

Detained Immigration Laws And The Expanding Ins Jail Complex

Ten years after its initial publication, award-winning author Ann Bausum writes a new introduction and afterword that reflects on how our past has influenced modern events and current views on the ever-relevant conversations about immigration in the United States. Award-winning author Ann Bausum makes the history of immigration in America come alive for young people. The story of America has always been shaped by people from all corners of the Earth who came in search of a better life. Immigration remains one of the critical topics in 21st century America, and how our children learn the lessons of the past will shape all our futures. Ann Bausum's compelling book presents a revealing series of snapshots from the dark side of immigration history including: *Immigrants Denied: The St. Louis*, a ship filled with Jewish refugees from Nazi Germany sought refuge in American ports and was turned away, condemning many of its passengers to ultimately perish in the Holocaust. *Immigrants Detained*: Japanese-Americans were rounded up during World War II and placed in detention centers--regardless of their patriotism--for security reasons. *Immigrants Deported*: Emma Goldman was branded a dangerous extremist and sent back to Russia in 1919, after living 30 years in the United States. US immigration policy has deeply racist roots. From his rhetoric to his policies, President Donald Trump has continued this tradition, most notoriously through his border wall, migrant family separation, and child detention measures. But who exactly supports these practices and what factors drive their opinions? Our research reveals that racial attitudes are fundamental to understanding who backs the president's most punitive immigration policies. We find that whites who feel culturally threatened by Latinos, who harbor racially resentful sentiments, and who fear a future in which the United States will be a majority-minority country, are among the most likely to support Trump's actions on immigration. We argue that while the President's policies are unpopular with the majority of Americans, Trump has grounded his political agenda and 2020 reelection bid on his ability to politically mobilize the most racially conservative segment of whites who back his draconian immigration enforcement measures.

"In 2009, the US Immigration and Customs Enforcement agency (ICE) held between 380,000 and 442,000 people in some 300 US detention facilities, at an annual cost of \$1.7 billion. These people are not imprisoned as punishment for criminal offenses, but rather are detained for civil immigration violations. Many will be deprived of their liberty for months, some for years. And many are being held unnecessarily, at great cost to themselves, their families, and US taxpayers. At least since 1996, ICE has enjoyed relatively unchecked powers to sweep non-citizens into detention. This report is one of a series looking at flaws in current immigration policy that can be remedied through specific administrative and legislative actions."--Human Rights Watch website.

Criminal prosecutions for immigration offenses have more than doubled over the last two decades, as national debates about immigration and criminal justice reforms became headline topics. What lies behind this unprecedented increase? *From Deportation to Prison* unpacks how the incarceration of over two million people in the United States gave impetus to a federal immigration initiative—The Criminal Alien Program (CAP)—designed to purge non-citizens from dangerously overcrowded jails and prisons. Drawing on over a decade of ethnographic and archival research, the findings in this book reveal how the Criminal Alien Program quietly set off a punitive turn in immigration enforcement that has fundamentally altered detention, deportation, and criminal prosecutions for immigration offenses. Patrisia Macías-Rojas presents a “street-level” perspective on how this new regime has serious lived implications for the day-to-day actions of Border Patrol agents, local law enforcement, civil and human rights advocates, and for migrants and residents of predominantly Latina/o border communities. *From Deportation to Prison* presents a thorough and captivating exploration of how mass incarceration and law and order policies of the past forty years have transformed immigration and border enforcement in unexpected and important ways.

The State of Civil Rights at Immigration Detention Facilities

Immigration Enforcement Within the United States

Angel Island Immigration

Outside Justice

Stories from the Dark Side of American Immigration

Immigration Law and Human Rights in the Baltic States

Immigration Control

This book offers a unique comparative assessment of the evolution of immigration detention systems in European Union member states since the onset of the “refugee crisis.” By applying an analytical framework premised on international human rights law in assessing domestic detention regimes, the book reveals the extent to which EU legislation has led to the adoption of laws and practices that may disregard fundamental rights and standards. While emphasizing policies and laws adopted in response to the “refugee crisis,” the volume also shows how these policies have evolved—and in many cases grown more restrictive—even as the “crisis” has begun to recede from the borders of many European countries. To sharpen awareness of contrasting developments across the region, the book’s country chapters are organised into geographic sections that reveal how variations in migration pressures have in some cases resulted in contrasting detention practices even as the EU directives have sought to harmonise immigration laws. A critical focus of the book are the evolving domestic norms related to grounds for detention, length of detention, non-custodial “alternatives to

detention," the treatment of children, and conditions of detention. With its systematic and comparative assessment of immigration detention regimes across the EU, the book will be helpful for both academics and practitioners who seek a comprehensive guide to the evolution of one of today's more important human rights dilemmas—states' efforts to control global migration.

Before the turn of the century, few states used immigration detention. Today, nearly every state around the world has adopted immigration detention policy in some form. States practice detention as a means to address both the accelerating numbers of people crossing their borders, and the populations residing in their states without authorisation. This edited volume examines the contemporary diffusion of immigration detention policy throughout the world and the impact of this expansion on the prospects of protection for people seeking asylum. It includes contributions by immigration detention experts working in Australasia, the Americas, Europe, Africa and the Middle East. It is the first to set out a systematic comparison of immigration detention policy across these regions and to examine how immigration detention has become a ubiquitous part of border and immigration control strategies globally. In so doing, the volume presents a global perspective on the diversity of immigration detention policies and practices, how these circumstances developed, and the human impact of states exchanging individuals' rights to liberty for the collective assurance of border and immigration control. This text will be of key interest to scholars, students and practitioners of immigration, migration, public administration, comparative policy studies, comparative politics and international political economy.

The Borders of Punishment: Migration, Citizenship, and Social Exclusion critically assesses the relationship between immigration control, citizenship, and criminal justice. It reflects on the theoretical and methodological challenges posed by mass mobility and its control and for the first time, sets out a particular sub-field within criminology, the criminology of mobility. Drawing together leading international scholars with newer researchers, the book systematically outlines why criminology and criminal justice should pay more attention to issues of immigration and border control. Contributors consider how 'traditional' criminal justice institutions such as the criminal law, police, and prisons are being shaped and altered by immigration, as well as examining novel forms of penalty (such as deportation and detention facilities), which have until now seldom featured in criminological studies and textbooks. In so doing, the book demonstrates that mobility and its control are matters that ought to be central to any understanding of the criminal justice system. Phenomena such as the controversial use of immigration law for the purposes of the war on terror, closed detention centres, deportation, and border policing, raise in new ways some of the fundamental and enduring questions of criminal justice and criminology: What is punishment? What is crime? What should be the normative and legal foundation for criminalization, for police suspicion, for the exclusion from the community, and for the deprivation of freedom? And who is the subject of

rights within a society and what is the relevance of citizenship to criminal justice?

In this article-based dissertation, I present three distinct but interrelated articles to expose the harms that immigration detention inflicts on immigrants, their families, and communities. My dissertation, "Life Under Detention: Understanding the Consequences of Heightened Immigration Enforcement on Immigrants, Families, and Communities," analyzes 34 months of ethnographic data and 95 qualitative interviews with detainees and their family members to investigate how the legal construction of "illegality" has been weaponized against immigrants in the contemporary United States. The dissertation's introduction frames the rise of "cimmigration" and engages with previous literature on the construction of immigrant exclusion and legal violence against immigrants. This chapter also presents the research questions, introduces the theoretical innovations of the empirical chapters, summarizes the research methodology, and outlines the structure of the dissertation. Chapter two chronicles the experiences of former detainees and how they were able to acquire (or not acquire) justice through multiple means. I argue that immigrants are routinely denied access to justice within the immigration legal system because they are deprived of fundamental support including legal counsel, language translation, and access to the law library. To win their freedom from detention, immigrants engaged in precarious legal patchworking, where they haphazardly cobbled together legal resources and assistance from multiple sources including pro-bono aid, jailhouse lawyers, and other detainees. In chapter three, published in the journal of Law & Society Review, I address the question: How do immigrant families experience the indeterminate confinement of detained loved ones under the intensified threat of deportation? I find that family units endure collateral consequences when they are suspended in a heightened state of liminality due to their loved one's indeterminate detention. A conceptual contribution of this chapter is the development of collective liminality to show how being suspended in this state of purgatory harms both detained immigrants and their loved ones. In chapter four, published in the Journal of Ethnic and Migration Studies, I demonstrate how intensive state surveillance creates a condition of "extended punishment" that shapes the daily experiences of immigrants shackled to an electronic monitor (EM). The EM marks its wearer with a criminal stigma, leading that person to become shunned, including by previously supportive members of their co-ethnic community. Under this regime, EMs become tools of legal violence that yield a new axis of stratification among immigrants. Because EMs unequally allocate autonomy, privacy, and resources, wearers find themselves more vulnerable and constrained than other immigrants. In chapter five, I conclude by synthesizing the analyses, reflecting on the contributions and implications of the dissertation, and offering directions for future research. Foremost, I am proud to give voice to immigrant detainees and their families whose experiences are important for future scholarship. Overall, my research finds that life in and after detention continues to be shaped by the apparatus of immigration detention. Former detainees suffer the repercussions

of trauma and material hardship long after release, and the harms of detention radiate out to many more people than just the detained.

Immigration Detention in the European Union

Life Under Detention Understanding the Consequences of Heightened Immigration Enforcement on Immigrants, Families, and Communities

A Survey of Immigration Act Detention

Immigration Law and Social Justice

Alone Before the Judge: An Analysis of U.S. Immigration Policy in the Context of Due Process Rights of Vulnerable Immigrants

The Borders of Punishment

Social Control and the Ironies of Imprisonment

"Details how American immigration law and policy have increasingly relied on incarceration, locking up thousands of immigrants not because they pose any real danger, but as a collective expression of moral panic and hostility toward perceived outsiders." David Cole [back cover]. In the era of globalization, shifting political landscapes, and transnational criminal organizations, discourse around immigration is reaching unprecedented levels. Immigration and the Law is a timely and significant volume of essays that addresses the social, political, and economic contexts of migration in the United States. The contributors analyze the historical and contemporary landscapes of immigration laws, their enforcement, and the discourse surrounding these events, as well as the mechanisms, beliefs, and ideologies that govern them. In today's highly charged atmosphere, Immigration and the Law gives readers a grounded and broad overview of U.S. immigration law in a single book. Encompassing issues such as shifting demographics, a changing criminal justice system, and volatile political climate, the book is critically significant for academic, political, legal, and social arenas. The contributors offer sound evidence to expose the historical legacy of violence, brutality, manipulation, oppression, marginalization, prejudice, discrimination, power, and control. Demystifying the ways that current ideas of ethnicity, race, gender, and class govern immigration and uphold the functioning and legitimacy of the criminal justice system, Immigration and the Law presents a variety of studies and perspectives that offer a pathway toward addressing long-neglected but vital topics in the discourse on immigration and the law. Contributors Sofía Espinoza Álvarez Steven W. Bender Leo R. Chávez Arnoldo De León Daniel Justino Delgado Roxanne Lynn Doty Brenda I. Gill Ruth Gomberg-Muñoz Peter Laufer Lupe S. Salinas Mary C. Sengstock Martin Guevara Urbina Claudio G. Vera Sánchez

The purpose of this report is to comprehensively examine the U.S. Government's compliance with federal immigration laws and detention policies, and also detail evidence regarding possible infringement upon the constitutional rights afforded to detained immigrants. More specifically, this report examines the Department of Homeland Security (DHS) and its component agencies' treatment of detained immigrants in immigration holding, processing, and detention centers throughout the United States. Prior to writing this report, the Commission gathered facts and data to analyze whether DHS, its component agencies, and private detention corporations with whom the federal government contracts to detain immigrants were complying with the Performance Based National Detention Standards, Prison Rape Elimination Act

Standards, the Flores Settlement Agreement and other related immigrant child detention policies, and the United States Constitution. During the Commission's January 30, 2015 briefing, the Commission received written and oral testimony from DHS immigration detention officials and advocates detailing the strengths, weaknesses, and constitutional and civil rights implications of the U.S. immigration detention system. In May 2015, the Commission visited Karnes Family Detention Center and Port Isabel Detention Centers - both located in Texas - to corroborate the written and oral evidence the Commission gathered. The Commission believes that this report is both instructive and useful to the U.S. Government and the public at large as a contribution to the public dialogue surrounding civil rights and constitutional issues in the U.S. immigration detention system. The Commission is confident that this report will aid in the ultimate resolution of those issues, and that one day the United States may truly live up to its reputation of being the land of the free.

Outside Justice: Undocumented Immigrants and the Criminal Justice System fills a clear gap in the scholarly literature on the increasing conceptual overlap between popular perceptions of immigration and criminality, and its reflection in the increasing practical overlap between criminal justice and immigration control systems. Drawing on data from the United States and other nations, scholars from a range of academic disciplines examine the impact of these trends on the institutions, communities, and individuals that are experiencing them. Individual entries address criminal victimization and labor exploitation of undocumented immigrant communities, the effects of parental detention and deportation on children remaining in destination countries, relations between immigrant communities and law enforcement agencies, and the responses of law enforcement agencies to drastic changes in immigration policy, among other topics. Taken as a whole, these essays chart the ongoing progression of social forces that will determine the well-being of Western democracies throughout the 21st century. In doing so, they set forth a research agenda for reexamining and challenging the goals of converging criminal justice and immigration control policy, and raise a number of carefully considered, ethical alternatives to the contemporary policy status quo.??Contemporary immigration is the focus of highly charged rhetoric and policy innovation, both attempting to define the movement of people across national borders as fundamentally an issue of criminal justice. This realignment has had profound effects on criminal justice policy and practice and immigration control alike, and raises far-reaching implications for social inclusion, labor economies, community cohesion, and a host of other areas of immediate interest to social science researchers and practitioners.

Detained

Immigration Policies Affect INS Detention Efforts : Report to the Chairman, Subcommittee on International Law, Immigration, and Refugees, Committee on Judiciary, House of Representatives

Subverting the Rule of Law

Hearing Before the Committee on the Judiciary, United States Senate, One Hundred Thirteenth Congress, First Session, February 13, 2013

The New Deportations Delirium

Law and Practice

Advocate effectively for detained immigrants at the Immigration and Refugee Board of Canada Every year in Canada, thousands of immigrants are detained in holding centres and jails, and the numbers continue to grow year over year. Immigrants can be arrested without warrant and held indefinitely without charge, but all detainees are entitled to regular detention reviews. If you work with

immigrant detainees, you need to know how to present an effective case at detention review hearings to secure their release. This one-stop resource presents a comprehensive overview of the detention review process administered by the Immigration Division, a branch of the Immigration and Refugee Board (IRB) of Canada. More than just a summary of the law that governs detention reviews, this guide outlines practical steps that can help you to secure a detainee's release. Through an in-depth case study, immigration lawyer Raj Napal examines every stage of the detention review process, from drafting a suitable retainer agreement to presenting a case and questioning witnesses in front of an IRB tribunal. Drawing on more than 20 years of experience advocating for immigrants at the IRB, Raj covers everything you need to know to prepare for a detention review and maximize your chance of securing your client's release. Anyone working in immigration law—including lawyers, paralegals and immigration consultants—needs this book. This practical handbook covers: - Essential grounds for detention, the legislation, the case law and the procedural protocol of the Immigration Division. - Tactics to present your case effectively before the board. - Creating effective release plans for detainees. - Dealing with detained children. - Recent developments and precedents that affect detention reviews, including the 2017 Laird Report and the 2019 amended Chairperson's Guideline on Detention.

Since 1996, when the deportation laws were hardened, millions of migrants to the U.S., including many long-term legal permanent residents with “green cards,” have experienced summary arrest, incarceration without bail, transfer to remote detention facilities, and deportation without counsel—a life-time banishment from what is, in many cases, the only country they have ever known. U.S.-based families and communities face the loss of a worker, neighbor, spouse, parent, or child. Many of the deported are “sentenced home” to a country which they only knew as an infant, whose language they do not speak, or where a family lives in extreme poverty or indebtedness for not yet being able to pay the costs of their previous migration. But what does this actually look like and what are the systems and processes and who are the people who are enforcing deportation policies and practices? The New Deportations Delirium responds to these questions. Taken as a whole, the volume raises consciousness about the complexities of the issues and argues for the interdisciplinary dialogue and response. Over the course of the book, deportation policy is debated by lawyers, judges, social workers, researchers, and clinical and community psychologists as well as educators, researchers, and community activists. The New Deportations Delirium presents a fresh conversation and urges a holistic response to the complex realities facing not only migrants but also the wider U.S. society in which they have sought a better life.

In recent years states across the world have boosted their legal and institutional capacity to deport noncitizens residing on their territory, including failed asylum seekers, “illegal” migrants, and convicted criminals. Scholars have analyzed this development primarily through the lens of immigration control. Deportation has been viewed as one amongst a range of measures designed to control entrance, distinguished primarily by the fact that it is exercised inside the territory of the state. But deportation also has broader social and political effects. It provides a powerful way through which the state reminds noncitizens that their presence in the

polity is contingent upon acceptable behavior. Furthermore, in liberal democratic states immunity from deportation is one of the key privileges that citizens enjoy that distinguishes them from permanent residents. This book examines the historical, institutional and social dimensions of the relationship between deportation and citizenship in liberal democracies. Contributions also include analysis of the formal and informal functions of administrative immigration detention, and the role of the European Parliament in the area of irregular immigration and borders. The book also develops an analytical framework that identifies and critically appraises grassroots and sub national responses to migration policy in liberal democratic societies, and considers how groups form after deportation and the employment of citizenship in this particular context, making it of interest to scholars and international policy makers alike. "It is commonly surmised that the increased flows of goods, ideas, finance and people are slowly leading to the dissolution of boundaries between nation-states. However, as the varied and excellent chapters in this collection demonstrate, the enforcement of state power through detention and deportation is still a real and growing feature of contemporary political life. Expulsion has always been a moral sanction (think of Adam and Eve being banished from the Garden of Eden or the ostracism directed against dissidents in ancient Athens, who were forced to leave for ten years). As the editors suggest, deportation remains a means of enforcing a normative order ('a community of values'), while the authors and editors of this book have expanded the subject-matter to include the deportees' perspectives and the effects of deportation on families, other potential victims and on those whose social inclusion has been affirmed by the exclusion of others. These studies will enrich and enlarge the study of the more naked forms of state power." - Robin Cohen, Professor Emeritus of Development Studies, University of Oxford "This wide-ranging, well-researched, and highly informative work is a major contribution to the growing body of scholarship examining the harsh consequences of deportation around the world. The editors have gathered an impressive group of scholars who craft an eclectic view of how deportation has evolved, what it may signify, and how it now works in various settings. With its inclusion of historical, institutional, comparative, and finely-textured, sensitive experiential studies, this book offers an important--if frequently distressing--overview of phenomena that deserve our full attention." - Daniel Kanstroom, Professor of Law and Director, International Human Rights Program, Boston College Law School

Ironies of Imprisonment examines in-depth an array of problems confronting correctional programs and policies from the author's singular and consistent critical viewpoint. The book challenges the prevailing logic of mass incarceration and traces the ironies of imprisonment to their root causes, manifesting in social, political, economic, and racial inequality. Unique and accessible, this book promises to stimulate spirited discussion and debate over the use of prisons.

Immigration Laws and the Expanding I.N.S. Jail Complex

Immigration Detention

Costly and Unfair

Immigration Offenses

Questions and Answers

Protecting Migrant Children

Jails and Jumpsuits

On any given day nearly 3000 foreign national citizens are detained under immigration powers in UK detention centres alone. Around the world immigrants are routinely detained in similar conditions. The institutions charged with immigrant detention are volatile and contested sites. They are also places about which we know very little. What is their goal? How do they operate? How are they justified? Inside Immigration Detention lifts the lid on the hidden world of migrant detention, presenting the first national study of life in British immigration removal centres. Offering more than just a description of life behind bars of those men and women awaiting deportation, it uses staff and detainee testimonies to revisit key assumptions about state power and the legacies of colonialism under conditions of globalization. Based on fieldwork conducted in six immigration removal centres (IRCs) between 2009 and 2012, it draws together a large amount of empirical data including: detainee surveys and interviews, staff interviews, observation, and detailed field notes. From this, the book explores how immigration removal centres identify their inhabitants as strangers, constructing them as unfamiliar, ambiguous and uncertain. In this endeavour, the establishments are greatly assisted by their resemblance to prisons and by familiar racialized narratives about foreigners and nationality. However, as staff and detainee testimonies reveal, in their interactions and day-to-day life women and men find many points of commonality. Such recognition of one another reveals the goal and effect of detention to be incomplete. Denial requires effort. In order to minimize the effort it must expend, the state 'governs at distance', via the contract. It also splits itself in two, deploying some immigration staff onsite, while keeping the actual decision-makers (the caseworkers) elsewhere, sequestered from the potentially destabilizing effects of facing up to those whom they wish to remove. Such distancing, while bureaucratically effective, contributes to the uncertainty of daily life in detention, and is often the source of considerable criticism and unease. Denial and familiarity are embodied and localized activities, whose pains and contradictions inhere in concrete relationships.

The purchase of this ebook edition does not entitle you to receive access to the Connected eBook on CasebookConnect. You will need to purchase a new print book to get access to the full experience including: lifetime access to the online ebook with highlight, annotation, and search capabilities, plus an outline tool and other helpful resources. This innovative casebook approaches immigration law and policy from a public interest perspective with a special emphasis on issues of social justice. Along with cases and statutory material, Immigration Law and Social Justice employs a variety of materials from appellate cases, client examples, article excerpts, and hypotheticals. These materials not only provide the basic framework for immigration law, but also engage students with the greater social, political, and economic context necessary to understand the movement of immigrants to the United

States, as well as the human impact of immigration law enforcement and administration. Through examples, notes and questions that raise the social, racial, and political questions of admission and enforcement, as well as discussion of public interest lawyers' strategies, this casebook advances students' understanding of the creative approaches used in the field. Ultimately, this book encourages students to think broadly about relevant social, economic, and political forces. New to the Second Edition: Supreme Court decisions on expedited removal and DACA Analysis of the Trump administration approaches to relief from removal, judicial review, and the rights of noncitizens Major Supreme Court decisions, including Trump v. Hawaii (Muslim ban) and Dimaya v. Sessions (2018) (aggravated felonies) Administrative decisions such as Matter of A-C-M- (material support bar), Matter of A-B- (domestic violence and particular social group) Developments in how immigration courts define convictions Additional/updated material on: History of U.S. immigration laws Race-conscious lawyering; racial justice and immigrant rights New ICE enforcement guidance under the Biden administration; U.S. v. California (upholding California's sanctuary policies) Citizenship for orphans; renunciation of citizenship Public charge grounds and Title 42 COVID exclusions; I-601A waiver; firearms offenses; crimes involving moral turpitude Restrictions on bond hearings imposed by the Trump administration; monitoring of children's detention centers under Flores settlement; Zepeda Rivas v. Jennings (requirements on ICE detention facilities in light of COVID-19) Border wall and related litigation; Operation Streamline; worksite enforcement; state and local cooperation Pereira v. Sessions and Niz-Chavez v. Garland (defective Notice to Appear and eligibility for cancellation of removal); cancellation of removal Examination of right to counsel for minors and for non-detained respondents with mental challenges; ineffective assistance of counsel; restrictions imposed by Trump administration on immigration court continuances; problems with distance videoconference hearings New refugee numbers under the Biden administration; past persecution; membership in particular social groups Professors and student will benefit from: Deep background on the social context of immigration law and its enforcement in the context of a sophisticated examination of the technicalities of relevant statutory and administrative law Materials encouraging students to learn relevant law with an eye toward potential advocacy, including litigation strategies, and which challenge students to evaluate critically the mutually constitutive work of race and immigration law Contextual background to understand immigration and immigration enforcement Unique focus on immigration and social justice, as well as public interest immigration lawyering Focus on issues of contemporary relevance, highlighting some of the most contentious areas of immigration law and policy Materials designed to facilitate student understanding of the letter of immigration law, and to encourage students to think creatively about possible reform Integrated critical materials exploring the role of race, class, religion, gender, and disability in immigration law and policy Problems designed to encourage active learning and application of law

DetainedImmigration Laws and the Expanding I.N.S. Jail Complex Temple University Press

The surge in child migration to the United States from Central America that began in 2013 and continues today has proved a

crucible of U.S. immigration policy, for both law enforcers and immigrant advocates. More than 68,000 children and youth traveled alone from El Salvador, Guatemala and Honduras to claim asylum at the border in 2014---and continued coming in 2015 and 2016 even as the Obama administration detained, deported, and negotiated to turn them back at Mexico's southern border. The crisis raised the issue of the fairness of an ostensibly administrative immigration legal system that does not guarantee access to legal representation, even to children and other vulnerable immigrants. Ultimately, that surge became an uncontrolled experiment that could, in time, answer a key question about U.S. immigration policy: is it a punitive process to criminalize those seeking protection from persecution? Or can it be a fairer framework based on due process of law that offers refuge to vulnerable non-citizens even as it meets national security needs? This thesis explores the idea of the Constitutional right to due process of law and its place in the immigration courts, especially as applied to vulnerable immigrants, including unaccompanied migrant refugee children, migrant refugee mothers with children, and mentally challenged immigrants in detention. How is the right to due process of law established and applied in immigration court? Is case law involving these vulnerable immigrants moving toward establishing precedent for a more expansive interpretation of due process, and can strategic advocacy combine with it to finally put in place a new model of universal representation in immigration courts, based on the public defender model, at a time when immigrants are under unprecedented attack by the President of the United States?

Detention, Deportation, and Border Control

A Practical Handbook on Law, Procedure, and Practice for Lawyers, Immigration Consultants, and Law Students

Comprehensive Immigration Reform

Inside Immigration Detention

Punishment in America

The Politics of Immigration Enforcement in Post-Civil Rights America

Detained Without Trial

In *Punishment in America* Michael Welch gathers together his seminal contributions to the most crucial and controversial issues in criminal justice. Topics range from the war on drugs, boot camps and institutional violence, to AIDS and HIV, capital punishment and the entire corrections industry. This coherent, but critical vision of punishment and corrections emphasizes social control but takes account of key social forces such as politics, religion and morality.

Dreams and Nightmares takes a critical look at the challenges and dilemmas of immigration policy and practice in the absence of comprehensive immigration reform. The experiences of children and youth provide a prism through which the interwoven dynamics and consequences of immigration policy become apparent. Using a unique sociolegal perspective, authors Zatz and Rodriguez examine the mechanisms by which immigration policies and practices mitigate or exacerbate harm to vulnerable youth. They pay

particular attention to prosecutorial discretion, assessing its potential and limitations for resolving issues involving parental detention and deportation, unaccompanied minors, and Dreamers who came to the United States as young children. The book demonstrates how these policies and practices offer a means of prioritizing immigration enforcement in ways that alleviate harm to children, and why they remain controversial and vulnerable to political challenges.

While the idea of immigration embodies America's rhetorical commitment to democracy, recent immigration control policies also showcase abysmal failures in democratic practice. *Immigration and American Democracy* examines these failures in terms of state sovereignty, neoliberalism, and surveillance-based techniques of social control. The ideological argument for privatization is not new. But immigration has provided a laboratory for replicating on American soil the sorts of outsourcing travesties that have occurred in America's war in Iraq. As an outcome, abusive executive powers—many delegated to state and local governments and private actors—are manifested every day in data collection, spying, detention, and deportation hearings, and in many cases bypassing the Constitution. The practice of privatization extends this leviathan immigration state by clamping down on civil liberties without having to oblige the courts. Ultimately, Koulish examines the contested terrain between democratic and undemocratic forces in the immigration policy domain and concludes with recommendations for how democratic forces might well still win out.

This book is an interdisciplinary attempt to understand the contemporaneous human condition of asylum seekers through analysis of their entrapment and the resultant new forms of resistance that have emerged to combat it. Based on qualitative research data, the chapters support the claim that asylum seekers are entrapped in social, legal and economic precariousness amidst the complex relationship between individual agency and social structure. By exploring the practices and lived experiences of asylum seekers and other parties involved in their migration and reception, the authors explore the structural and individual agency factors that entrap asylum seekers in precarious livelihoods and lead to marginalization and social exclusion. A bold and timely study, this edited collection will be essential reading for academics and students of criminology, sociology, anthropology, urban studies and social policy.

American Presidents, Deportations, and Human Rights Violations

Immigration and American Democracy

Ironies of Imprisonment

Unequal Justice Under Law: Effects of Immigration Detention on Removal Case Outcomes

Immigration and the Law

Transforming the U.S. Immigration Detention System- A Two-Year Review

Detained and Interrogated

This is a print on demand edition of a hard to find publication. Contents: (1) Intro.; (2) What is Immigration Enforcement (IE)?: Authority to Conduct IE; Overview of Select Major IE Legislation since 1986; Interior vs. Border; (3) Types of IE; Removal (Deportation); Detention;

Alien Smuggling and Trafficking; Immigration Fraud; Worksite Enforcement; IE at Ports of Entry: Immigration Inspections; Enforcement Between Ports of Entry; (4) Enforcement of Immigration Laws and Local Law Enforcement; (5) Resource Allocation: Interior Enforcement Hours; Border Enforcement; Comparison; (6) DHS Organizational Structure: Inherited INS Issues: Database Integration; Separation of Immigration Functions into Separate DHS Agencies; OIG Merger Report; (7) Conclusion. Charts and tables.

A straightforward discussion of the issues surrounding immigration U.S. immigration has been the subject of furious debates for decades. On one side, politicians and the media talk about aliens and criminals, with calls to “deport them all.” On the other side, some advocates idealize immigrants and gloss over problems associated with immigration. Dialogue becomes possible when we dig deeper and ask tough questions: Why are people in other countries leaving their homes and coming here? What does it mean to be “illegal”? How do immigration raids, prisons, and border walls impact communities? Who suffers and who profits from our current system—and what would happen if we transformed it? *The Politics of Immigration: Questions and Answers* goes beyond soundbites to tackle these concerns in straightforward language and an accessible question-and-answer format. First published in 2007, this updated and expanded edition is an effective tool to confront current stereotypes and disinformation. Those who believe immigrants take jobs from citizens, don't pay taxes, strain public services, and threaten the dominant culture will find their assumptions challenged with compelling arguments and hard data. Ideal for classroom use, *The Politics of Immigration* provides those who are undecided about immigration with the facts and clear reasoning they need to develop an informed opinion.

The UK has some of the largest immigration detention facilities in Europe, holding as many as 3000 individuals at any point in time. Foreign nationals are held under immigration powers in a variety of circumstances including on arrival pending examination, whilst an asylum claim is considered in the Detained Fast Track, and pending administrative removal or deportation. The routine use of detention powers, particularly in relation to foreign national offenders, has increased dramatically in the years since 2006. Advising individuals detained under immigration powers is no longer a niche field. An increasing number of practitioners need access to a clear reference guide when faced with cases which touch on this issue. *Detention under the Immigration Acts: Law and Practice* is the only text to provide a comprehensive and detailed

account of the statutory powers underpinning immigration detention and the limitations on those powers afforded by the common law, the European Convention on Human Rights and the law of the European Union. It is an invaluable resource not only for those working predominantly in immigration but also practitioners whose work may touch on this increasingly complex area, whether from a civil or criminal perspective, as well as the judiciary and government officials with a need for clear legal guidance. Taking a practice focused approach, the work addresses the procedural aspects of litigation challenging detention, from bail applications in the Tribunal through judicial review claims in the Administrative Court, to civil claims before the County Court and the Queen's Bench Division of the High Court. It offers unparalleled coverage of the many hundreds of domestic cases on the subject, saving practitioners valuable time in their legal research. It also examines, in more detail than has ever been done before, the case law of the European Court of Human Rights and the Court of Justice of the European Union and suggests arguments to challenge detention and seek damages that have not so far been used in domestic courts. Written by an author team representing both claimant and government interests, key issues are considered from a neutral perspective, providing a balanced and detailed exploration of the common law and policy based principles governing the exercise of immigration detention powers.

This paper examines whether and how being detained may affect the outcome of an immigrant's removal case. Prior research has shown that the government often fails to provide a meaningful and individualized reason that an immigrant should be detained. Given the arbitrariness of who is and is not detained during their immigration proceedings, one would expect that being detained should have no effect on the outcome of the court case. To examine the effects of detention on removal case outcomes, I use a public dataset containing case-level information about individuals in removal proceedings. I use these data to estimate several models using ordinary least squares regression to attempt to isolate the effects of detention and detention-related factors on case outcomes. The results of these regressions demonstrate that being detained during any part of the removal proceeding, and particularly at the time their case is decided, makes the individual more likely to be removed. In all models, individuals detained at the time their case is decided are at least 20 percentage points more likely to be removed than someone who was never detained. These results suggest that the existing immigration detention and court systems do not provide equal access to justice and due process to both detained and

non-detained immigrants.

Hearing Before the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law of the Committee on the Judiciary, House of Representatives, One Hundred Tenth Congress, Second Session, February 13, 2008

Denied, Detained, Deported (Updated)

Rethinking Territorial Sovereignty

Immigration and the Criminalizing Impact of Changing Policy and Practice

Flaws in US Immigration Detention Policy

From Deportation to Prison

From Carter to Trump

The events of 2016 catapulted immigration policy to the forefront of public debate, and Donald Trump's administration has signaled a harsh turn in enforcement. Yet the deportation, detention, and border-control policies that North American and European countries have embraced are by no means new. In this book, sociologists David C. Brotherton and Philip Kretsedemas bring together an interdisciplinary group of contributors to reconsider the immigration policies of the Obama era and beyond in terms of a decades-long "age of punishment." Immigration Policy in the Age of Punishment takes a critical, interdisciplinary, and transnational look at current issues surrounding immigration in the U.S. and abroad. It examines key features of this age of punishment, connecting neoliberal governance, global labor markets, and the national obsession with securing borders to explain critical research and theory on immigration enforcement. Contributors document the continuities between presidential administrations and across countries from many perspectives, with chapters discussing Canada, Australia, France, the UK, the Dominican Republic, and Mexico in addition to the U.S. They offer macro-level analyses of deportations and border enforcement, analyses of national policy and jurisprudence, and ethnographic accounts of the daily life experience of the prison-to-deportation pipeline, the making of deportability, and post-deportation transitions for noncitizens. This book highlights new directions in critical immigration policy and enforcement and deportation studies with the aim of problematizing the age of punishment

that currently reigns over borders and those who seek to cross them. Unprecedented numbers of children are crossing international borders seeking safety. Framed around compelling case studies explaining why children are on the move in Africa, the Americas, Asia, Europe, the Middle East and Oceania, this book explores the jurisprudence and processes used by nations to adjudicate children's protection claims. The book includes contributions from leading scholars in immigration, refugee law, children's rights and human trafficking which critically examine the strengths and weaknesses of international and domestic laws with the aim of identifying best practice for migrant children.

Of the many issues polarizing societies today, immigration is one of the most contentious. In the United States, as in Europe, immigration was a defining issue in recent national elections. Immigration not only involves government policies but also the human rights of millions of people. American Presidents, Deportations, and Human Rights Violations studies how recent immigration policies in the United States developed during the Obama administration and are now being expanded in the first months of the Trump presidency. Documenting the harsh treatment of immigrants over the past twenty years, Bill Ong Hing shows how mass detention and deportation of immigrants, from Clinton's two terms and the Bush administration, have escalated even higher. This book questions what price the United States is willing to pay for such harsh immigration policies in terms of our national values, and the impact on the lives of the millions of immigrants who deserve the full protection of universal human rights obligations.

The events surrounding immigration through the Angel Island station did not look the same to everyone involved. Step back in time and into the shoes of a male Chinese immigrant, a Chinese woman coming to join her immigrant husband, and a missionary woman trying to help Chinese immigrants as readers act out the scenes that took place in the midst of this historic event. Written with simplified, considerate text to help struggling readers, books in this series are made to build confidence as readers engage and read aloud. This book includes a table of contents, glossary, index, author biography, sidebars, and timelines.

Interdisciplinary Responses

The migration of a policy and its human impact

Migration, Citizenship, and Social Exclusion

Detention Under the Immigration Acts

Social, Legal and Economic Precariousness

Immigration Policy, Youth, and Families

Comparative Study on Expulsion and Administrative Detention of Irregular Migrants

Practices of immigration detention in Europe are largely resistant to conventional forms of legal correction. By rethinking the notion of territorial sovereignty in modern constitutionalism, this book puts forward a solution to the problem of legally permissive immigration detention.

Two years ago, in announcements made in August and October of 2009, the U.S. Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE) committed to transform the U.S. immigration detention system by shifting it away from its longtime reliance on jails and jail-like facilities, to facilities with conditions more appropriate for the detention of civil immigration law detainees. In this report, Human Rights First reveals that despite these commitments, the United States continues to hold the overwhelming majority of detained asylum seekers and other civil immigration law detainees - nearly 400,000 each year - in jails and jail-like facilities across the country. The facilities are expected to cost American taxpayers more than \$2 billion in 2012. In the course of its assessment, Human Rights First visited 17 ICE-authorized detention facilities that together held more than 10,000 of the 33,400 total ICE beds, interviewed government officials, legal service providers, and former immigration detainees, as well as a range of former prison wardens, corrections officials, and other experts on correctional systems. The report also notes that former prison officials and other corrections experts have found that less penal conditions in detention can actually help improve safety inside a facility, a finding echoed in multiple studies. It outlines steps that the administration should take to end its reliance on facilities with conditions that are inappropriate for asylum seekers and other civil immigration law detainees, and to bring U.S. detention practices into compliance with international human rights standards.

In the Shadow of the “Crisis”

Race and Immigration Policy in the Trump Era

Race, Citizenship, and Social Control

Walls, Cages, and Family Separation

Immigration Detention and Human Rights

Entrapping Asylum Seekers

Dreams and Nightmares