

Kaufman, E. and S. Weiss. (2015). 'The Limits of Punishment.' In K. Reiter and A. Koenig. (Eds.). *Extreme Punishment.* London: Palgrave. pp. 32 – 49.

Simon, J. (1998). 'Refugees in a Carceral Age: The Rebirth of Immigration Prisons in the United States'. *Public Culture*. 10(3): 577 – 607.

Case studies

Barker, V. (2013). 'Nordic Exceptionalism revisited: Explaining the paradox of a Janus-faced penal regime.' *Theoretical Criminology* 17(1): 3-23.

Bhui, H.S., (2007), Alien experience: Foreign national prisoners after the deportation crisis. *Probation Journal*, 54 (4), 368 – 382.

Bosworth, M. and E. Kaufman. (2011). 'Foreigners in a Carceral Age: Immigration and Imprisonment in the U.S.' *Stanford Law and Policy Review*. Vol. 22(1): 101- 127.

Kaufman, E (2013), 'Hubs and Spokes: The Transformation of the British Prison', in K F Aas and M Bosworth (eds.), *The Borders of Punishment: Migration, Citizenship, and Social Exclusion* (Oxford: Oxford University Press), 166-82.

Ugelvik, T. (2012) 'Imprisoned on the border: subjects and objects of the state in two Norwegian prisons' in S. Ugelvik and B. Hudson (eds). *Justice and Security in the 21st Century: Risks, Rights and the Rule of Law*. London: Routledge.

Membership, race, ethnicity

Kaufman, E. (2012). 'Finding Foreigners: Race and the Politics of memory in British Prisons.' *Population, Space, and Place* 18(6): 701-714.

Kaufman, E. and M. Bosworth. (2013). 'Prison and National Identity: Citizenship, Punishment and the Sovereign State.' In D. Scott (Ed.). *Why Prison?* Cambridge: Cambridge University Press.

Wacquant, L. 1999. 'Suitable Enemies': Foreigners and Immigrants in the Prisons of Europe. *Punishment & Society*, 1, 215-222.

Further Reading

Ashworth, A. and L. Zedner. (2014). *Preventive Justice*. Oxford: Oxford University Press.

Bhui, H. (2004). *Going the distance: Developing effective policy and practice with foreign national prisoners*. London: Prison Reform Trust.

Kaufman, E. (2015). *Punish and Expel*. Oxford: Oxford University Press.

Philips, C. (2012). *The Multicultural Prison: Ethnicity, Masculinity, and Social Relations Among Prisoners*. Oxford: Clarendon Studies in Criminology.

Stumpf, J. (2011), 'Doing Time: Crimmigration Law and the Perils of Haste', *UCLA Law Review*, 58: 1705-1748.

Discussion Questions

1. Why are foreign national prisoners over-represented in all European prison systems?
2. What are some explanations of the variation in the over-representation of foreign national prisoners in Europe?
3. According to Bosworth and Kaufman, the prison plays a role in shoring up national identity. Do you agree?

4. What are the connections and disconnections between the over-representation of foreign national prisoners and the over-representation of ethnic minority prisoners?
5. Should foreigners be treated differently in prison to citizens?
6. What are some barriers to research in this area and how might they be overcome?

Seminar Six: Immigration Detention

This seminar explores the emerging field of criminological literature on immigration detention centres paying particular attention to their purpose, effect and nature. What are we to make of these places that look so much like prisons yet are not part of the criminal justice system? What are they for and what are they like?

UK Policy Context

Gower, M. (2015). *Immigration detention in the UK: An overview*. House of Commons Briefing Paper Number 7294, 7 September 2015. Available at: <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7294>

UKBA (2008) *Operating Standards for Immigration Removal Centres*. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/257352/operatingstandards_manual.pdf

Theoretical Overview

Bosworth, M. (2012). 'Subjectivity and identity in detention: Punishment and society in a global age.' *Theoretical Criminology* 16(2): 123-140.

Bosworth, M. (2013). 'Can Immigration Detention be Legitimate?' in K. Aas and M. Bosworth (Eds.). *The Borders of Punishment*. Oxford: OUP.

Hernandez, CCG. (2014). 'Immigration Detention as Punishment.' *UCLA Law Review*. 61: 1346- 1414.

Membership, Race and ethnicity

Bosworth, M. and G. Slade. (2014). 'In Search of Recognition: Gender and Staff-Detainee Relations in a British Immigration Detention Centre.' *Punishment & Society*. Vol. 16(2).

Bosworth, M. and B. Kellezi. (2014). 'Citizenship and Belonging in a Women's Immigration Detention Centre'. In C. Phillips and C. Webster. (Eds.). *New Directions in Race, Ethnicity and Crime*. Abingdon: Routledge.

Hernandez, CCG. (2006). 'The perverse logic of immigration detention: unravelling the rationality of imprisoning immigrants based on markers of race and class otherness.' *Columbia Journal of Race and Law*. 1: 353 – 364.

Case studies

Broeders, D. (2010). 'Return to sender? Administrative detention of irregular migrants in Germany and the Netherlands.' *Punishment & Society*, 12, 169-86.

Cornelisse, G. (2010). "Immigration Detention and the Territoriality of Human Rights." In N. De Genova and N. Peutz (Eds.). *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement*. Durham NC: Duke University Press.

Hall, A. (2010). 'These People could be Anyone': Fear, Contempt, (and Empathy) in a British Immigration Removal Centre.' *Journal of Ethnic and Migration Studies*. 36(6): 881 – 898.

Further Reading

Bosworth, M. (2014). *Inside Immigration Detention*. Oxford: Oxford University Press.

Cornelisse, G. (2010). *Immigration Detention and Human Rights: Rethinking Territorial Sovereignty*. Amsterdam: Brill.

Coutin, S. (2010). Confined within: National territories as zones of confinement. *Political Geography*. 29: 200 – 208.

Fili, A. (2013). 'The maze of immigration detention in Greece: A case study of the Athens airport detention facility'. *Prison Service Journal: Special Issue on Migration, Nationality and Detention*. Issue 205: 34-38.

Hall, A. (2012). *Border Watch: Cultures of Immigration, Detention and Control*. London: Pluto Press.

Leerkes, A. and D. Broeders, (2010). 'A Case of Mixed Motives? Formal and Informal Functions of Administrative Immigration Detention' *British Journal of Criminology*.

Wilsher, D. (2011). *Immigration Detention: Law, History, Politics*. Cambridge: Cambridge University Press.

Discussion Questions

1. What are immigration detention centres for?
2. Are immigration detention centres legitimate?
3. What explains the growth in size of immigration detention centres since 2001?
4. According to Bosworth we need a new vocabulary for understanding immigration detention centres, how might we come up with one?
5. What can criminology bring to the study of IRCs?
6. What are some barriers to research in this area and how might they be overcome?
7. Is immigration detention a form of punishment? Should it be?

Seminar Seven: Deportation

In this final seminar we examine the implications of deportation for our understanding of the relationship between citizenship, migration and criminal justice. Concepts that we will cover include 'stigma', 'deportability' and membership. Is deportation a form of punishment? How, if at all, does deportation fit into criminology?

UK Policy Context

Blinder, S. (2015). *Deportation: Briefing*. University of Oxford Migration Observatory.
<http://www.migrationobservatory.ox.ac.uk/sites/files/migobs/Briefing-Deportations.pdf>

National Audit Office. (2014). *Managing and Removing Foreign Offenders*. London: NAO. <http://www.nao.org.uk/wp-content/uploads/2014/10/Managing-and-removing-foreign-national-offenders.pdf>

HMIP and ICISBI (2012) *The Effectiveness and impact of immigration detention casework. A Joint thematic review by HM Inspectorate of Prisons and the Independent Chief Inspector of Borders and Immigration*. London: HMIP and ICIBI. <http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmipris/thematic-reports-and-research-publications/immigration-detention-casework-2012.pdf>

Theoretical Overview

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De Genova, N. (2002). 'Migrant 'Illegality' and Deportability in Everyday Life.' *Annual Review of Anthropology*, 31: 419-447.

Gibney, M. (2008). 'Asylum and the Expansion of Deportation in the United Kingdom.' *Government & Opposition* 43: 146-167.

Case studies

Bosworth, M. (2010.) 'Deporting Foreign National Prisoners in England and Wales', *Citizenship Studies*. 15(5): 583 – 595.

Brotherton, D. and L. Barrios (2009). Displacement and Stigma: The Social-Psychological Crisis of the Deportee. *Crime, Media, Culture*. 5(1): 29-56.

Golash-Boza, T. (2014). "Forced transnationalism: Transnational coping strategies and gendered stigma among Jamaican deportees." *Global Networks*. 14(1): 63 – 79.

Hiemstra, N. (2012). "Geopolitical reverberations of US migrant detention and deportation: The view from Ecuador." *Geopolitics* 17(2): 293-311.

Newstead, C and G.M. Frisso. (2013). 'Asserting criminality and denying migrant belonging: The production of deportability in US judicial court hearings.' *Theoretical Criminology*. 17(3): 377 – 395.

Schuster, L and N. Majidi. (2014). 'Deportation Stigma and Re-migration,' *Journal of Ethnic and Migration Studies*. 14(4): 635 – 652.

Further Reading

Brotherton, D. C. and L. Barrios (2013). The Social Bulimia of Forced Repatriation: A Case Study of Dominican Deportees. In KF Aas and M. Bosworth. (Eds.). , *The Borders of Punishment: Criminal justice, citizenship and social exclusion*. Oxford: Oxford University Press.

Brotherton, D. C. and L. Barrios (2011) *Banished to the homeland: Dominican deportees and their stories of exile*. New York: Columbia University Press.

De Genova, N. and N. Peultz. (Eds.). (2010). *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement*. Durham, NC: Duke University Press.

Gibney, M. (2013). 'Deportation, Crime, and the Changing Character of Membership in the United Kingdom.' In KF Aas and M. Bosworth (Eds.). *The Borders of Punishment*. pp, 218 – 236.

Grewcock, M. (2011). 'Punishment, Deportation and Parole: The detention and removal of prisoners under Section 501 of the Migration Act 1958'. *Australian and New Zealand Journal of Criminology*. 44(1): 56 – 73.

Kanstroom, D. (2012). *Aftermath: Deportation and the New American Diaspora*. New York: Oxford University Press.

Miller, A. O. (2008). *Migration can fall apart: Life stories from voluntary and deportee return migrants*. Lanham, ML, University Press of America.

Pratt, A. (2005). *Securing Borders: Detention and Deportation in Canada*. Vancouver: UBC Press.

Weber, L., Pickering, S.J., (2013), Exporting risk, deporting non-citizens, in F. Pakes (Ed.). *Globalisation and the Challenge to Criminology*, Routledge, Abingdon UK: 110-128.

Zillberg, E. (2011). *Space of Detention: The Making of a Transnational Gang Crisis between Los Angeles and San Salvador*. Duke, NC: Duke University Press.

Zilberg, E. (2004). Fools Banished from the Kingdom: Remapping of Geographies of Gang Violence between the Americas. *American Quarterly*. 56(3): 759 – 779.

Discussion Questions

1. According to Matthew Gibney, we are undergoing a 'deportation turn'. What does he mean and what are its implications for criminology?
2. Nicolas de Genova refers to the notion of 'deportability'. What does he mean and how useful is it as a concept for understanding the relationship between citizenship, migration and criminal justice?
3. Does deportation change the meaning and effect of criminal punishment?
4. Is it fair that foreign citizens convicted of a criminal offence face deportation but citizens do not?
5. What can criminology bring to the study of deportation?
6. What are some barriers to research in this area and how might they be overcome?

Seminar 8: Immigration status is irrelevant to the criminal justice system and should not concern criminologists: A Debate

This week wraps up the semester by debating no less than the legitimacy of the field of research itself. Students will argue for or against the statement above, and will adjudicate the process. This is an opportunity to revise the readings, return to topics we have already covered and clarify or develop your understanding and opinions about them. While there is no new reading assigned for this week, feel free to bring in primary source material: eg newspaper articles, Parliamentary debates, first hand accounts, to illustrate your points.