

Immigration Detention, Risk and Human Rights

Maria João Guia • Robert Koulish •
Valsamis Mitsilegas
Editors

Immigration Detention, Risk and Human Rights

Studies on Immigration and Crime

 Springer

Editors

Maria João Guia
Coimbra, Portugal

Robert Koulish
College Park, Maryland
USA

Valsamis Mitsilegas
Department of Law
Queen Mary University of London
London, United Kingdom

ISBN 978-3-319-24688-8

ISBN 978-3-319-24690-1 (eBook)

DOI 10.1007/978-3-319-24690-1

Library of Congress Control Number: 2016931369

Springer Cham Heidelberg New York Dordrecht London

© Springer International Publishing Switzerland 2016

This work is subject to copyright. All rights are reserved by the Publisher, whether the whole or part of the material is concerned, specifically the rights of translation, reprinting, reuse of illustrations, recitation, broadcasting, reproduction on microfilms or in any other physical way, and transmission or information storage and retrieval, electronic adaptation, computer software, or by similar or dissimilar methodology now known or hereafter developed.

The use of general descriptive names, registered names, trademarks, service marks, etc. in this publication does not imply, even in the absence of a specific statement, that such names are exempt from the relevant protective laws and regulations and therefore free for general use.

The publisher, the authors and the editors are safe to assume that the advice and information in this book are believed to be true and accurate at the date of publication. Neither the publisher nor the authors or the editors give a warranty, express or implied, with respect to the material contained herein or for any errors or omissions that may have been made.

Printed on acid-free paper

Springer International Publishing AG Switzerland is part of Springer Science+Business Media (www.springer.com)

Preface

In recent years, with the European Union, the Schengen space and the space of Security, Freedom and Justice in force, European law converged to measures aiming to fight irregular immigration, rising in Europe. Some of the measures taken included the criminalisation of entering illegally in a certain member state or remaining illegally there after a legal entrance. Most of the European member states have this measures installed, except Portugal, Spain and Malta (which do not criminalise the illegal entrance and permanence of migrants, neither with a fine nor with an imprisonment—even though Spain does criminalise illegal permanence) and France, which does not criminalise illegal permanence but only entrance (FRA, 2014: 4–5). In fact, the Returns Directive (2008/115/EC) states in its article 15 that third-country migrants may be held in detention up to 6 months, a period that may extend to a maximum of 18 months. This procedure must follow a set of legal procedures, but it is always a moment of privation of individual freedom, which carries on over the migrant’s shoulders the weight of their choice to look up for a better life, endeavouring a lot of dangers, vulnerabilities and social and personal difficulties.

We are very happy to present you this book, which was only possible with the effort, dedication and reflection of all authors who have worked hard with us. We have tried to provide you with a set of different reflections of the topic of detention of immigrants and that has been working as an offence to human rights. The way in which migrants became a risk to European space has been a great challenge to policies around irregularity. We can never, anyway, forget that migrants are human beings, deserved of respect and a respectful treatment.

This book is thus a compilation of the reflections of 18 authors who have discussed their thoughts with us during international conferences and workshops, mainly during the I CINETS conference held in Coimbra, Portugal, on the 11th and 12th of October 2012.

CINETS (Crimmigration Control International Net of Studies—www.crimmigrationcontrol.com) is an international non-profit group that got together their effort to enlarge knowledge around crimmigration control over migrants in

different approaches. This is the third CINETS book published in English, and many others will be organised in the next years.

We will now provide a brief summary of the chapters in this book, and we thank authors once again for all the energy they have put into their papers to make this book possible.

Robert Koulisch starts this book with an article introducing the topic. His analysis focuses on sovereignty connected with crimmigration control and the exceptionalism that helps shape the criminalisation of non-citizens. It examines how sovereign bias is revealed through unaccountable and disproportionate enforcement and detention policies and practices, even with state of the art risk technologies.

Michael Flynn examines discrepancies in the “liberal epoch” that includes a vast closeted immigration detention system that conceals information that the public has a right to know. Flynn also focuses on the “face-off between sovereign rights and human rights”.

Valsamis Mitsilegas offers a more complicated relationship, where the *Returns Directive* may place limits on the enforcement authority of member states, but member states offer a flanking manoeuvre to “counter the loss of state control over movement” (Mitsilegas 2005). In the chapter “Immigration Detention, Risk and Human Rights in the Law of the European Union. Lessons from the Returns Directive”, V. Mitsilegas delves deeper into the relationship to demonstrate that the criminalising intent of the Returns Directive can indeed be tempered by appeals to European law. In the chapter “Immigration Detention and Non-removability Before the European Court of Human Rights”, Marloes A. Vrolijk examines whether repeated detention of irregular migrants is a violation of human rights. The chapter hones in on the tension between sovereign bias and the human rights of migrants.

Galina Cornelisse suggests that even with international law constraints on state sovereignty for immigration purposes, E.U. member states continue to treat undocumented migrants as a threat to sovereignty and respond accordingly to this perceived threat. Cornelisse examines the tension between sovereignty, the European Court of Human Rights (ECtHR) and the Court of Justice (CJEU). She compares the two courts in terms of their susceptibility to the logic of sovereignty. Of the two courts, she observes the CJEU is the one less susceptible to sovereign bias.

In the chapter “Trapped Between Administrative Detention, Imprisonment, and Freedom-in-Limbo”, Charles Gosme critically examines the Court of Justice of the European Union to delve into one category of irregular migrants that has fallen through the cracks of CJEU rulings. He similarly finds weaknesses in the international courts’ constraints. He examines the “residual category of irregular migrants”, which consists of persons who have fallen through the cracks when the CJEU singled out non-citizens who would be permissible targets for imprisonment.

Larissa Leite, in the chapter “Immunity from Criminal Prosecution and Consular Assistance to the Foreign Detainee According the International Human Rights Law”, examines the bias of Brazil’s sovereign immunity. Leite addresses a separate

question of immunity from prosecution and consular assistance granted to detainees. Leite argues that foreign nationals who receive the benefit of consular assistance are subjected to better treatment than citizens for the same criminal act.

In the chapter “Understanding Immigration Detention in the UK and Europe”, Elspeth Guild examines the contested terrain between European court decisions and immigration detention in the U.K. She documents the UK’s reliance on administrative detention in the face of the recent international law framework.

In the chapter “Women’s Immigration Detention in Greece: Gender, Control, and Capacity”, Mary Bosworth, Andriani Fili and Sharon Pickering incorporate feminist theory to critically analyse immigration detention in Athens, Greece. Bosworth argues that “detention (is) . . . a lightning rod for public opinion, deployed as a cynical political tool to demonstrate the government’s determination to salvage Greek national pride”. Bosworth substantiates the argument with results from an ethnography that highlights egregious conditions of immigrant detention for women in Greece.

In the chapter “Changing Practices Regarding the Implementation of Entry Bans in Belgian Migration Policy Since 1980”, S. De Ridder and M. van der Woude examine crimmigration of irregular migration in the Belgium Migration Act. Specifically, they focus on how the *Returns Directive* provides opportunity for the member state to enhance the crimmigration in the detention context.

In the chapter “Crimmigration Policies and the *Great Recession*: Analysis of the Spanish Case”, José Ángel Brandariz García examines crimmigration in Spain during the “Great Recession” of 2008–2009. Brandariz Garcia tackles the conflict between sovereignty and neoliberalism to reveal neoconservative politics embedded within the sovereign bias. This is followed by Katia Cardoso, chapter “‘Immigrants as Detainees’: Some Reflections Based on Abyssal Thinking and Other Critical Approaches”, which critically examines immigration detention as political spaces particularly prone to abuse.

Next, in the chapter “Mandatory Immigration Detention for U.S. Crimes: The Noncitizen Presumption of Dangerousness”, Mark Noferi critically examines the sovereign bias in mandatory detention statutes, along with the cultural presumption of dangerousness that informs such legislation in the first place along with over-enforcement by immigration authorities. Noferi highlights presumed dangerousness in the context of mandatory detention. As Noferi demonstrates, as a result of the 1996 immigration law (IIRIRA), while a single minor mistake of judgment can land immigrants in mandatory detention and removal proceedings, citizens have much less to lose for committing an analogous offence in the criminal process.

Christina Fialho argues for opening immigration detention to the light of day, particularly for purposes of visitation. Daylight is perhaps the most effective palliative to the abuses resulting from sovereign bias. Gabriel Teixeira examines irregular migration in the context of Arizona’s SB 1070, ruled mostly unconstitutional by the Supreme Court. Teixeira addresses questions of dual sovereignty, federalism and constitutional constraints on Arizona’s draconian immigration law.

We have aimed with this book to provide you with more information and reflections over risk and detention of migrants, under a human rights approach.

We intend with this information to provide tools for those who have means to take decisions on this field to reflect upon measures that have been taken, and also to raise public awareness on what has been happening in law and in action to migrants who cross borders irregularly.

A last word of gratitude to all authors and those who have been helping us to make this book a tool to raise awareness.

Acknowledgements

Maria João Guia would like to express her gratitude to João Pedroso, António Casimiro Ferreira and Alexandra Aragão for all the suggestions and comments on her projects and to Tokyo Foundation, where she feels very honoured to be a SYLFF Fellow.

Coimbra, Portugal
College Park, MD, USA
London, UK
2015

Maria João Guia
Robert Koulis
Valsamis Mitsilegas

Abbreviations

A/RES	Assembly Resolution
ACLU	American Civil Liberties Union
AEDPA	Anti Terrorism and Effective Death Penalty Act
AVID	Association of Visitors to Immigrant Detainees
BEDEX	Brigade for Expulsion of Foreign Criminals
CCA	Corrections Corporation of America
CIMT	Crime involving moral turpitude
CITs	Centros de Instalação Temporária (Temporary Installation Centres)
CIVIC	Community Initiatives for Visiting Immigrants in Confinement
CJEU	Court of Justice European Union
CPT	Committee for the Prevention of Torture
CVP	Community Visitation Program
DEVAS	Project on the Detention of Vulnerable Asylum-Seekers in the European Union
DHS	Department of Homeland Security
DOJ	Department of Justice
DOS	Department of State
ECHR	European Convention of Human Rights
ECJ	European Court of Justice
ECtHR	European Court of Human Rights
EID	Enforcement Integrated Database
EOIR	Executive Office of Immigration Review
ERO	Enforcement and Removal Operations
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FOIA	Freedom of Information Act
FRONTEX	European Union Agency
GMR	Global Migration Group
HB	House Bill
HRC	The Human Rights Committee

HRF	Human Rights Foundation
IACtHR	Inter-American Court of Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICE	Immigration and Customs Enforcement
ICE-PBDS	Performance-Based National Detention Standards
ICIRR	Illinois Coalition for Immigrant and Refugee Rights
ICJ	International Court of Justice
IDC	International Detention Coalition
IIRIRA	Illegal Immigration Reform and Immigrant Responsibility Act
ILC	International Law Commission
ILO	International Labour Organization
INA	Nationality Act
INE	Spanish National Statistics Institute
INS	Immigration and Naturalization Service
IOM	International Organization for Migration
IRCA	Immigration Reform and Control Act
JRS	Jesuit Refugee Service
KYR	Know Your Rights
MCACC	Middlesex County Adult Correction Centre
NGO	Non Governmental Organization
NIF	National Immigration Forum
NPM	New public management
ONHCR	United Nations Office of the High Commissioner for Human Rights
PBDS	Performance-Based National Detention Standards
RCA	Risk Classification Assessment
RHC	Recurso em <i>Habeas Corpus</i>
SB	Senate Bill
SCOTUS	Supreme Court of the United States of America
SEF	Serviço de Estrangeiros e Fronteiras (Immigration and Borders Service)
SIS	Schengen Information System
TCNs	Third country nationals
TPI	Tribunal Penal International
UHSA	Unidade Habitacional de Santo António
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
USC	United States Code
VCCR	Vienna Convention on Consular Relations
VCDR	Vienna Convention on Diplomatic Relations
WCDF	West County Detention Facility

Contents

Sovereign Bias, Crimmigration, and Risk	1
Robert Koulish	
Sovereign Discomfort: Can Liberal Norms Lead to Increasing Immigration Detention?	13
Michael Flynn	
Immigration Detention, Risk and Human Rights in the Law of the European Union. Lessons from the Returns Directive	25
Valsamis Mitsilegas	
Immigration Detention and Non-removability Before the European Court of Human Rights	47
Marloes Anne Vrolijk	
Immigration Detention: An Instrument in the Fight Against Illegal Immigration or a Tool for Its Management?	73
Galina Cornelisse	
Trapped Between Administrative Detention, Imprisonment, and Freedom-in-Limbo	91
Dr. Charles Gosme	
Immunity from Criminal Prosecution and Consular Assistance to the Foreign Detainee According the International Human Rights Law	123
Larissa Leite	
Understanding Immigration Detention in the UK and Europe	141
Elsbeth Guild	
Women’s Immigration Detention in Greece: Gender, Control and Capacity	157
Mary Bosworth, Andriani Fili, and Sharon Pickering	

Changing Practices Regarding the Implementation of Entry Bans in Belgian Migration Policy Since 1980 171
Steven De Ridder and Maartje van der Woude

Crimmigration Policies and the *Great Recession*: Analysis of the Spanish Case 185
José Ángel Brandariz García

“Immigrants as Detainees”: Some Reflections Based on Abyssal Thinking and Other Critical Approaches 199
Katia Cardoso

Mandatory Immigration Detention for U.S. Crimes: The Noncitizen Presumption of Dangerousness 215
Mark Noferi

Let Us In: An Argument for the Right to Visitation in U.S. Immigration Detention 251
Christina M. Fialho

Who Wants to Go to Arizona? A Brief Survey of Criminalization of Immigration Law in the U.S. Context 279
Gabriel Haddad Teixeira

Contributors

Mary Bosworth is Professor of Criminology and Fellow of St Cross College at the University of Oxford and, concurrently, Professor of Criminology at Monash University, Australia. She has published widely on immigration detention and imprisonment, including, most recently, *Inside Immigration Detention* (OUP, 2014). Mary is currently heading a 5-year project on “Subjectivity, Identity and Penal Power: Incarceration in a Global Age” funded by a Starter Grant from the European Research Council and a 3-year International Leverhulme Network on External Border Control funded by the Leverhulme Trust. She is the Director of Border Criminologies (<http://bordercriminologies.law.ox.ac.uk>), the UK Editor-in-Chief of *Theoretical Criminology*, a co-editor of *Routledge Studies in Criminal Justice, Borders and Citizenship* and a member of the editorial board of the Clarendon Studies in Criminology.

José A. Brandariz-García earned a Ph.D. in Criminal Law (1999, University of A Coruña, Spain), and he is currently Professor of Criminal Law at the University of A Coruña, Spain. He has authored and edited more than 15 books and dozens of journal articles and book chapters on penalty issues, and he has lectured on these topics in universities of some 15 European and American countries. He has extensively analysed crimmigration policies and devices, particularly in relation to the Spanish context. His main publications in this field are the books *Criminalización racista de los migrantes en Europa* (co-edited with Salvatore Palidda; Comares, 2010), *Sistema penal y control de los migrantes* (Comares, 2011) and *Políticas y prácticas de control migratorio* (co-authored with Marta Monclús-Masó; Didot, 2015).

Katia Cardoso is a researcher at the Centre for Social Studies and member of the Humanities, Migrations and Peace Studies Group. She is a Ph.D. student in the Doctorate Programme “Post-colonialisms and Global Citizenship” at the University of Coimbra. Katia obtained her master’s degree in African Studies by ISCTE and has a B.Sc. in International Relations by the School of Economics of the University of Coimbra. Her current research interests include youth violence, youth in Africa, post-colonialisms, deportation and Cape Verdean diaspora.

Galina Cornelisse L.L.M (Leiden University), Ph.D. 2007 (European University Institute), is a lecturer in European and International Law at the Vrije Universiteit Amsterdam. Previously, she taught Constitutional Law at Utrecht University. She has published widely on European and international immigration laws, with a specific focus on detention, including a monograph titled *Immigration Detention and Human Rights: Rethinking Territorial Sovereignty* (Martinus Nijhoff, 2010). Her most recent publications include “State Borders, Human Mobility and Social Equality: from Blueprints to Pathways”, in: Weber, L. (ed) *Rethinking Border Control for a Globalising World*. Routledge (2015), and “What’s wrong with Schengen: Border disputes and the Nature of integration in the Area without internal Borders” *Common Market Law Review* 51: 741–770 (2014).

Steven De Ridder is a teaching assistant at the Criminology Department of the Vrije Universiteit Brussels, Belgium, and a doctoral researcher with the research group Crime and Society (CRiS—research line of Penalty and Society). In July 2009, he graduated as Master in Criminology with a master’s thesis entitled ‘Right on the Run? The Reception of Unaccompanied Minors in Belgium’. Since October 2009, his research activities have related to the presence of irregular migrants in Belgian prisons. More particularly, the decision-making processes regarding release from prison and expulsion are the central focus of his research. His research activities are under supervision of Professor Dr Kristel Beyens and Professor Dr Sonja Snacken.

Christina M. Fialho is an attorney and the co-founder/executive director of Community Initiatives for Visiting Immigrants in Confinement (CIVIC), a non-profit working to end the isolation and abuse of people in U.S. immigration detention. Previously, she researched and wrote for the Global Detention Project, co-founded the first detention visitation program in California and assisted in defending immigrants before U.S. Immigration Courts and the Court of Appeals for the Ninth Circuit. She is a 2012 Echoing Green Fellow, Board Member of the ACLU of Southern California and Steering Committee Member of Detention Watch Network. Her work has been published by *Refugee Survey Quarterly*, *Forced Migration Review*, the *Huffington Post* and the *Washington Times*, among others.

Andriani Fili is the Leverhulme International Network Facilitator at the Centre for Criminology, University of Oxford. With master’s degrees in Criminology and Criminal Justice (University of Oxford) and Gender and Social Policy (LSE), she has a range of experience working in the non-profit sector mainly in Greece with migrants and refugees. As a researcher she has been involved in a variety of projects concerning border policing, gender and immigration detention. Her future interests include exploring the Greek-Turkish border reception facilities and also expand the research on immigration detention in Greece.

Michael Flynn is the Executive Director of the Global Detention Project (www.globaldetentionproject.org/) in Geneva, Switzerland. He holds a B.A. in Philosophy from DePaul University and an M.A. and Ph.D. in International Studies from the

Graduate Institute of International and Development Studies. Flynn previously worked as a project director at the Institute for Policy Studies in Washington, D.C.; as a project coordinator at the Graduate Institute's Programme for the Study of Global Migration; and as an associate editor of the *Bulletin of the Atomic Scientists*. His work has been supported by the Geneva International Academic Network, the Swiss Network for International Studies, the Pew International Journalism Program and the Fund for Investigative Journalism.

Charles Gosme recently obtained a Ph.D. in Public Law at the Sciences Po Doctoral School, following the defence of his thesis entitled "Limbo spaces between illegal and legal stay: resulting from EU management of non-removable third country nationals". He teaches two courses entitled "European Law on Foreigners" and "European Law on Asylum Seekers and Irregular Migrants" to undergraduate students at Sciences Po. He is also the leader of an Immigration & Asylum project, in partnership with Paris-based NGOs, under the framework of the Sciences Po Law School Clinic. This project involves the provision of legal aid to irregular migrants and asylum seekers, as well as empirical research on targeted groups of migrants. He has acquired some expertise in his field of study through the provision of legal aid to imprisoned and non-imprisoned third-country nationals, as well as through the writing of numerous works relating to immigration and asylum law, most notably of an empirical study on the deterrent effect of administrative detention on irregular migrants in France.

Maria João Guia is a Ph.D. (summa cum laude) in Law, Justice and Citizenship at the twenty-first century at the University of Coimbra, Portugal, and the author of the thesis "Immigration, 'Crimmigration' and violent crime. The convicted inmates and the representations of Immigration and Crime". She is Associate Researcher at the Centre of Human Rights, at the Faculty of Law, University of Coimbra. Her most recent edited book is 'The Illegal Business of Human Trafficking' (Springer, 2015). Maria was appointed in 2012 as a SYLFF Fellow for her leadership and organisational skills and was (until December 2015) an independent external expert of the European Commission on the area of Security, Freedom and Justice and currently the Director of CINETS (www.crimmigrationcontrol.com).

Elsbeth Guild is Jean Monnet Professor and personal at Queen Mary University of London and Radboud University, Nijmegen. She is also a partner at the London law firm Kingsley Napley and an Associate Senior Research Fellow at the Brussels-based think tank, the Centre for European Policy Studies. She has specialised in immigration and asylum law for more than 10 years and is the author of numerous books on the subject. She advises both European Union institutions and the Council of Europe on issues around free movement of persons, immigration and asylum.

Robert Koulish, Ph.D., is Director of MLAW Programs, undergraduate law programming at the University of Maryland in the College of Behavioural and Social Sciences, Joel J. Feller Research Professor of Government and Politics, at the University of Maryland, College Park, MD 20742. He is Lecturer at Law at UMD Carey School of Law. He is the author of *Immigration and American Democracy*:

Subverting the Rule of Law (2010) and academic and law review articles, book chapters and op/ed columns about crimmigration, detention, immigration privatisation and risk. Website: <http://mlaw.umd.edu>

Larissa Leite is the coordinator of the Protection Area of the Reference Centre for Refugees, which is a project of Caritas Arquidiocesana de São Paulo with the UNHCR. With master's degree in Economic and Environmental Law, she is also doctor in Human Rights by University de São Paulo (Brazil). Author of articles and book, she focuses in Criminal Law, Criminal Procedure, Refugee Law and Immigration Law. Her most recent research has been on Refugee Law and Due Process. As a professor, she has taught in Brazilian Colleges, besides coordinating the implementation of the Master Department in the Catholic University of Mozambique.

Valsamis Mitsilegas is Professor of European Criminal Law, Director of the Criminal Justice Centre and Head of the Department of Law at Queen Mary University of London. He is Co-coordinator of the European Criminal Law Academic Network (ECLAN) and a member of the Commission's Expert Group on European Criminal Policy. From 2001 to 2005, he served as legal adviser to the House of Lords European Union Committee. He is the author of 4 monographs and over 80 articles in the fields of European, economic and transnational criminal law; immigration and asylum law; and the relationship between security and human rights, in particular the right to privacy. His latest book is 'The Criminalisation of Migration in Europe' (Springer, 2015).

Mark Noferi is Enforcement Fellow at the American Immigration Council, a non-partisan research organisation in Washington, D.C. His research focuses on criminal immigration connections and immigration enforcement, detention and due process. Mr. Noferi has published in the *Journal of Civil Rights & Economic Development*, *Michigan Journal of Race & Law* and *American Journal of Criminal Law*; advised an economic cost-benefit study of a national immigration appointed counsel system; and spoken frequently at conferences and presented testimony. Mark earned his J.D. from Stanford Law School and B.A. from Boston College and clerked for the Hon. Harold Baer, Jr., in the Southern District of New York.

Sharon Pickering is an Australian Research Council Professorial Future Fellow and Professor of Criminology. She is currently Head of School, Social Sciences at Monash University and Director of The Border Crossing Observatory, an international research centre hosting a network of scholars researching borders, security, crime and justice www.borderobservatory.org. Professor Pickering researches irregular border crossing and has written in the areas of refugees and trafficking with a focus on gender and human rights. She leads a series of Australian Research Council projects focusing on the intersections of security and migration, deportation, and police and community responses to Prejudice Motivated Crimes. She has worked extensively with government agencies and law enforcement and with local

and international NGOs. She has previously worked in Northern Ireland, on counter-terrorism policing, and human rights and women in South East Asia.

Gabriel Haddad Teixeira is a professor of Criminal Law and International Rights at Centro Universitário de Brasília (UniCEUB), with a master's degree in "Law of International Relations", line of research "International Protection of the Human Person". Also, he is a Criminal Lawyer.

Maartje van der Woude L.L.M., M.Sc., is Associate Professor of Criminal Law and Criminal Procedure at the Institute for Criminal Law & Criminology at Leiden Law School, the Netherlands. In her research, Van der Woude is interested in the interplay between political decision-making, decision-making by more street-level criminal justice actors and the boundaries set by the rule of law and international human rights. Within this broad spectrum, she tends to focus on uncovering and understanding rationales behind decision-making processes, as well as on the (un)intended effects of decision-making. She seeks these effects on a more theoretical and normative level by questioning the impact of decision-making on procedural justice, systemic inequality and the fundamental principles underlying criminal law and criminal justice. Her current research aims at a deeper understanding of the process of crimmigration, the growing merger of crime control and immigration control. Over the past couple of years, this has resulted in a growing body of empirical and more theoretical (inter)national publications focusing on unravelling crimmigration in the Netherlands and the EU. In her current research project, *Crimmigration and Multi-level Discretionary Decision-making in EU Borderlands*, she seeks to uncover the politics of internal border control in the EU through the spectrum of crimmigration.

Marloes Vrolijk is currently working as a legal employee for the Dutch Refugee Council and teaching social science at a bilingual high school in the Netherlands. Her paper is a shortened version of her master thesis, which was written for the completion of a Master of Laws (*cum laude*) in Public International Law at Utrecht University, the Netherlands (2011–2012). She also completed a Master of Arts (*cum laude*) in the Sociology of Law at the International Institute for the Sociology of Law in Oñati, Spain (2012–2013). There she focused upon socio-legal theory and legal limbo situations of *non-removable* irregular immigrants. Her (research) interests in immigration, immigration detention and legal limbo situations result from her internship at Amnesty International on the topic of immigration detention in the Netherlands (2010–2011).