

ROUTLEDGE STUDIES IN CRIMINAL JUSTICE, BORDERS AND CITIZENSHIP



CRIMES OF MOBILITY

CRIMINAL LAW AND THE REGULATION OF IMMIGRATION

Ana Aliverti



ROUTLEDGE

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Criminal law and the regulation
of immigration

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Series editors' preface

In recent years, a growing body of literature has begun to refer to the 'criminalization' of migration. Nonetheless, we know surprisingly little about the extent or nature of this phenomenon. Ana Aliverti's book, *Crimes of Mobility*, addresses this gap, documenting the changing legal landscape in the UK and exploring the impact of such changes empirically, in the courts. This approach enables Aliverti to examine the intricate dynamics between the expressive and the instrumental functions of criminal law, and to identify some surprising findings. Notwithstanding apparent legislative enthusiasm for criminalizing migration, relatively few of these offences are enforced in the courts. The legislative 'bark', in other words, often overstates its actual 'bite'.

Why and how immigration-related activities are punished lie at the heart of the transformations of criminal law under conditions of globalization. As such, *Crimes of Mobility* should be of interest to a variety of scholars, not only those with an explicit interest in criminal and immigration law, but also to students of criminology and migration studies, and those with an interest in globalization more generally. The proliferation of immigration crimes lies at the gist of ethical issues raised by the use of coercive sovereign power over migrant populations. It is therefore appropriate in many ways that *Crimes of Mobility* should be one of the first books in the *Criminal Justice, Borders and Citizenship* series. We hope and trust that the series will continue in this mode, both when it comes to the level of excellence and its thematic engagement with debates about the nature of contemporary justice, citizenship and rights.

Katja Franko Aas
Mary Bosworth
Sharon Pickering

January 2013

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Abbreviations

AA 1793	Aliens Act 1793
AA 1814	Aliens Act 1814
AA 1826	Aliens Act 1826
AA 1848	Aliens Act 1848
AA 1905	Aliens Act 1905
AIA 1996	Asylum and Immigration Act 1996
AIAA 1993	Asylum and Immigration Appeals Act 1993
AI(TC)A 2004	Asylum and Immigration (Treatment of Claimants, etc.) Act 2004
AO 1953	Aliens Order 195
APIs	Asylum Policy Instructions
ARA 1914	Aliens Restriction Act 1914
AR(A)A 1919	Aliens Restriction (Amendment) Act 1919
BCIA 2009	Borders, Citizenship and Immigration Act 2009
BIA	Border and Immigration Agency
BNP	British National Party
CAA 1981	Criminal Attempts Act 1981
CIA 1962	Commonwealth Immigrants Act 1962
CIA 1968	Commonwealth Immigrants Act 1968
CJA 2003	Criminal Justice Act 2003
CPS	Crown Prosecution Service
EC	European Community
ECHR	European Court of Human Rights
ECJ	European Court of Justice
EU	European Union
FCA 1981	Forgery and Counterfeiting Act 1981
FNP	Foreign national prisoner
FOI	Freedom of Information
HC Deb	House of Commons Debate
HL Deb	House of Lords Debate
IA 1971	Immigration Act 1971
IA 1988	Immigration Act 1988
IAA 1969	Immigration Appeals Act 1969
IAA 1999	Immigration and Asylum Act 1999
IANA 2006	Immigration, Asylum and Nationality Act 2006
IAS	Immigration Advisory Service
I(CL)A 1987	Immigration (Carrier Liability) Act 1987
ICT	Immigration Crime Team
IDCA 2006	Identity Cards Act 2006

IDIs	Immigration Directorate Instructions
IIU	Illegal Immigration Intelligence Unit
ILPA	Immigration Law Practitioners' Association
IND	Immigration and Nationality Directorate
JCWI	Joint Council for the Welfare of Immigrants
LIT	Local Immigration Team
MP	Member of Parliament
NIAA 2002	Nationality, Immigration and Asylum Act 2002
RMJ	Refugee and Migrant Justice
SAC	Standard Acceptable Criteria
SIAC	Special Immigration Appeals Commission
SIACA 1997	Special Immigration Appeals Commission Act 1997
SOA	Sexual Offences Act 2003
UK	United Kingdom
UKBA	UK Border Agency
UKBA EI&G	UKBA Enforcement Instructions and Guidance
UN	United Nations
US	United States

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