

**THE UNITED STATES IMMIGRATION SYSTEM, GOVERNING  
THROUGH CRIME, AND HUMAN RIGHTS**



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**ABSTRACT**

The research examines the contemporary import of criminal enforcement categories, approaches, and resources into United States immigration laws, policies, and practices using Jonathon Simon's 'governing through crime' theory. It looks at alterations to U.S. detention and deportation procedures from the late-1980s through 2012 and evaluates them using the international human rights standards defined in the International Covenant on Civil and Political Rights (ICCPR). It reveals that numerous changes, which are connected to criminal enforcement processes, have resulted in detention and deportation of non-citizens without adequate consideration for their human rights. The human rights standards deviated from include: the right to raise a defense to deportation (Article 13), the right to a fair trial (Article 14), the right to court control of detention (Article 9(4)), and the right to family unity (Articles 17(1) and 23). It is concluded that contemporary detention and deportation practices in the United States have diverged from international human rights standards as reforms that were related to a governing through crime strategy occurred.

**KEY WORDS: HUMAN RIGHTS/ US IMMIGRATION/ US CRIMINAL JUSTICE**

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