

Class, Disability, and Race Intersections in Detention Systems

César Cuauhtémoc García HERNANDEZ (2012). "The Perverse Logic of Immigration Detention: Unraveling the Rationality of Imprisoning Immigrants Based on Markers of Race and Class Otherness." Columbia Journal of Race and Law 1(03): 353 - 364.

In this article, César Cuauhtémoc García Hernández contributes to the ongoing discussion of the criminalization of detention by providing a crisp and pointed discussion of its racial and class-based elements. He argues that “an anti-immigrant fervor” has mobilized political actors in the US, and the federal government has responded by adopting “a mass incarceration scheme as part of its immigration law enforcement strategy.” (354) It is the presence and “threat” of criminal non-citizens that justifies targeting with surveillance and arrest a population of “people of color and poor people” (mostly men). (361, 360) Indeed, race and class combine with the convergence of criminal law and immigration law to make mass detention seem “inevitable”. (354)

According to Hernández’s analysis, the US detention centre exists as a sorting mechanism, or “immigration law’s necessary purgatory, the physical in-between space that must exist to facilitate the welcoming embrace of the ‘good immigrant’ and [the federal government’s] concerted efforts to remove unwanted immigrants.” (358) It is premised on an assumption that illegality “attaches according to the usual outward markers of exclusion—race and class.” (359) The “steadfast convergence of criminal law and immigration law” can be dated to a slew of 1990s legislation that increased the scope of criminal offenses that resulted in detention and triggered removal proceedings. (360) In the time since the legislation, Hernández argues, the public imagination has painted all immigrants from certain regions – including Latin America, Haiti, Jamaica, and any number of African nations – as potentially criminal and, hence, always potentially detainable. (362) Hernández concludes that there is no evidence against the continued growth of this trend (356) and that ignoring “the role of race and class in immigration law policing is to render invisible the people who inevitably will be thrown behind barbed wire fences for little more than having the wrong look.” (364)

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