


REVIEW ARTICLE OPEN ACCESS

The Racial Carcerality of Migration Governance

Brianna Garneau 

York University, Toronto, Canada

Correspondence: Brianna Garneau (bgarneau@yorku.ca)

Received: 11 June 2024 | **Revised:** 29 September 2024 | **Accepted:** 15 October 2024

Funding: This research was supported by the Social Sciences and Humanities Research Council's Joseph Armand Bombardier Canada Graduate Scholarship (Doctoral).

Keywords: carcerality | deportation | detention | migration governance | race | racial governance | racial violence

ABSTRACT

Bringing migration governance literature into conversation with carceral studies, this article offers a conceptual framework to account for the interconnectedness between migration governance in the global North and the racial logics of carcerality. It argues that criminalization, incarceration, detention, and deportation, converging as a carceral industrial complex, should be viewed in historically specific contexts as modes of racist exclusion that fulfill racial projects. The article first considers critical race scholarship on nation-state formation to trace the historical and contemporary manifestations of racial exclusion within immigration legislation. Next, the article traces the carceral nature of migration and border governance, focussing particular attention to its expansion into the orbit of families and communities, to suggest that carceral migration governance crystalizes a set of power relations implicated in the reproduction of global racial ordering. To illustrate this argument, the final section engages the carceral migration racial governance framework through the empirical vantage point of 'the family' to advance an understanding of the work that carceral migration does for racial ordering and the production of disposable (family) life to those ends.

1 | Introduction

Who gets to move is always a racial question; neither the 'citizen,' the 'migrant' nor the 'criminal' are raceless figures. Mobility is intertwined with a racial story, one which links contemporary migration controls to the histories of slavery, (settler)colonialism, and the imperatives of the global order of racial capitalism (Danewid 2021; Lindskoog 2022; Walia 2021). However, this story of racism is quelled in the normative discourse on the government of migration and citizenship, erasing in the process the histories of racial ordering from political and public discourse and from the very literature that attends to its problematization (Moffette and Vadasaria 2016). This article provides a conceptual framework to account for the interconnectedness between migration governance and the racial logics of carcerality. This article advances how the study

of migration governance is necessarily a study of carcerality—an imperative that is ever more urgent as we confront a global securitization, fortification and externalization of border 'walls' in the global North. To accomplish this, I propose the carceral migration racial governance framework, which brings together critical race scholarship on the nation-state, carceral studies and literature on migration governance, to argue that the expanded carceral logics of the border are underpinned by processes of racialization that enable states of the global North to continue racial projects of nation-state formation.¹ Criminalization, incarceration, detention, and deportation, converging as a carceral industrial complex, should be viewed in specific historical contexts as modes of racist exclusion that fulfill racial-colonial projects of expulsion and violence. By way of illustration, I engage with the carceral migration racial governance framework through the empirical vantage point of 'the family'. The

This is an open access article under the terms of the [Creative Commons Attribution](https://creativecommons.org/licenses/by/4.0/) License, which permits use, distribution and reproduction in any medium, provided the original work is properly cited.

© 2024 The Author(s). *Sociology Compass* published by John Wiley & Sons Ltd.

'family' has become ensnared within the carceral industrial complex and, as such, is a rich site to theorize the racial governance of immigration carcerality. In mapping how racism and racialization operate through the carceral practices of immigration law, this article presents a framework for understanding carceral migration governance, or immigration carcerality, as a conceptual means to develop a more expansive account of structural racism. My aim is to demonstrate that it is impossible to understand the politics and governance of migration without thinking substantively about the histories and dynamics of state racism and racial violence.²

The article is divided into three main sections. The first section focuses on research by critical race scholars to demonstrate how the formation of Western nation-states rests on casting racialized Others and their movement as threatening to the security of the national social fabric (N. R. Sharma 2020; Thobani 2007). Following the understanding that the regulation of migration has historically been coded through raced notions of desirable and undesirable subjects (both individual and familial) and their mobilities, the second section offers a review of carceral studies literature to conceptualize the increasingly carceral nature of migration governance and its expansion into the orbit of families and communities. The final section anchors my conceptual arguments within the literature on the criminalization of migrants and their families, with a particular focus on the role of racial violence in carceral migration governance. Ultimately, the carceral migration racial governance framework provides a means to explore how the bordering practices of the carceral state crystallize a set of power relations implicated in the reproduction of global racial ordering. The central argument rests on the contention that the expansion of the carceral state is predicated on the racialization and gendering of certain migrants, so that racialized migrants and their families, loved ones and communities are increasingly subject to racial violence; that is, the racial violence of surveillance, imprisonment, and deportation practices of the carceral industrial complex.

2 | The Racial Project of Western Nation-State Formation

The regime of the nation-state has become the normative determinant for an individual's ability to move into, out of, or across local, national and international spaces (De Genova and Peutz 2010). When questions of freedom to move in, out, or across spaces in the context of unravelling the orbit of state power are considered, another story comes to the fore. By engaging with questions of freedom—that is, freedom from containment, freedom to traverse space, freedom to move and flourish with dignity and equality, and the freedom to make a place for oneself in the world (Benslimane and Moffette 2019; de Noronha 2020), we can come to understand the racial implications of the governance of mobility. Engaging with questions of freedom in this way reveals how contemporary migration governance is linked to histories of slavery, (settler)colonialism, and the constitution of the racial nation-state (Thobani 2007; N. R. Sharma 2020; Walia 2021).

National citizenship and immigration regulation are the key technologies for the material and cultural realization of the racial-colonial project of nation-building, particularly in countries of the global North. Indeed, the very formation of the Western nation-state³ and its ensuing practices of delineating citizen-subjects from foreign 'Others' were born together through casting racialized 'Others' as threatening to the security of the national social fabric (Thobani 2007). Migration governance has always been tied to (settler)colonial practices and coded through classed, raced, and gendered notions of desirable and undesirable subjects, casting non-white racialized 'Others' as politically, socially, ideologically, and culturally incommensurable with the West and Western civilization (N. R. Sharma 2020; Said 1979). For instance, historically in Canada the regulation of immigrants has been linked to racist ideas that identified groups of people as having more moral character and 'civility' (Chan 2005). The Canadian government established policies to attract those the state deemed to be desirable immigrants—those white British, English speaking and Protestant—as they were viewed as morally superior for their constructed ability to self-regulate and exercise self-control, while the exclusion of racialized people was made on the belief that they posed a moral threat to the nation (Chan 2005; Thobani 2007). When immigrants did not meet this prototype of ideal newcomer, it was typically because of labor needs (Abu-Laben 1998)—the logics of racial capitalism permitting the commodified inclusion of enslaved Black people and Chinese labourers. One only needs to look to a history of immigration laws that imposed a Head Tax on Chinese immigrants and excluded Black migrants, the detention of Japanese Canadians in internment camps, the restriction of South Asian, Black Britons and West Indian migrants through the Continuous Journey provision, and the limits to the reunification of Chinese and Black families, for examples of Canada's explicit effort to exclude "non-preferred races" from its land (Abu-Laben 1998; Li 2003; Mathieu 2010; Lawson 2013). Importantly, racialized exclusions also exist within Canada's history of family reunification policies, where changes to the criteria for family sponsorship eligibility have mirrored raced, classed, gendered and patriarchal conceptions of "desirability" in general, and the desirability of the nuclear family unit in particular. Both historically and contemporarily, discourses surrounding family reunification policies are inundated with racist subtexts that problematize "immigrants from cultures foreign to Canada, [who] uphold extended familism and maintain a large family network that is contrary to the Canadian concept of [the nuclear] family" (Li 2003, 7). The particular relationships that qualify as 'family' in migration policy have been key to defining who gets to migrate legally, who gets to stay and who must be excluded.

In the contemporary moment, national and global wealth disparities that exist along racial lines appear normal and natural by way of these dehumanizing and pathologizing racial logics. Explicitly racist exclusions that once existed in laws have since been obscured; masked via race-neutral policies of (in)admissibility, criminalization and labor regulations (Thobani 2007). While immigration policy is *normatively* about law and order, the competing logics of exclusion and gate opening (Franko-Aas 2011) that are mapped onto racialized ideas of citizenship

and nationalities (N. R. Sharma 2020) debunks the guise of race-neutrality. Indeed, “borders are hierarchically organized and permeable for white expats, a handpicked immigrant diaspora, and the rich investor class, [while] they form a fortress against the millions in the “deport-spora”, who are shut out, immobilized and expelled” (Walia 2021, 5). As such, mobility is central to the processes through which racial categories are produced and reconfigured (de Noronha 2020).⁴

Across the global North, political, media and public discourses ideologically construct a ‘weakened’ border under attack from the poor management of a ‘migrant crisis’, which serve as the pretext to justify further border securitization and repressive practices of policing, detention and deportation (Danewid 2021; Walia 2021). Racialized migrants are depicted as suspicious swarms and menacing crowds storming across borders—an uncontrollable mass influx that threatens the white national polity of the West (Danewid 2021). Their mobility and presence are pathologized as they are simultaneously framed as risky, potential criminals or opportunistic frauds and system abusers who have freely chosen to migrate (Pratt 2005). These discursive representations structurally erase the historical forces of colonialism and racial capitalism⁵ and “depict migrants and refugees as the cause of an imagined crisis at the border, when, in fact, mass migration is the outcome of the actual crises of capitalism, conquest and climate change” (Walia 2021, 3).

Harsha Walia importantly reframes the global ‘migrant crisis’ as a dual crisis of displacement and immobility organized through capitalist dispossession and imperial power. She challenges dominant representations that blame and punish migrants and instead reorients our gaze on the structural processes of displacement within the global political economy of capitalism and colonialism (Walia 2013). Mass displacement and immobility are produced by the interwoven systems of globalized capitalism, imperialism and climate catastrophe. As central practices to Western state-building, the coercive extractions of capitalism and colonialism displace individuals from the global South at the same time that the West is closing its borders (Walia 2013). For example, the signing of NAFTA has resulted in disparaging wage gaps between jobs in the United States and in Mexico and has devastated and impoverished local farmers and Indigenous food sovereignty while bolstering US agribusinesses and mining interests (Walia 2013). Moreover, people are increasingly displaced from climate catastrophe caused by capitalist development that has altered the ecology of countries chosen for resource extraction. For example, “Canadian mining corporations, which represent 75% of the world’s mining and exploration companies, are protected and enabled by the Canadian state in Asia, Africa, Latin America and the Caribbean, even though they have been responsible for, and in some cases even charged with, environmental destruction, human and labor rights violations, and the forced displacement of surrounding communities” (Walia 2013, 48). Such an analytic helps dispel neoliberal myths that construct precarious migration as a random instance of rational calculation; migrants do not just show up at our borders, but rather are pushed by the creation of violent conditions, social disruptions, and structural dictates of colonization and racial capitalism that frame citizens of the global South as useable and disposable—dictates that also safeguard the subsequent exclusion of migrants from the global

North through carceral containment and expulsion. Indeed, the logics of racial capitalism restrict the mobility of the impoverished racialized poor *unless* these groups agree to inclusion as migrant workers with deflated labor power and no legal or social citizenship. This commodified inclusion relies on the illegalization and deportability of migrants to produce pliable labor (De Genova and Peutz 2010). Consequently, these interrelated systems of detention and deportation spin a web of carceral techniques in the arsenal of state to fulfill its racial project via commodified inclusion (through temporary migrant worker programs, for e.g.), containment (via incarceration and detention) and exclusion (through deportation). This leads us to consider the racist implications of the carceral power the state.

3 | The Expanding Carceral Net: Conceptualizing Migration Control as Carceral Practices

The carceral state—referring to the institutional deployment of social control, coercion and punitive conditions and governance strategies—has traditionally been tethered to the criminal justice system (Beckett and Murakawa 2012). Formidably inspired by the work of Michel Foucault, the field of carceral studies has become locked into repetitive discussions of incarceration rates, punitivism and the criminal justice system, “even as governments deploy a growing number of regulatory and administrative mechanisms and effects that often feel punitive” (Bosworth, Franko, and Pickering 2018, 34). However, the sense in which the carceral is inseparable from the prison seems misplaced, as even Foucault’s influential work described a carceral archipelago that extends far beyond the prison, encompassing a continuum of “a subtle, graduated carceral net, with compact institutions, but also separate and diffused methods” (Foucault 1979, 297). This diffusion, Foucault argued, takes place via carceral circles, “which like ripples in water, extend far beyond the prison” (Moran, Turner, and Schliehe 2018, 668). As carceral circles widen, “the form of the prison slowly diminishes and finally disappears altogether” (Foucault 1979, 298). Importantly here, carcerality has a spatial dimension; no longer fixed and concentrated within institutions, such as the prison, but instead permeates the entire social body.

Recently, scholars have pushed this understanding of carceral power, calling for a broadened exploration of its operation outside the traditional site of the prison. Punishment operates in much more inundated, serpentine, and opaque ways, thereby permitting the state to have an increased capacity to punish and contain, despite the legal logic that maintains a definition of these sanctions as ‘not-punishment’ (Beckett and Murakawa 2012). Relatedly, Brett Story uses the concept of carceral space to define “the sites and relations of power [outside the penitentiary] that enable and incentivize the systemic capture, control, and confinement of human beings through structures of immobility and dispossession” (Story 2019, 3). The carceral state, therefore, deploys various spatial tools of enclosure in ways the benefit racial-colonial projects (Montford and Moore 2018).

To this effect, scholars have drawn connections between prisons, detention, and deportation to demonstrate the considerable

overlap between these industries, focussing on the ways in which the criminalization of migration has increased carceral state power (Atak and Simeon 2018; Menjivar, Gómez Cervantes, and Alvord 2018; N. Sharma 2021). Despite being distinct legal domains, criminal law and immigration law share the common function of implementing and rationalizing sovereign power's authoritative choices about who should be members of society—that is, “individuals whose characteristics or actions make them worthy of inclusion in the national community” (Atak and Simeon 2018, 37). In depicting the extension of the carceral state, punishment scholars have also pointed toward a new penology that necessarily facilitates its expansion. Namely, rather than being about rehabilitation and correcting the souls and habits of individuals, penal power, under the context of globalization, has shifted to be about the sheer containment and exclusion of people from the polity (Weber and McCulloch 2019). Importantly, this exclusion has historically always been raced and gendered; however, literature on the carceral may inadvertently displace a focus on the racial logics that underpin this new penology, thus obscuring how the carceral is historically constituted through regimes of racial violence that have ushered migratory flows (colonialism, slavery and empire).

Paralleling prison studies' move away from the physical location of prisons, border studies have also shifted to explore bordering practices that have expanded well beyond the border line itself, outlining the ways in which states manipulate borders to cast racialized migrants out (Shachar 2007; Mountz et al. 2013; Volpp 2020; Walia 2021). Borders have been relocated and reconstituted in unconventional sites both offshore and internal to sovereign territory, becoming increasingly diffuse through practices such as data monitoring, immigration raids, offshore detention and border militarization initiatives (Walia 2021). As such, the border itself has become a moving barrier that is not tightly fixed to territorial benchmarks (Shachar 2007), targeting both border-crossers and long-term residents with legal or irregular status (N. Sharma 2021). As put by Mountz and colleagues (2013), “the border increasingly crops up in unlikely places—the laundromat, the grocery store, the bus station—[all] places not traditionally conceived of as the border, but where [border enforcement] operates nonetheless” (p. 65). Efforts to detect and detain migrants stretch the territorial border to cover the entire territory of the nation-state, turning national spaces into carceral spaces of capture and control for non-citizens.

Alternatives to detention are perhaps the clearest example to illustrate the carceral as a set of relations that form in spaces not unique to prisons, detention centres or the border. Alternatives to detention, such as, for example, the use of electronic monitoring,⁶ continue the functions of carceral power within the community, encompassing neighbourhoods, homes and public space (Story 2019). Electronic monitoring also puts increased pressures on a person's relationships with family and loved ones, especially those who share a home. Subhah Wadhawan, writing in the context of immigration security certificates, details how the home becomes restructured into a prison through the imposition of carceral practices and penal architecture, transforming family members into jailors “required to share in the control, surveillance and punishment” practices of the state (2021, 12). The spatial expansion of carceral power, therefore, penetrates all aspects of daily life, engulfing within it the

intimate zones of family and community. In this sense, carceral migration controls become “a multi-party double punishment,” where it is not only individuals deemed inadmissible who are punished, but also their family members and social circles (Benslimane and Moffette 2019).

Relatedly, there has been a growing trend in carceral studies to also explore how carceral power expands to those who are not part of those officially counted in the criminal and administrative systems (Comfort 2007; Condry and Minson 2020; Rodriguez 2016; Jardine 2019; Garneau and Lehalle 2021). People who are criminalized are generally embedded in kinship webs and social networks that draw others into the ambit of the state's punishment apparatus (Jardine 2019). Carceral structures in turn have transformative effects on families and intimates. In prison studies literature, Megan Comfort outlines the terrain of punishment beyond the legal offender and the ways in which people, through their associations with criminalized individuals, “experience the social and economic repercussions of punitive surveillance, confinement and control” (2007, 272). Family and friends are socialized to carceral norms, whereby the “changes and disruptions in the personal, domestic and social worlds of people who are not themselves sentenced to confinement” are a form of ‘secondary prisonization’ that “ultimately extends the reach and intensity of the transformative effects of the correctional facility” (p. 279). Also helpful is Condry and Minson's (2020) conceptualization of “symbiotic harms” to describe the effects of punishment on families. Symbiotic harms are those negative effects that flow both ways through the interdependencies and mutual quality of intimate relationships. The authors emphasize that harms are more than vicarious; they are symbiotic as they are enmeshed and entwined within our associations and connections to others. By virtue of having interwoven and embedded lives, people are affected by what happens to each other. Harms and support flow in a mutual and relational manner that interrelate in complex ways ebbing and flowing across time and space (Condry and Minson 2020).

The literature highlights how the infliction of the symbiotic harms of the carceral state are raced and gendered (Golash-Boza 2016; Wang 2018). The carceral lives of nonimprisoned women of color is structured by a double and triple duty, requiring that they act as primary caregivers at home while also being tasked with maintaining social ties across the isolation and violence of the carceral system (Story 2019). This reinforces the gendered division of care labor. For instance, Jackie Wang found that “the incarceration of Black men profoundly increases the burden put on Black women, who are forced to perform more waged and unwaged (caring) labor, raise children alone, and who are punished by the state when their husbands or family members are convicted of crimes” (2018, 269). Deportation also holds a similar pattern of gendered consequences; “insofar as mostly men are deported, women are left to fend for themselves when their children's father is deported” (Golash-Boza 2016, 498). This is not to say that the men in their lives had necessarily been the ‘breadwinners’ but rather that they helped with childcare, housework and other forms of care work that granted women more resources, both financially and time-wise (de Noronha 2020). Families, and in particular racialized women, are worn out by the sheer effort and endeavor of reproducing life (Jardine 2019; Golash-Boza 2016; Wang 2018).

Moreover, Luke de Noronha (2020) writes about the ways in which citizens and non-citizens who have witnessed deportation share a consciousness of their belonging as racialized minorities. He argues that negatively racialized citizens and non-citizens alike are deeply affected by deportation, often relating it to other experiences of racist exclusion that they navigate in their everyday lives; for example, in their encounters with police, the foster care system and immigration enforcement. Witnessing the deportation of a loved one not only makes other non-citizens more mindful of their own deportability, but also impacts those whose immigration status is settled, reminding them of their own “non-belonging, provisional inclusion and the revocability of their settled status” (de Noronha 2020, 159). As such, we can see here how harms are experienced symbiotically through relationships (Condry and Minson 2020) and irrespective of status (de Noronha 2020; Rodriguez 2016).

In sum, immigration carcerality is expressed through the coercive tools of criminalization, detention, and deportation. Importantly, immigration carcerality is not only about the legal crossover between immigration law and criminal law (Beckett and Murakawa 2012), but also encompasses discursive ideological notions of securing the nation from threats (Menjívar, Gómez Cervantes, and Alvord 2018). Political, media and public discourses have fused discursive and visual images of migrants to those of criminals, destining the racialized non-citizen “to be perpetually identified as a source of potential risk, [their] movement an intelligible object of policing, and [their] body a legitimate object of confinement” (Weber and McCulloch 2019, 498; Massari 2023). The symbiotic harms lived within the micro-spaces of the home mirror the discursive racial logics of the homeland. It is through this understanding that we can pull migration studies into studies of the carceral.

4 | A Racial Framework for Carceral Migration Governance

If bordering work has been territorially diffused to other spaces beyond the physical lines on a map, then we can understand *carceral* spaces as necessarily *including* the multitude spaces of the border. Bordering practices also operate to entrench relations of power and governance in the name of capture, control, confinement and ultimately, expulsion, consequently expanding carceral logics to the border. It is through spatiality that the carceral is achieved, relating to different spaces at a variety of scales; it could be a detention center, domestic home, the street, the body, and even the nation, operating to reproduce racial differences that facilitate the racial governance of Western nation-states.

The carcerality of migration governance contributes to the (re)production of racialized ideologies about who is dangerous to Western civilization (racialized migrants and their families, for e.g.) and how these dangers should be addressed spatially (through inadmissibility exclusions, detention, spatial regulation, and deportation). Governance practices associated with carceral space are made possible by a historical alignment of policies that converge to produce a particular socio-economic landscape and set of social relations characterized by police

enforcement, detention, and deportability that all dominate the conditions of life for non-citizens and their loved ones. To this effect, the carceral industrial complex should be understood as a set of relations that are productive for racial ordering, and manifests in various spaces, as opposed to being tethered to a single building or place (Story 2019; Walia 2021). Moffette and Vadasaria’s seminal work urges migration scholars to remember how “the processes whereby certain issues, things or people may be framed as representing an existential threat cannot be appropriately grasped without an engagement with [...] the modes of political ordering that emerged with colonial modernity; all of which are intrinsically connected to the project of race” (2016, 3). Race has come to form a system of knowledge that provides the foundation for organizing the world, informing the processes that construct who and what needs protecting and by extension, who and what needs to be securitized against. Through various modes of confinement, surveillance, punishment and expulsion, the carceral industrial complex operates to entrench racial and gendered hierarchies under the guise of addressing the safety and protection of the (white) nation-state, parcelling out in the process those deemed worthy of protection and those that are disposable—that is, those that must be contained and expelled. Importantly, the symbiotic harms and violence of carceral migration governance detailed below indeed manifest by virtue of racial logics that render some protectable and others disposable.

4.1 | Discursive Criminalization and Securitization of Migrants and Their Families

To illustrate the kinds of analysis that a racial framework of carceral migration governance permits, I now turn to the empirical context of the symbiotic harms of detention and deportation experienced by families. This section offers an analytical reading of the literature on the criminalization of migration to offer a new understanding of the work that carceral migration governance does for racial ordering and the production of disposable family life.

The increased securitization and exclusion at borders that characterize the current carceral age are justified through racialized discourses that criminalize migration and cast the mobility of certain racialized people as suspicious and by extension, illegitimate. Racialized migrants are pathologized and dehumanized, and, following the shift from the welfare state to the neoliberal state, are rarely received as deserving and desirable (Pratt 2005). Excluded from the realm of public sympathies, migrants, international students and refugees are instead presented as risky, ‘bogus’ system abusers and potential criminals who have made deceitful calculations to traverse the border (Pratt 2005).

While the literature on the criminalization of migration has problematized the dehumanizing racial discourses that construct individual migrants in these ways, understanding the dual expansion of carcerality, first into the realm of migration and second extending to loved ones of migrants, reveals the interconnected and symbiotic racial carceral violence that is inflicted on racialized families. Perhaps most telling is the

demonization of migrants' sexuality, procreation, and reproduction as key sites of anxiety in immigration politics (Martin 2012). Representations and discourses of "immoral", calculating and parasitic migrants are inscribed onto racialized migrant mothers. Race and gender coalesce around women's reproductivity to cast Black and Mexican motherhood as a threat and as possible contaminant to the nation.

The Canadian case of a Black Jamaican mother, Mavis Baker, demonstrates these discursive constructions at play. After working as a domestic worker in Canada for 11 years without citizenship, Baker was ordered to be deported after filing an application for social assistance following her battles with postpartum depression. Baker applied for an exemption based on humanitarian and compassionate considerations, which raised concerns over the availability of medical treatment in her country of origin as well as the potential negative effects that the deportation would bring to her Canadian-born children (Baker v. Canada 1999). The immigration officer assigned to her case denied the humanitarian and compassionate application and reasoned that her presumed 'sexual immorality' was a justifiable basis to deny her stay of removal (Maynard 2017). The officer drew on discourses of undeservingness to state that he was "of the opinion that Canada can no longer afford this type of generosity" for racialized migrant women who gave birth to children. Although the judgment was eventually overturned at the Supreme Court of Canada, media coverage of the case demonstrated that there was widespread support for Baker's deportation (Browne 2002). As argued by Robyn Maynard, "that Baker became the folk devil in the courts and in the public [...] demonstrates the power of sexism, ableism, anti-Black racism and xenophobia in determining who is deserving and undeserving of rights such as state protection and family unity" (2017, 181).

The historical antecedents to the Baker case only solidify Canada's long history of problematizing the migration of the Black family. In 1978, only shortly after Canada explicitly legislated its commitment to family reunification under the *Immigration Act*, 1976, seven Jamaican women were ordered deported. These seven women were admitted to Canada as landed immigrants to be domestic workers. However, in the process of attempting to sponsor their family members, immigration officials invoked removal orders on the basis that they did not disclose their family status as mothers of dependent children. Importantly, the women were previously admitted to Canada to work as domestic workers despite immigration officials admittedly knowing that these women received guidance from the Jamaican government advising them to not disclose their minor children (Lawson 2013). As Lawson (2013) shares, "Elaine Peart, one of the women ordered to leave Canada, concluded that 'we were brought here to clean rich folks' home and now we're not cleaning rich folks' homes so you want to throw us out' (Peart, qtd. in Leah and Morgan 1979, 23)." (139). This case reveals the tensions between Canada's need for exploitable labour and the desire to maintain a white nation. That the immigration officials were aware of the existence of dependent children conveys that Black women were tolerable and allowed into the nation, so long as they remained compliant labourers and did not make any more demands on the state; that is, so long as they did not attempt to bring their families into Canada with them. When the close management of Black women

unravels at the seams, the carceral practice of deportation works as a safety to preserve the white character of the nation. This points to a more sinister vilification of the racialized family: racialized migrants are perceived as threatening precisely because they have other racialized family members that they wish to be united with in Canada.

Writing in the context of the United States, Cassaundra Rodriguez (2016) delineates a moral panic that replicates these same logics. Through the figure of the "anchor baby," Mexican mothers are cast as opportunistic breeders and their children as illegal citizens who "hurt 'real' American children by abusing resources that would otherwise go to 'legitimate citizens'" (p. 709). Although the phenomenon of "anchor babies" is largely a myth, with no empirical evidence to support trends and patterns that are invoked, the figure of "anchor baby" is nevertheless shored up as a tactic to ramp up support for reforming birthright citizenship policies in ways that exclude racialized 'Others' (Atak and Simeon 2018; Rodriguez 2016). Additionally, not only are migrant mothers demonized, but their children are also constructed as 'illegal', revealing the symbiotic functionality of carceral migration racial governance, irrespective of citizenship status. This was prevalent in former U.S president Donald Trump's 2015 campaign, where he mobilized emotive language imploring the nation to "start a process where we take back our country" (Rodriguez 2016); rhetoric which undoubtedly mirrors the imperative of white settler-nations to exclude and dispose of racialized 'Others'.

Luke de Noronha (2020) further scrutinizes how these narratives of suspicion construct family and intimate relationships. For instance, when people appeal their deportation orders, they are required to prove they have a 'family life' and to frame it within the terms of the immigration rules. Racist ideologies framed along notions of protecting the nation from devious "sham marriages" or marriages of "bad faith" construct immigrants with precarious status as using marriage as a means of fraudulently securing residence rights (de Noronha 2020). By way of deviating from Western conceptions of marriage, certain types of conjugal relationships, such as arranged marriages, are overly scrutinized and endure higher levels of suspicion, consequently presenting a challenge for couples to prove that their relationship is one of "good faith" (Gaucher 2014). Post-colonial scholars have demonstrated how colonial regulations of intimacy secured racial hierarchies by presenting the "love marriage" - chosen freely by two individuals without interference of parents or family and without ulterior (material) motives—as the only 'proper' marriage by way of its Western (re civilized) superiority. Consequently, "'love' becomes the criterion by which to distinguish fraudulent from genuine marriage migration claims, as well as the justification to impose restrictions on transnational marriages which are represented as arranged or forced" (Bonjour and Cleaton 2021, 168). For 'illegal' immigrants, "relationships with citizens are defined as inherently instrumental, love merely a ploy motivated by cold calculation" (de Noronha 2020, 132). Through these legal manoeuvres, the multitude of lived forms of connection, care and mutual support between non-citizens and their families are denigrated, cast as suspicious and deemed illegitimate. These bodies of work demonstrate how the racism and sexism imbued in carceral migration racial governance determines not only

who gets criminalized, but also whose family life is recognized as worthy of unity and protection and whose family life is disposable.

Within the politics of immigration, definitions of family take on added significance as they determine who can stay in the national territory and on what terms (Martin 2012). Normative ideas about gender, sexuality and the ‘family’ are mobilised, enforced, and regulated at the border; “the family displays that will be most readily recognized and validated by [the law] are those which coincide with cultural norms of “good”, or “proper” family life”, which are culturally and politically rooted in the white, heterosexual, middle-class, two-parent family” (Jardine 2019, 63). As Lauren Martin highlights, these norms “shape what relations are recognized as legitimate or proper within the state and [which relations] can legitimately cross borders of a state” (2012, 870). Intimate and familial relations condition how migrants access citizenship and political recognition—“the making and unmaking of families is therefore deeply imbricated with the governance regimes which perform the nation” (Martin 2012, 870). The legible family thus parallels the nation-state building practices of Western empires, in which the micro-spaces of the home become linked to the macro-spaces of the homeland (Volpp 2013).

As such, the carceral regime proceeds not only through assertions of criminality and illegality, but also in relation to constructions of family life. People are incarcerated, detained, and deported through the denigration and devaluation of lived family relationships. Family separation, whether that be through deportation enforcement (see de Noronha 2020; Chan 2005), the denial of visitation in prisons (see Jardine 2019; Garneau and Lehalle 2021) or through child welfare systems (see Roberts 2002), is justified according to racialized, heteronormative ideas about gender, sexuality and ‘the family’. These normative ideas are mobilized and enforced in profoundly restrictive ways, rendering some family practices and displays more legible, and therefore more ‘protectable’ than others. In the process, complex family relationships are forced into legal language that erase the structural forces that condition family displays and the capacities for care and support. Family separation, in turn, undergoes a process of culturalisation, wherein the racialized figures of absentee fathers, single mothers and “welfare mothers” are configured as being inherent features of negatively racialized cultures, erasing in the process carceral state practices that condition family life and family displays in these ways.

5 | Conclusion

The governance of migration rests on the organization of the world into numerous territorial nation-states, each with its own racialized ideas of who constitutes the “proper” national-subject or “desirable” ‘non-threatening’ migrant. This article has argued that migration and carceral studies must take seriously the processes of racialization that underpin the governance of migration. To do otherwise fails to make intelligible the historical constitution of the racial Western nation-state and ways in which contemporary migration governance both require and constitute racial difference.

We are indeed in a marked carceral age. There has been a proliferation of carceral mechanisms at various scales emerging with the aims of capture, control, containment, and expulsion, both tethered to detention walls and also dispersed within communities through new surveillance initiatives framed as promising reforms. The logics of racial capitalism render the lands and people of the global South exploitable and disposable, entrenching global wealth disparities that work to sequester racialized migrants in place. When migrants from the global South do manage to cross Western borders, they are met with carceral practices that enable states to “put people back in their place” (Maynard 2017). A race analysis is once again central here: “race cannot be dispensed with so briskly when the principal target of immigration restrictions, the ‘global poor’, corresponds so closely with those ‘formerly colonized’ and those racialized as ‘non-white’” (de Noronha 2020, 23). Understanding the structural racism that saturates the governance of migration in the West requires that we bridge cages and walls together to understand them as all formulating an intricate web that is the carceral industrial complex. The main objective of this article was to demonstrate how the framework of carceral migration racial governance may provide us with a lens through which we can understand the interconnectedness between migration governance and the racial logics of carcerality. Criminalization, incarceration, detention and deportation remain tools in the arsenal of the carceral state to prevent racialized bodies from ‘contaminating’ white nation-space, fulfilling the racial-colonial projects of nation-building of the West. When moral panics spun fears of “too many” racialized families, carceral spatial fixes come to the forefront: whether that be in spaces of the home with immigration bail, spaces of prisons and detention, or the spatial fix of deportation that solidifies a global segregation. These heightened border securitization and exclusionary practices are underpinned by racialized discourses that depict racialized migrants and their families as threatening, suspicious and potentially criminal and, by virtue of this, are disposable. It is these narratives which form the basis for broader examinations of the workings of carceral migration racial governance, and for which migration and carceral scholars must urgently attend.

Conflicts of Interest

The author declares no conflicts of interest.

Endnotes

¹ This article on migration governance is informed by approaches taken by critical governmentality scholars, who tailor their questions to examine how a particular ‘problem’ (for e.g., that of migration and the movement of people) came to emerge as a target for government and what role law and legal institutions, functionaries and technologies play in the management of these ‘problems’ (Rose and Valverde 1998; Rose and Miller 1992). As contended by Moffette (2018), “problem-izations emerged through historically situated discursive and non-discursive practices that provide specific ways of thinking and acting upon a set of difficulties [...]” (p. 8). Critical racial governmentality scholars focus on how these problematizations, formed through specific legal practices, institutions, technologies and political rationalities of rule, require and constitute racial difference (Murdocca 2013). A

racial governmentality framework “helps us explain the overt and insidious ways that non-white populations, and notably their bodies, are read and treated as threatening and violent” (Moffette and Vadasaria 2016, 5). This relies upon rationalities of racial differences that congeal the foundations of the dehumanizing and coercive carceral practices of containment and population management.

² The creation of the carceral migration racial governance framework has been profoundly inspired by the work of Luke de Noronha’s *Deporting Black Britons*, where he notes: “it is by recognizing the connections between punitive criminal justice policies and aggressive immigration restrictions—between cages and walls—that we can develop a more expansive account of state racism” (p. 4). Following this, I am interested in further drawing these connections between cages and walls, however, I deliberately depart from tethering conceptions of the carceral to the criminal justice system; instead focussing on the ways the carceral has grown more diffuse through public space.

³ The term ‘West’ is frequently used not only to denote the geographic parameters of the global North but also to reference the dominant ideologies of Western superiority that have been established through imperialism and colonialism. These ideologies have not only led to the formation of other settler-colonial states but have also been increasingly adopted by (formerly colonized) states in Latin America, Africa and Asia by way of globalized racial imperial management (Walia 2013). Although migration governance and conceptions of race are not uniform across these states, the fortification of Western border management have extended the universalization of Western formation and ideologies beyond its own boundaries. Countries of the global South have been co-opted into the carceral migration regime to execute the border management interests of the West. See Harsha Walia’s *Border Rule* for excellent accounts of the West’s preservation of imperial relations through the management of global migration.

⁴ Skin colour is not the cause of racial difference, but one of its markers. For racial difference to mean something, it must correspond to material differences in relation to the distribution of opportunities, resources and freedoms. These differences also correspond to who can move, how and with what effects (de Noronha 2020). Despite being socially constructed through political, economic and historical contexts, racial categories are experienced as concrete and material abstractions that have real material consequences for those racialized into relations of domination and subordination (Gomez 2010).

⁵ Racial capitalism places race as a central feature of capitalism, as capitalism both requires and reproduces the racial hierarchies. Theorized by Cedric Robinson, racial capitalism acknowledges that “insofar as capitalism requires inequality to function as a system of exploitation, it has always also relied on racial categories to enshrine that inequality as natural rather than produced” (Story 2019, 6). Racial differences are not a secondary outcome of capitalism, but instead are constitutive elements of capitalism, whereby expropriative processes assign particular meanings to categories of difference. As Wang (2018) contends, “capitalist expropriation generates the racial order by fracturing the population into superior and inferior humans” (p. 121), in turn justifying the violence of extractivism territorial expansion and dispossession.

⁶ While Story (2019) writes about electronic monitoring used for alternatives to criminal imprisonment, alternatives to immigration detention also make use of the carceral technologies of electronic monitoring, community surveillance and voice reporting. See for example Canada’s alternative to detention program: <https://www.cbsa-asfc.gc.ca/security-securite/arr-det-eng.html>.

References

Abu-Laban, Y. 1998. “Keeping ‘em’ Out: Gender, Race, and Class Biases in Canadian Immigration Policy.” *Painting the Maple: Essays on Race, Gender, and the Construction of Canada* 1998: 69–82.

Atak, I., and J. C. Simeon. 2018. “Introduction: The Criminalization of Migration: Context and Consequences.” In *The Criminalization of*

Migration: Context and Consequences, I. Atak and J. C. Simeon, eds, 3–34. McGill-Queen’s University Press.

Baker v. Canada. 1999. Baker V. Canada (Minister of Citizenship and Immigration). CanLII 699 (SCC), [1999] 2 SCR 817. <https://canlii.ca/t/1fqlk>.

Beckett, K., and N. Murakawa. 2012. “Mapping the Shadow Carceral State: Towards an Institutionally Capacious Approach to Punishment.” *Theoretical Criminology* 16, no. 2: 221–244. <https://doi.org/10.1177/1362480612442113>.

Benslimane, S., and D. Moffette. 2019. “The Double Punishment of Criminal Inadmissibility for Immigrants.” *Journal of Prisoners on Prisons* 28, no. 1: 44–65. <https://doi.org/10.18192/jpp.v28i1.4351>.

Bonjour, S., and L. Cleton. 2021. “Co-Constructions of Family and Belonging in the Politics of Family Migration.” In *Handbook on the Governance and Politics of Migration*, 161–172.

Bosworth, M., K. Franko, and S. Pickering. 2018. “Punishment, Globalization and Migrant Control: ‘Get Them’ the Hell Out of Here.” *Punishment & Society* 20, no. 1: 34–53. <https://doi.org/10.1177/1462474517738984>.

Browne, S. A. 2002. “Of ‘Passport Babies’ and ‘Border Control’: The Case of Mavis Baker V. Minister of Citizenship and Immigration.” *Atlantis: Critical Studies in Gender, Culture & Social Justice* 26, no. 2: 97–108.

Chan, W. 2005. “Crime, Deportation and the Regulation of Immigrants in Canada.” *Crime, Law and Social Change* 44, no. 2: 153–180. <https://doi.org/10.1007/s10611-005-9000-6>.

Comfort, M. 2007. “Punishment Beyond the Legal Offender.” *Annual Review of Law and Social Science* 3, no. 1: 271–296. <https://doi.org/10.1146/annurev.lawsocsci.3.081806.112829>.

Condry, R., and S. Minson. 2020. “Conceptualizing the Effects of Imprisonment on Families: Collateral Consequences, Secondary Punishment, or Symbiotic Harms?” *Theoretical Criminology* 25, no. 4: 540–558. <https://doi.org/10.1177/1362480619897078>.

Danewid, I. 2021. “Policing the (Migrant) Crisis: Stuart Hall and the Defence of Whiteness.” *Security Dialogue* 53, no. 1: 21–37. <https://doi.org/10.1177/0967010621994074>.

De Genova, N., and N. M. Peutz. 2010. “Introduction.” In *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement*, N. De Genova and N. M. Peutz, eds, 1–30. Duke University Press.

de Noronha, L. 2020. *Deporting Black Britons: Portraits of Deportation to Jamaica*. Manchester University Press.

Foucault, M. 1979. *Discipline and Punish: The Birth of the Prison*. Translated by Alan Sheridan. Vintage Books.

Franko-Aas, K. 2011. “‘Crimmigrant’ Bodies and Bona Fide Travelers: Surveillance, Citizenship, and Global Governance.” *Theoretical Criminology* 15, no. 3: 331–346. <https://doi.org/10.1177/1362480610396643>.

Garneau, B., and S. Lehalle. 2021. “Carceral Experiences and Custodial Lifeworld of Prisoners’ Families: The Impacts of Ion Scan Technology in Canadian Prisons.” *Incarceration* 2, no. 1: 26326663211005251. <https://doi.org/10.1177/26326663211005251>.

Gaucher, M. 2014. “Attack of the Marriage Fraudsters!: An Examination of the Harper Government’s Antimarrriage Fraud Campaign.” *International Journal of Canadian Studies* 50, no. 50: 187–205. <https://doi.org/10.3138/ijcs.2014.011>.

Golash-Boza, T. 2016. “The Parallels Between Mass Incarceration and Mass Deportation: An Intersectional Analysis of State Repression.” *Journal of World-Systems Research* 22, no. 2: 484–509. <https://doi.org/10.5195/jwsr.2016.616>.

Gómez, L. E. 2010. “Understanding Law and Race as Mutually Constitutive: An Invitation to Explore an Emerging Field.” *Annual Review of Law and Social Science* 6, no. 1: 487–505. <https://doi.org/10.1146/annurev.lawsocsci.093008.131508>.

- Jardine, C. 2019. *Families, Imprisonment and Legitimacy: The Cost of Custodial Penalties*. Routledge.
- Lawson, E. 2013. "The Gendered Working Lives of Seven Jamaican Women in Canada: A Story About 'Here' and 'There' in a Transnational Economy." *Feminist Formations* 25, no. 1: 138–156. <https://doi.org/10.1353/ff.2013.0002>.
- Leah, R., and G. Moran. 1979. "Immigrant Women Fight Back: The Case of the Seven Jamaican Women." *Resources for Feminist Research* 8, no. 3: 23–24.
- Li, P. S. 2003. "The Place of Immigrants: The Politics of Difference in Territorial and Social Space." *Canadian Ethnic Studies Journal* 35, no. 2: 1–15.
- Lindskoog, C. D. 2022. "Migration, Racial Empire, and the Carceral Settler State." *Journal of American History* 109, no. 2: 388–398. <https://doi.org/10.1093/jahist/jaac241>.
- Martin, L. L. 2012. "Governing Through the Family: Struggles Over US Noncitizen Family Detention Policy." *Environment and Planning. A* 44, no. 4: 866–888. <https://doi.org/10.1068/a4477a>.
- Massari, A. 2023. "The Role of Images in Migration Governance. A Proposed New Theoretical Framework and Methodological Approach." In *Working Papers Series—Toronto Metropolitan Centre for Immigration and Settlement (TMCIS) and the CERC in Migration and Integration at Toronto Metropolitan University*. <https://www.torontomu.ca/content/dam/centre-for-immigration-and-settlement/tmcis/publications/workingpapers/2023-06-wp-massari.pdf>.
- Mathieu, S.-J. 2010. *North of the Color Line: Migration and Black Resistance in Canada, 1870–1955*. University of North Carolina Press.
- Maynard, R. 2017. *Policing Black Lives: State Violence in Canada from Slavery to the Present*. Fernwood Publishing.
- Menjívar, C., A. Gomez Cervantes, and D. Alvord. 2018. "The Expansion of 'crimmigration,' Mass Detention, and Deportation." *Sociology Compass* 12, no. 4: e12573. <https://doi.org/10.1111/soc4.12573>.
- Moffette, D. 2018. *Governing Irregular Migration: Bordering Culture, Labour, and Security in Spain*. UBC Press.
- Moffette, D., and S. Vadasaria. 2016. "Uninhibited Violence: Race and the Securitization of Immigration." *Critical Studies on Security* 4, no. 3: 291–305. <https://doi.org/10.1080/21624887.2016.1256365>.
- Montford, K. S., and D. Moore. 2018. "The Prison as Reserve." *New Criminal Law Review* 21, no. 4: 640–663. <https://doi.org/10.1525/nclr.2018.21.4.640>.
- Moran, D., J. Turner, and A. K. Schliehe. 2018. "Conceptualizing the Carceral in Carceral Geography." *Progress in Human Geography* 42, no. 5: 666–686. <https://doi.org/10.1177/0309132517710352>.
- Mountz, A., K. Coddington, R. T. Catania, and J. M. Loyd. 2013. "Conceptualizing Detention: Mobility, Containment, Bordering, and Exclusion." *Progress in Human Geography* 37, no. 4: 522–541. <https://doi.org/10.1177/0309132512460903>.
- Murdocca, C. 2013. *To Right Historical Wrongs: Race, Gender, and Sentencing in Canada*. UBC Press.
- Pratt, A. 2005. *Securing Borders: Detention and Deportation in Canada*. UBC Press.
- Roberts, D. 2002. *Shattered Bonds: The Colour of Child Welfare*. Basic Cavitas Books.
- Rodriguez, C. 2016. "Experiencing 'Illegality' as a Family? Immigration Enforcement, Social Policies, and Discourses Targeting Mexican Mixed-Status Families." *Sociological Compass* 10, no. 8: 706–717. <https://doi.org/10.1111/soc4.12393>.
- Rose, N., and P. Miller. 1992. "Political Power Beyond the State: Problematics of Government." *British Journal of Sociology* 43, no. 2: 173–205. <https://doi.org/10.2307/591464>.
- Rose, N., and M. Valverde. 1998. "Governed by Law?" *Social & Legal Studies* 7, no. 4: 541–551. <https://doi.org/10.1177/096466399800700405>.
- Said, E. 1979. *Orientalism*. New York: Vintage Books.
- Shachar, A. 2007. "The Shifting Border of Immigration Regulation." *Stanford Journal of Civil Rights and Civil Liberties* 3: 165–193.
- Sharma, N. 2021. "States and Human Immobilization: Bridging the Conceptual Separation of Slavery, Immigration Controls, and Mass Incarceration." *Citizenship Studies* 25, no. 2: 166–187. <https://doi.org/10.1080/13621025.2020.1859188>.
- Sharma, N. R. 2020. *Home Rule: National Sovereignty and the Separation of Natives and Migrants*. Duke University Press.
- Story, B. 2019. *Prison Land: Mapping Carceral Power Across Neoliberal America*. U of Minnesota Press.
- Thobani, S. 2007. *Exalted Subjects: Studies in the Making of Race and Nation in Canada*. Toronto: University of Toronto Press.
- Volpp, L. 2013. "Imaginations of Space in Immigration Law." *Law, Culture and the Humanities* 9, no. 3: 456–474. <https://doi.org/10.1177/1743872111435963>.
- Volpp, L. 2020. "Pushing Out and Bleeding in: On the Mobility of Border." In *The Shifting Border: Legal Cartographies of Migration and Mobility*. 1st ed., 158–176. Manchester University Press.
- Wadhawan, S. 2021. "Materialization of Racialized Surveillance: Lived Experiences of Home Imprisonment." *Incarceration* 2, no. 2. <https://doi.org/10.1177/26326663211021586>.
- Walia, H. 2013. *Undoing Border Imperialism*. Oakland, CA: AK Press.
- Walia, H. 2021. *Border & Rule: Global Migration, Capitalism, and the Rise of Racist Nationalism*. Fernwood Publishing.
- Wang, J. 2018. *Carceral Capitalism*. Semiotexte.
- Weber, L., and J. McCulloch. 2019. "Penal Power and Border Control: Which Thesis? Sovereignty, Governmentality, or the Pre-emptive State?" *Punishment & Society* 21, no. 4: 496–514. <https://doi.org/10.1177/1462474518797293>.