

# United States Migrant Interdiction and the Detention of Refugees in Guantánamo Bay



AZADEH DASTYARI

CAMBRIDGE

# United States Migrant Interdiction And The Detention Of Refugees In Guantnamo Bay

**Huangqi Zhang**



## **United States Migrant Interdiction And The Detention Of Refugees In Guantnamo Bay:**

**United States Migrant Interdiction and the Detention of Refugees in Guantánamo Bay** Azadeh Dastyari, 2015

**Refuge Lost** Daniel Ghezelbash, 2018-02-22 As more restrictive asylum policies are adopted around the world

Ghezelbash explores the implications for the international refugee protection regime **IOM Unbound?** Megan Bradley, Cathryn Costello, Angela Sherwood, 2023-06-29 It is an era of expansion for the International Organization for Migration IOM an increasingly influential actor in the global governance of migration Bringing together leading experts in international law and international relations this collection examines the dynamics and implications of IOM's expansion in a new way Analyzing IOM as an international organization IO the book illuminates the practices obligations and accountability of this powerful but controversial actor advancing understanding of IOM itself and broader struggles for IO accountability The contributions explore key yet often under researched IOM activities including its role in humanitarian emergencies internal displacement data collection ethical labour recruitment and migrant detention Offering recommendations for reforms rooted in empirical evidence and careful normative analysis this is a vital resource for all those interested in the obligations and accountability of international organizations and in the field of migration This title is also available as Open Access on Cambridge Core **Out of Sight, Out of Right?** Azadeh Dastyari, 2013 The United States operates a Migrant Interdiction Program MIP outside its territorial sea and in Guant namo Bay Cuba This thesis provides a legal analysis of the MIP as it relates to Haitian and Cuban nationals interdicted by the United States This thesis examines the MIP from the perspective of the United States municipal law as well as a range of applicable international laws including international maritime human rights and refugee law This thesis argues that the United States MIP is largely compliant with its own municipal law and international maritime law with the important exception of the United States practice of turning rescue operations into interdiction operations However the MIP places the United States in breach of numerous obligations under international human rights and refugee law This thesis argues that the most viable means of remedying these violations is for the United States to cease the practice of turning rescue operations into interdictions refrain from the use of Guant namo Bay as a refugee processing and detention facility conduct all status determinations in the United States and resettle individuals owed protection from refoulement in the United States This thesis will also argue that interdictees and their advocates cannot turn to the international legal regime or to the courts of the United States to compel the United States executive to abide by its international obligations This is because of the lack of effective enforcement mechanisms in the international legal regime Furthermore international human rights and refugee law obligations discussed in this thesis are not enforceable in the courts of the United States without additional implementing legislation The United States has not implemented all of its international obligations in municipal law and those obligations that have been implemented are unlikely to apply to the United States executive in international waters and in Guant namo Bay **The Western Journal of**

**Black Studies** ,2006      ISLA ,1999 Clippings of Latin American political social and economic news from various English language newspapers      **Implementation of the Immigration Act of 1990, Permanent and Temporary Immigrants, Immigration and Refugee Policy, Agricultural Workers, Discrimination and Employer Sanctions, Migrant Farm Workers' Health Issues, HIV as a Ground for Exclusion, Commission on Immigration Reform, U.S. Policy Toward Haitian Refugees and Asylum Seekers, Humanitarian Intervention** Lydio F. Tomasi,1994 The articles included in Part III of this volume are as follows The new administration s policies on refugees and migration P Clapp United States asylum process problems and proposals E Hull United States policy toward Haitian refugees is it only institutionalized racism I J Kurzban Haiti protecting the refugee P Virtue Toward a new U S policy concerning Haitian asylum seekers A C Helton Reconciling refugee relief and humanitarian intervention the need to recognize a right to evacuation M Gibney Humanitarian intervention R P Winter Goals of humanitarian intervention R T Miller Sovereignty human rights displaced persons intervention and UNHCR action F Chang Muy Chapter 1 and the changing city adapting mainstream programs to serve newcomer populations M Fix and W Zimmerman Refugees immigrants and the future a state perspective E B Silverman Improving U S refugee resettlement R Deffenbaugh Potential implications of legislative change on immigrant settlement into a major urban center the case of New York City and the Immigration Act of 1990 R J Ortiz and J J Salvo Neighborhood based immigration services in New York City K Shaw      **In Defense of the Alien** ,1993      **Boats, Borders, and Bases** Jenna M. Loyd,Alison Mountz,2018-03-13 Discussions on U S border enforcement have traditionally focused on the highly charged U S Mexico boundary inadvertently obscuring U S Caribbean relations and the concerning asylum and detention policies unfolding there Boats Borders and Bases offers the missing racialized histories of the U S detention system and its relationship to the interception and detention of Haitian and Cuban migrants It argues that the U S response to Cold War Caribbean migrations actually established the legal and institutional basis for contemporary migration and detention and border deterrent practices in the United States This book promises to make a significant contribution to a truer understanding of the history and geography of the U S detention system overall Provided by publisher      Islands of Sovereignty Jeffrey S. Kahn,2019-01-03 In Islands of Sovereignty anthropologist and legal scholar Jeffrey S Kahn offers a new interpretation of the transformation of US borders during the late twentieth century and its implications for our understanding of the nation state as a legal and political form Kahn takes us on a voyage into the immigration tribunals of South Florida the Coast Guard vessels patrolling the northern Caribbean and the camps of Guant namo Bay once the world s largest US operated migrant detention facility to explore how litigation concerning the fate of Haitian asylum seekers gave birth to a novel paradigm of offshore oceanic migration policing Combining ethnography in Haiti at Guant namo and alongside US migration patrols in the Caribbean with in depth archival research Kahn expounds a nuanced theory of liberal empire s dynamic tensions and its racialized geographies of securitization An innovative historical anthropology of the

modern legal imagination Islands of Sovereignty forces us to reconsider the significance of the rise of the current US immigration border and its relation to broader shifts in the legal infrastructure of contemporary nation states across the globe

*Detain and Punish* Carl Lindskoog, 2019-09-02 Immigrants make up the largest proportion of federal prisoners in the United States incarcerated in a vast network of more than two hundred detention facilities This book investigates when detention became a centerpiece of U S immigration policy *Detain and Punish* reveals why the practice was reinstituted in 1981 after being halted for several decades and how the system expanded to become the world s largest immigration detention regime

**In the Shadow of Liberty** Ana Raquel Minian, 2024-04-16 Winner of the PEN John Kenneth Galbraith Award for Nonfiction Finalist for the Z calo Public Square Book Prize Meticulous Storytelling allows Minian to convey the physical and emotional toll of detention with potent specificity The result is a book length plea against dehumanization at least for those who are willing to listen Jennifer Szalai The New York Times A probing work of narrative history that reveals the hidden story of immigrant detention in the United States deepening urgent national conversations around migration In 2018 many Americans watched in horror as children were torn from their parents at the US Mexico border under Trump s family separation policy But as historian Ana Raquel Minian reveals in *In the Shadow of Liberty* this was only the latest chapter in a saga tracing back to the 1800s one in which immigrants to the United States have been held without recourse to their constitutional rights Braiding together the vivid stories of four migrants seeking to escape the turmoil of their homelands for the promise of America *In the Shadow of Liberty* gives this history a human face telling the dramatic story of a Central American asylum seeker a Cuban exile a European war bride and a Chinese refugee As we travel alongside these indelible characters *In the Shadow of Liberty* explores how sites of rightlessness have evolved and what their existence has meant for our body politic Though these black sites exist out of view for the average American their reach extends into all of our lives the explosive growth of the for profit prison industry traces its origins to the immigrant detention system as does the emergence of Guantanamo and the gradual unraveling of the right to bail and the presumption of innocence Through these narratives we see how the changing political climate surrounding immigration has played out in individual lives and at what cost But as these stories demonstrate it doesn t have to be like this and a better way might be possible

*The Guantanamo Effect* Laurel Emile Fletcher, Eric Stover, 2009-09-01 This book based on a two year study of former prisoners of the U S government s detention facility at Guant namo Bay Cuba reveals in graphic detail the cumulative effect of the Bush administration s war on terror Scrupulously researched and devoid of rhetoric the book deepens the story of post 9 11 America and the nation s descent into the netherworld of prisoner abuse Researchers interviewed more than sixty former Guant namo detainees in nine countries as well as key government officials military experts former guards interrogators lawyers for detainees and other camp personnel We hear directly from former detainees as they describe the events surrounding their capture their years of incarceration and the myriad difficulties preventing many from resuming a normal

life upon returning home Prepared jointly by researchers with the Human Rights Center University of California Berkeley and the International Human Rights Law Clinic University of California Berkeley School of Law in partnership with the Center for Constitutional Rights The Guantanamo Effect contributes significantly to the debate surrounding the U S s commitment to international law during war time Forever Prisoners Elliott Young,2021 The first broad history of immigrant detention in the United States Forever Prisoners narrates the stories of immigrants locked up by the US government from the late nineteenth century to the present showing how criminality has become conflated with undocumented migrants Closing the Guantanamo Detention Center Michael John Garcia,2009 On Jan 22 2009 Pres Barack Obama issued an Executive Order requiring the Guantanamo detention facility to be closed as soon as practicable This report provides an overview of major legal issues likely to arise as a result of actions to close the Guantanamo detention facility It discusses legal issues related to the transfer or release of Guantanamo detainees the continued detention of such persons in the U S and the possible removal of persons brought to the U S Discusses constitutional issues that may arise in the criminal prosecution of detainees Also discusses detainees right to a speedy trial the prohibition against prosecution under ex post facto laws and limitations upon the admissibility of hearsay and secret evidence **Guantanamo** Michael Ratner, Ellen Ray,2004 Looks at the Guantanamo Bay Naval Base in Cuba and the people being held there by the United States *"You Don't Have Rights Here"* Clara Long, Alison Parker, Human Rights Watch (HRW),2014 In recent years the United States has apprehended growing numbers of Central Americans crossing the US Mexico border without authorization These migrants have left their countries for many reasons including fleeing rising violence by gangs involved in the drug trade US Customs and Border Protection deports the overwhelming majority of migrants it apprehends from Central America in accelerated processes known as expedited removal or reinstatement of removal These processes include rapid fire screening for a migrant s fear of persecution or torture upon return to their home country You Don t Have Rights Here details how summary screening at the US border is failing to identify people fleeing serious risks to their lives and safety It is based primarily on the accounts of migrants sent back to Honduras or in detention in US migrant detention facilities An analysis of US government deportation data shows that the Border Patrol flags only a tiny minority of Central Americans for a more extended interview to determine if they have a credible fear of returning home Migrants said that Border Patrol officers seemed singularly focused on deporting them and their families despite their fear of return Some said that after their deportation they went into hiding fearful for their lives Human Rights Watch calls on the US government to ensure that immigration authorities give the cases of Central American migrants sufficient scrutiny before returning them to risk of serious harm It also urges US authorities to stop detaining migrant children and to improve migrants access to lawyers back cover **Detention Empire** Kristina Shull,2022-08-30 The early 1980s marked a critical turning point for the rise of modern mass incarceration in the United States The Mariel Cuban migration of 1980 alongside increasing arrivals of Haitian and Central American asylum seekers galvanized new

modes of covert warfare in the Reagan administration's globalized War on Drugs Using newly available government documents Shull demonstrates how migrant detention operates as a form of counterinsurgency at the intersections of US war making and domestic carceral trends As the Reagan administration developed retaliatory enforcement measures to target a racialized specter of mass migration it laid the foundations of new forms of carceral and imperial expansion Reagan's war on immigrants also sowed seeds of mass resistance Drawing on critical refugee studies community archives protest artifacts and oral histories Detention Empire also shows how migrants resisted state repression at every turn People in detention and allies on the outside including legal advocates Jesse Jackson's Rainbow Coalition and the Central American peace and Sanctuary movements organized hunger strikes caravans and prison uprisings to counter the silencing effects of incarceration and speak truth to US empire As the United States remains committed to shoring up its borders in an era of unprecedented migration and climate crisis reckoning with these histories takes on new urgency

**Military Commissions Act and the Continued Use of Guantanamo Bay as a Detention Facility** United States. Congress. House. Committee on Armed Services, 2008 Wartime Detention Provisions in Recent Defense Authorization Legislation Congressional Research Service, 2015-01-23 In recent years Congress has included provisions in annual defense authorization bills addressing issues related to detainees at the U S Naval Station at Guantanamo Bay Cuba and more broadly the disposition of persons captured in the course of hostilities against Al Qaeda and associated forces The National Defense Authorization Act for FY2012 2012 NDAA P L 112 81 arguably constituted the most significant legislation informing wartime detention policy since the 2001 Authorization for the Use of Military Force AUMF P L 107 40 which serves as the primary legal authority for U S operations against Al Qaeda and associated forces Much of the debate surrounding passage of the 2012 NDAA centered on what appeared to be an effort to confirm or as some observers view it expand the detention authority that Congress implicitly granted the President via the AUMF in the aftermath of the terrorist attacks of September 11 2001 But the 2012 NDAA addressed other issues as well including the continued detention of persons at Guantanamo Both the 2013 NDAA P L 112 239 and the 2014 NDAA P L 113 66 also contain subtitles addressing U S detention policy though neither act addresses detention matters as comprehensively as did the 2012 NDAA The FY2015 NDAA P L 113 291 and the Consolidated and Further Continuing Appropriations Act 2015 2015 Omnibus P L 113 235 essentially maintain the status quo The 2012 NDAA authorizes the detention of certain categories of persons and requires the military detention of a subset of them subject to waiver regulates status determinations for persons held pursuant to the AUMF regulates periodic review proceedings concerning Guantanamo detainees and continued funding restrictions on Guantanamo detainee transfers During floor debate significant attention centered on the extent to which the bill and existing law permit the military detention of U S citizens believed to be enemy belligerents especially if arrested within the United States The enacted version included a provision clarifying that the act's affirmation of detention authority under the AUMF is not intended to affect existing authorities

relating to the detention of U S citizens or lawful resident aliens or any other persons arrested in the United States When signing the 2012 NDAA into law President Obama stated that he would not authorize the indefinite military detention without trial of American citizens The 2012 NDAA and subsequent defense authorization enactments also included provisions concerning the transfer or release of detainees currently held at Guantanamo Both the 2012 and 2013 NDAAs extended the existing prohibition on the release of detainees into the United States for any purpose as well as restrictions upon the transfer of such Guantanamo detainees to foreign countries The 2014 NDAA extends the blanket prohibition on transferring Guantanamo detainees to the United States but allows the Executive greater flexibility in determining whether to transfer detainees to foreign custody Both policies are continued in the 2015 NDAA and the 2015 Cromnibus and the Obama Administration has stepped up the transfer of detainees to foreign countries This report offers a brief background of the salient issues raised by the detainee provisions of the FY2012 NDAA provides a section by section analysis and discusses executive interpretation and implementation of the act s mandatory military detention provision It also addresses detainee provisions in the 2013 NDAA and 2014 NDAA as well as those considered during the House and Senate deliberations of the 2015 NDAA An earlier version of this report was entitled The National Defense Authorization Act for FY2012 and Beyond Detainee Matters



## The Enigmatic Realm of **United States Migrant Interdiction And The Detention Of Refugees In Guantnamo Bay**: Unleashing the Language is Inner Magic

In a fast-paced digital era where connections and knowledge intertwine, the enigmatic realm of language reveals its inherent magic. Its capacity to stir emotions, ignite contemplation, and catalyze profound transformations is nothing lacking extraordinary. Within the captivating pages of **United States Migrant Interdiction And The Detention Of Refugees In Guantnamo Bay** a literary masterpiece penned by way of a renowned author, readers embark on a transformative journey, unlocking the secrets and untapped potential embedded within each word. In this evaluation, we shall explore the book is core themes, assess its distinct writing style, and delve into its lasting impact on the hearts and minds of those that partake in its reading experience.

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