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Critical Criminology, Special Issue

Introduction: Critical Engagements with Gender, Race and Class in Crimmigration

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Introduction

In recent years, the escalation of policing, bordering practices, detention, and deportation has become a common phenomenon around the world. There is an expansion of the crimmigration system (Stumpf, 2006), which has increasingly blurred the boundaries between the immigration and criminal justice spheres.

Take the example of the UK: there are now over 88 immigration crimes, which are prosecutable via criminal courts. The British Nationality and Borders Act further expanded these crimes by increasing the sanctions for irregular entry and stay. And non-nationals prosecuted for crimes are subject to deportation proceedings, amounting to what the literature terms as “double punishment” (Turnbull and Hassleberg, 2017; Maugendre, 2012). The state has also deployed a punitive drag-net, and various third parties including landlords, welfare services, employers, and healthcare providers, can now report those deemed as ‘illegal’ migrants to the authorities (Bhatia, 2020).

Beyond the UK, the processes and practices contributing to the criminalisation of migration and punitive turn in the confinement of minorities (in prisons, detentions, and community) have intensified in both the Global North and South (Rosina, 2022; FRA, 2014; Bhatia, 2021; Franko, 2019). It is enough to think of the crime of migration, which is today a crucial element in all but two EU member states (FRA 2014), and of the increasing discourse portraying migrants as criminals or as a “hybrid” threat that allows for the circumvention of humanitarian obligations.

What are the reasons behind such pushes for criminalisation, and what their implications? How do people manage, respond to, and counter these practices? How does migrant criminalisation intersect with gender, sexuality, race, class, and caste? These are the questions at the core of this special issue, which aims to expand the discussion on the criminalisation of migration, through a set of intersectional and interdisciplinary analyses.

Crimmigration

The above-mentioned restrictions have often been studied through the lenses of ‘crimmigration’. While crimmigration scholars define criminalisation as the increasing

resemblance between migration and the criminal law, European-based academics tend to understand the concept in a broader way, often including restrictive measures beyond criminal law such as administrative detention, surveillance, and policing (Provera 2015).

While path-breaking, the literature on crimmigration has also been critiqued for not engaging productively with race (Garner, 2015; Armenta, 2017; Bhatia, 2020) and gender (Hartry, 2012). Also, scholarship has not adequately unpacked the social, legal and historical contexts in which immigrants are criminalised and punished (Abrego and Schmalzbauer, 2018).

The criminalisation and policing of migration does not affect people equally, instead it is highly racialized and has differing effects based on gender, race, sexuality, class and other identity markers (Vuolajärvi 2019; Bhatia, 2023). Black feminists have long argued that oppression cannot be viewed from a single axis framework and is better understood as being formed by intersecting and interlocking systems (Davis, 1981; Crenshaw, 1991; Razack, 1998).

Contribution of the special issue

This special issue aims to advance the discussions on the criminalisation, policing, and punishment of non-nationals by taking an intersectional perspective and multi-method approach that brings gender, race, and class in discussion with crimmigration.

The special issue provides a critical overview of the existing theoretical discussions on the topic, and examines the various dimensions and the lived experiences of criminalisation, policing, confinement and deportation. First, we go beyond the Anglo-centric focus of much of the crimmigration literature, to explore whether and to what extent criminalising practices apply in contexts such as continental and Eastern Europe, South Asia and Latin America. Second, we aim to broaden the focus by tracing different histories of criminalising discourses and practices to administrative-based punitive systems and biometric control of populations, and how these are connected to the control of “dangerous populations” often marked by gender, race, and class. Finally, we include both top-down (macro) and bottom-up (micro) approaches, in the belief that both are necessary to inform our understanding of criminalising practices and the intersecting differences they produce.

The special issue engages with an array of criminalisation trends and practices, ranging from detention and confinement in the community, to deportation, and nominally-open (but de-facto closed) borders. It also puts the emphasis on neglected issues related to gender and sexuality in criminalisation debates, including the criminalisation of migrant sex work, as well as colonial and racialised legacies behind criminalisation, including ethnic profiling. Finally, it emphasises the neoliberal logics underlying how ‘globalisation creates migration and criminalises immigrants’ (to borrow Bacon’s 2010 book title) and how criminalisation practices ‘differentially include’ (Mezzadra & Neilson 2013) migrants as part of the workforce.

Overview of the volume

In the article on ‘Structural Intersections, Hierarchical Citizenship and Criminalisation of the Migrant in Assam’, **Anindita Chakrabarty** traces the colonial legacy that led to the

binary distinction between natives and outsiders in the in the North–east Indian state of Assam. She argues that such distinction is based on a Brahminical culture and on the overlap of gender, ethnicity, religion, class and caste factors, which together define who is a legitimate and ‘authentic’ citizen. Asking why Bengali-speaking Muslims, and lower-caste Hindus and women, are often ‘convenient proxies’ for Bangladeshis who migrated irregularly, Chakrabarty focuses on the lived realities of these people, aiming to dismantle hierarchies of identities.

In the article on ‘Imposed mobility, legal ambiguity, institutionalised abandonment: Exploring sex work crimscape in contemporary Poland’, **Agata Dziuban** conceptualises the contemporary landscape of sex work criminalisation in Poland. Conceptualised as a ‘crimscape’, this emerges to include an intricate net of policies on sex work, migration, labour, tax, and trafficking, all working together to shape the lived realities of migrant sex workers. Relying on ethnographic fieldwork and interviews with Ukrainian sex workers, the article shows that the above worsen the precarious status of migrant sex workers, increasing uncertainty and policing, while also reducing protection and rights. Dziuban argues that the sex work crimscape, in Poland, leads to three conditions for sex workers: ‘imposed mobility, legal ambiguity, and institutionalised abandonment’.

In the article titled ‘A place of safety? Women, crimmigration control and a stigmatised identity’, **Amy Cortvriend** explores how the experiences of asylum seekers subjected to crimmigration controls are influenced by factors such as gender, race, and socioeconomic status. Specifically, the study illustrates how the intersecting identities of female asylum seekers intersect with societal stigma. Drawing on research involving 16 asylum seekers in the United Kingdom, which utilized narrative interviews, ethnography, and text messaging as a diary method, the study reveals that these women’s identities are shaped by crimmigration controls, leading to the formation of a stigmatized identity. Despite efforts to conceal their immigration status, the stigma associated with being an asylum seeker becomes internalized, becoming the primary identity for women and resulting in various adverse effects, including social isolation.

In “‘I’ve been hurt every single day here, you know:” a feminist abolitionist analysis of immigration detention violence’, **Francesca Esposito, Teresa Degenhardt, and Aminata Kalokoh** examine British immigration detention centres through intersectional lenses. Focusing on detained women’s lived experiences, and drawing from abolition feminist analyses, the authors argue that detention centres are a place of intersectional violence – namely a violence that is gendered, racialised, and class-based.

Finally, in ‘Illegally Crossing an Open Border: The Experiences of Venezuelan Women’s Journeys to Colombia through Unauthorised Routes’, **Carlos Iglesias** explores the journey of Venezuelan female migrants to Columbia. The article argues that, while the Colombian government professes an open-door policy and ostensibly welcomes Venezuelans without constraints, there exist discrepancies between this benevolent rhetoric and its practical application. Consequently, many migrants, particularly women from low socioeconomic backgrounds and single mothers, are compelled to enter Colombia through unauthorised routes. Drawing from the accounts of nine female migrants, the article concludes that, contrary to prevalent rhetoric often attributing clandestine migration to smugglers, female migrants take an active role in organizing their journeys and may resort to bypassing migration policies as a means of resistance.

Two further articles are included in the special issue but will be published in the Autumn edition of this Journal, for reasons of space.

In 'Air-Deportation, Racism and Violence, **Monish Bhatia** draws in narratives and experiences of asylum seekers subjected to enforced removal to highlight the violence in the deportation process. The article shows how violence, in its various forms, is central to the air deportation process. The violence, as argued here, is not spectacular or unusual. It is rather strategic, impersonal, mundane, institutionalised, and built into the policies, procedures, and practices. The violence is cumulative, sustained, repeated, patterned, and disguised.

And, in 'Challenging Crimmigration Racialising Politics Through Co-creative Ethnographic Filmmaking with Migrant Sex Workers', **Nick Mai** argues that collaborative filmmaking with migrant sex workers challenges the prevailing narratives that often portray them solely as either criminals or victims. The article focuses on two films co-created with Latinx trans women in New York and Chinese cis women in Paris. These films are used to illustrate how the self-representation of these individuals challenges the systems of deportability, stigma, and social marginalization resulting from their direct criminalisation in the US and indirect criminalisation via the penalisation of clients in France.

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