

Crimmigration

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The term crimmigration was invented for the phenomenon of convergence of two areas within the American legal system – immigration law and criminal justice – in immigration policies. Juliet Stumpf (2006), who coined the term, sees it as part of membership theory, which provides decision-makers with a tool and justification to exclude individuals from society by denying them the civil right to vote or reside in the US. New immigrants, as well as those residing in the USA for a long time and who have a visa, green card or are waiting on a citizenship decision, fall under a combination of immigration and criminal law. More specifically, they can be deported from the US for any criminal offense or abuse of any program involving public benefits. A court can also deport a person if an immigration officer determines that the person poses a risk to public or national security. Since the beginning of the 2000s, when the crimmigration approach intensified, this has resulted in a large number of deportations, refused or revoked work and student visas, and people detained in **detention centers**. According to data from the [Department of Homeland Security](#), 185,884 people were deported from the USA in 2020, and 122,233 were detained. César Cuauhtémoc García Hernández believes that this represents the continuation of separating desirable from undesirable newcomers and racial profiling, but, in contrast to the open xenophobia and racism of earlier times, apparently neutral rhetoric and laws that punish criminal activities are being used today (2013: 1457). However, managing migration and profiling (racially) desirable and undesirable refugees through the criminal justice system and crime control is not reserved exclusively for the US. Over the last decade, researchers of migrations have noted an increasing number of criminal and administrative proceedings against migrants and people or organizations helping them in the countries of the European Union, and they call this phenomenon the criminalization of migration, or the **criminalization of solidarity** when it pertains to people offering help (e.g. Bhatia 2021; Kogovšek Šalamon 2017; Palidda 2011; Provera 2015; van der Woude et al. 2017; Zorn 2014; 2021). Penalties, in the form of prison sentences, placement in detention centers, financial penalties or deportation, can be imposed in certain EU countries for irregular entry into the country and residing in it, for helping people to irregularly enter and reside in a country, for employing an irregular migrant, renting accommodation to an irregular migrant, for not reporting irregular migrants (cf. Provera 2015: 38-43). Certain forms of crimmigration practices are spreading to countries outside the EU through the externalization of border control, so even non-EU countries along the **Balkan route** resort to applying criminal law and prison sentences in certain segments of their immigration laws (Kogovšek Šalamon 2019).

10/4/2022

Literature

Hernández, César Cuauhtémoc García. 2014. "[Creating Crimmigration](#)". *BYU Law Review* 2013 (2013-2014)/6: 1457-1516.

Kogovšek Šalamon, Neža. 2017. "Mass Migration, Crimmigration and Defiance. The Case of the Humanitarian Corridor". *Southeastern Europe* 41: 251-275.

Kogovšek Šalamon, Neža. 2019. "[The Role of the Conditionality of EU Membership in Migrant Criminalization in the Western Balkans](#)". *Dve domovini* 49: 69-86.

Palidda, Salvatore. 2011. "A Review of the Principal European Countries". U *Racial Criminalization of Migrants in 21st Century*. Salvatore Palidda, ur. Farnham: Ashgate, 23-30.

Provera, Mark. 2015. [The Criminalisation of Irregular Migration in the European Union](#). CEPS Liberty and Security in Europe 80/2015.

Stumpf, Juliet 2006. "The Crimmigration Crisis. Immigrants, Crime, and Sovereign Power". *American University Law Review* 56/2: 367-419.

van der Woude, Maartje, Vanessa Barker, Joanne van der Leun. 2017. „Crimmigration in Europe". *European Journal of Criminology* 14/1: 3-6.

Zorn, Jelka. 2014. "'No Border, No Nation, Stop Deportation'. Protest against Immigration Control as Empowerment". *Critical and Radical Social Work* 2/2: 175-192.

Zorn, Jelka. 2021. "Nasilne meje, varnostnizacija in kriminalizacija solidarnosti". *Socialno delo* 60/2: 167-180.