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 counties 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). 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.

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&inspection-type=immigration-removal-centre-inspections#VdRyLZXiZTw 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:


and


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


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 start 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-and-refugees


Theoretical Overview: Globalization and Methodological nationalism


Methods


Further reading


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


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


Border Criminology/Criminology of Mobility


Membership, race and ethnicity


**Further Reading**


**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


Theoretical Overview “Crimmigration”


Criminalisation


Criminal law – citizens and non-citizens


‘Enemy Criminal Law’


**Further Reading**


**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


Theoretical Overview


Membership, race and ethnicity


**Case Studies**


**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


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


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


Case studies


**Membership, race, ethnicity**


**Further Reading**


**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


Theoretical Overview


Membership, Race and ethnicity


Case studies


**Further Reading**


**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


Theoretical Overview


Case studies


**Further Reading**


**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.