

MSc in Criminology and Criminal Justice

Michaelmas Term 2017

Criminal Justice, Migration and Citizenship

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This option runs on Wednesdays from 2 – 330pm in the Criminology Seminar Room

Overview

Immigration and its control are highly charged topics in contemporary policy and politics. 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. At the same time, controlling migration and mobility has become a key tool of security and counterterrorism policies. 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.

Schedule of seminars

- 1: Mass Mobility in an Era of Globalization (MB)
- 2: Border Criminology (MB)
- 3: Citizenship, Migration and Criminal Law (LZ)
- 4: Citizenship, Migration and Policing (MB & AP)
- 5: Citizenship, Migration and Punishment (MB)
- 6: Immigration Detention (MB)
- 7: Deportation (MB)
- 8: Migration, mobility and counter-terrorism (LZ)

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 a resource 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.

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. The Migration Observatory at the University of Oxford has a lot of relevant information. See <http://migrationobservatory.ox.ac.uk>.

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. You could also consult I. Hasselberg (2016). *Enduring Uncertainty*. London: Berghan Books, which is available free to download online.

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.

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? What is citizenship? How many people are on the move and why? Unlike subsequent weeks, this session start with an introductory lecture, before turning to a seminar format and class discussion.

Statistical & 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/resources/primers/citizenship-what-is-it-and-why-does-it-matter/>

Anderson, B., and S. Blinder. (2017). 'Who Counts as a Migrant: Definitions and their Consequences'. Migration Observatory, Oxford:

<http://www.migrationobservatory.ox.ac.uk/resources/briefings/who-counts-as-a-migrant-definitions-and-their-consequences/>

Frontex. (2017). *Annual Risk Analysis 2017*.

[http://frontex.europa.eu/assets/Publications/Risk Analysis/Annual Risk Analysis 2017.pdf](http://frontex.europa.eu/assets/Publications/Risk%20Analysis/Annual%20Risk%20Analysis%202017.pdf)

Life in the UK practice tests: <https://lifeintheuktests.co.uk>

Globalization, Crime and Justice

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.

Citizenship and Belonging

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.

Cole, D. 2007. 'Against Citizenship as a Predicate for Basic Rights'. *Fordham Law*

Review, 75, 2541-2548.

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

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.

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

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).

Dauvergne, C. (2016). *The New Politics of Immigration and the End of Settler Societies*. Cambridge: Cambridge University Press.

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

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. Why are so many people on the move?
3. What is the difference between a migrant, a refugee and an asylum seeker? To what extent do such categories matter?
4. How, if at all, does mobility intersect with issues of race, gender and ethnicity?
5. What is citizenship?
6. What might be some other ways to conceive of membership that are not based on citizenship?
7. Are all citizens equal?
8. To what extent is criminology attached to a particular view of the nation state and its relationship to citizens?
9. Of what relevance is citizenship to criminology?

Seminar Two: Border Criminology

This seminar lays out the framework of the new subfield of border criminology. In this seminar we will discuss 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? What are some methodological challenges of studying citizenship and migration?

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>

Frontex. (2017). *Annual Risk Analysis 2017*. <http://frontex.europa.eu/assets/Publications/Risk Analysis/Annual Risk Analysis 2017.pdf>

Check out also the websites of the Home Office, Border Force, the US Immigration and Customs Enforcement or the relevant one from your own country.

Border Criminology and Criminal Justice

Bosworth, M. (2016). 'Border Criminology: How migration is changing criminal justice'. In M. Bosworth, C. Hoyle and L. Zedner (Eds.). *The Changing Contours of Criminal Justice*. Oxford: Oxford University Press.

Eagly, I. (2017). 'Criminal Justice in an Era of Mass Deportation: Reforms from California', *New Criminal Law Review*. 20(1): 12 – 38.

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

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.

Romero, Mary. 2008. "Crossing the Immigration and Race Border: A Critical Race Theory Approach to Immigration Studies." *Contemporary Justice Review: Issues in Criminal, Social, and Restorative Justice* 11(1): 23–37.

Wonders, N. (2017). 'Sitting on the Fence – Spain's delicate balance: Bordering, Multiscalar challenges and Crimmigration,' *European Journal of Criminology*, 14(1): 7 – 26.

Methods

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

Bosworth, M., and B. Kellezi. (2017). 'Doing research in immigration removal centres: ethics, emotions and impact.' *Criminology & Criminal Justice*. 17(2): 121-137.

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

Hasselberg, I. (2016). 'Introduction: An Ethnography of Deportation from the UK' in *Enduring Uncertainty: Deportation, Punishment and Everyday Life*. London: Berghahn Books.

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

Bosworth, M and B. Kellezi. (2017). 'Getting in, getting out and getting back: Access ethics and emotions in immigration detention research,' in S. Armstrong, J. Blaustein and A. Henry (Eds). *Reflexivity and Criminal Justice: Intersections of Policy, Practice and Research*. London: Palgrave Macmillan. pp. 237 – 262.

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

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.

Discussion Questions

1. Is immigration status relevant for understanding criminal justice?

2. What are the connections and disconnections between citizenship, race and gender?
3. When discussing migration control and criminology, do we need to differentiate between refugees, migrants, irregular migrants, foreign offenders etc?
4. How well suited is criminology to understanding the impact of migration?
5. Which other disciplines might assist in the development of criminological accounts of migration control?
6. Do traditional research methods work in a global frame or do we need new strategies?
7. What is the relationship between methods and concepts in border criminology?
8. Do we need new ideas and terminology to understand the impact of mobility on criminal justice?

Seminar Three: Citizenship, Migration and Criminal Law

Over the last decade questions of citizenship have become increasingly relevant to the criminal law. Many immigration offences have been criminalized, and non-citizens have become subject to additional forms of sanction, like deportation. The growing convergence between criminal law and immigration law has been aptly captured by the term 'crimmigration'. This seminar considers how the criminal law treats citizens and non-citizens and examines the particularly problematic targeting of non-citizens through what has become known as 'enemy criminal law'.

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/resources/primers/citizenship-what-is-it-and-why-does-it-matter/>

Immigration Offences: Trends in Legislation and Criminal and Civil Enforcement <http://www.migrationobservatory.ox.ac.uk/resources/briefings/immigration-offences-trends-in-legislation-and-criminal-and-civil-enforcement/>

Theoretical Overview "Crimmigration"

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

Stumpf, J (2013) 'The Process is the Punishment in Crimmigration Law' in Aas, K. F. & Bosworth, M. (eds.) *The Borders of Punishment*. Oxford: OUP.

Criminalisation

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

Aliverti, A. (2017) 'The Wrongs of Unlawful Immigration', *Criminal Law and Philosophy* 11(2), 375–391.

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

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*. 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

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. **OR**

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. On what grounds does the authority of the state to criminalize and punish its' citizens rest?
2. What are the implications for the prosecution and punishment of non-citizens? Is it problematic to criminalize non-citizens?
3. What is meant by the term crimmigration? Is this a useful term?

4. What evidence is there for growth in criminalization of immigration?
5. Are claims of a 'crimmigration crisis' well founded?
6. Should breaches of immigration law be subject to criminalization or only to administrative regulation?
7. What is meant by 'enemy criminal law' (Feindstrafrecht)? Does the concept help explain current developments? Is it 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. (2017). *Annual Risk Analysis 2017*. http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2017.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>

Bolt, D. (2016), '*An Inspection into the extent to which the police are identifying and flagging arrested foreign nationals to the Home Office and checking their status*', Independent Chief Inspector of Borders and Immigration Report. London: Crown Copyright.

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. (2017) 'Policing Belonging' in M. Bosworth et al, *Race, Migration and Criminal Justice*, Oxford: OUP.

Armenta, A. (2017) 'Racializing Crimmigration: Structural Racism, Colorblindness and the Institutional Production of Immigrant Criminality' *Sociology of Race and Ethnicity*. 3(1) 82-92.

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

Case Studies

Chacon, J. (2013). *Foreword: Policing Immigration After Arizona*, 3 *Wake Forest J. L. & Policy* 231. Available at: http://scholarship.law.uci.edu/faculty_scholarship/1/

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.

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

Van der Woude, M. and J. Brouwer. (2017). 'Searching for 'Illegal' Junk in the Trunk: Underlying intentions of (Cr)immigration controls in Schengen's Internal Border Areas.' *New Criminal Law Review*. 20(1): 157 – 179.

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.
- 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.
- Weber, L. 2013. *Policing Non-Citizens*. Abingdon: Routledge.

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/highest-to-lowest/prison-population-total?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. **OR**

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.

Case studies

Barker, V. (2013). 'Nordic Exceptionalism revisited: Explaining the paradox of a

Janus-faced penal regime.' *Theoretical Criminology* 17(1): 3-23.

Kaufman, E. (2017). 'Extraterritorial Punishment', *New Criminal Law Review*. 20(1): 66 – 95.

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.

Warr, J. (2016). 'The deprivation of certitude, legitimacy and hope: Foreign national prisoners and the pains of imprisonment.' *Criminology & Criminal Justice*. 16(3): 301 – 318.

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. Ch. 10 'Prevention and Immigration Laws'

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

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

Bosworth, M. (2017). 'Border Criminology and the changing nature of penal power.' In A. Liebling, S. Maruna and L. McAra. (Eds.). *Oxford Handbook of Criminology*. 6th edition. Oxford: Oxford University Press. pp. 373 – 390.

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

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.

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. How does citizenship affect the experience of imprisonment?
7. 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

House of Commons (2015): *Immigration Detention: An Overview*. Briefing.
<http://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7294#fullreport>

OR

Silverman, S. (2017). *Immigration Detention in the UK: Policy Briefing*. The Migration Observatory, University of Oxford.
<http://www.migrationobservatory.ox.ac.uk/resources/briefings/immigration-detention-in-the-uk/>

Shaw, S. (2016). *Review into the Welfare in Detention of Vulnerable Persons: A Report to the Home Office by Stephen Shaw*. Cm 9186. Executive Summary pp. 11 – 17, and more as desired.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/490782/52532_Shaw_Review_Accessible.pdf

Theoretical Overview

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

Costello, C. (2015). 'Immigration Detention: The Grounds Beneath our Feet.' *Current Legal Problems*. 68 (1): 143-177

OR

Flynn, M. (2012). 'Who must be detained? Proportionality as a tool for critiquing immigration detention policy.' In *Refugee Studies quarterly*. 1 – 29.

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Discussion Questions

1. What are immigration detention centres for?
2. Are immigration detention centres legitimate?
3. What explains the growth in immigration detention centres in the UK 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, specifically, 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 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

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Further Reading

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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: Migration, mobility and counter-terrorism (LZ)

Migration and mobility have become important targets of recent counterterrorism policies and security laws. This seminar explores the perceived relationship between migration and security. It examines the threats posed by European citizens who become Jihadi Foreign Fighters, the efforts made to prevent their recruitment and to manage their return. It considers the impact of counterterrorist policing on migrant and minority communities, as well as moves to deport, denationalise and to restrict mobility in the name of security.

UK Policy Context

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https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/518390/David_Anderson_QC_-_CITIZENSHIP_REMOVAL_print.pdf

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Counter-terrorism, security and citizenship

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Demleitner, N (2004), 'Misguided Prevention: The War on Terrorism as a War on Immigrant Offenders and Immigration Violators', *Criminal Law Bulletin*, 40, 550-75.

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Banishment, citizenship deprivation and mobility restrictions as security measures

Macklin, A 'The Return of Banishment: Do the New Denationalisation Policies Weaken Citizenship?' Kick-off Contribution to long list of excellent posts, especially those by Spiro, Schuck, Joppke, Hailbronner, Bauböck at

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OR

Gibney MJ (2013) 'Deportation, Crime and the Changing Character of Membership in the UK' Franko Aas, K & Bosworth, M (eds.), *The Borders of Punishment*, OUP. Ch. 12

Walker, C. (2007), 'The Treatment of Foreign Terror Suspects', *Modern Law Review*, 70 (3), 427-57.

Discussion Questions:

1. Why did the War on Terror lead to the designation of terrorist suspects as 'Enemy Aliens' and with what consequences?
2. How do questions of security and citizenship intersect?
3. Why has the UK government resorted to immigration controls and measures to tackle security problems?
4. Should those who threaten the security of the state be banished or deprived of their citizenship?

5. What threats are posed by the phenomenon of Jihadist foreign fighters? Do these threats rise as ISIS retreats in Syria?
6. In what ways have UK government attempted to restrict the mobility of citizens deemed to pose a threat to security? Examine the arguments in favour and against these measures.
7. In an age of 'global terror networks', does it make sense to use migration control to defend national security?