

Scapegoating the Vulnerable: Preventive Detention of Immigrants in America's War on Terror

Scapegoating the Vulnerable: Preventive Detention of Immigrants in America's "War on Terror"

Aslı Ü Bâli

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Abstract

This paper argues that the nation's immigration laws are being misused to craft a system of preventive administrative detention of immigrant men, predominantly of Middle Eastern background. These detentions give rise to imprisonment without charge for weeks and months, denial of access to lawyers, physical and psychological abuse and ultimately deportations without a fair initial hearing or the exhaustion of available appellate recourse. I argue that this expanded use of civil immigration detention is designed to weaken constitutional due process protections, bringing into the U.S. detention tactics adopted abroad under the rubric of the war on terror. This paper also highlights similarities between the evolving administrative detention system in the United States and longer-standing practices in Israel.

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