

OPEN PEER REVIEW

# The Legal Construction of “Dangerous Others”: Immigration Law and Racial Profiling

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## 1. Round 1

### 1.1. Reviewer 1

Reviewer:

The phrase “These associations are not based on empirical risk assessments...” would benefit from a citation or brief elaboration. Consider referencing key empirical studies that debunk risk-based justifications for racial profiling in immigration.

The assertion that “These practices... are seen across a range of democratic societies...” may appear overgeneralized. Consider acknowledging countries with contrasting enforcement paradigms or scholarly critiques of this view.

The article discusses “citizenship” extensively without offering a legal or constitutional definition. Please include a concise definition of citizenship in the legal context to ground your argument more firmly.

The article states, “Interior enforcement policies have also played a significant role in racial profiling...” Consider integrating statistical data from enforcement programs such as 287(g) to substantiate this claim.

While ICE and Frontex are discussed, immigration institutions in the Global South are largely absent. Consider briefly discussing similar enforcement dynamics in countries like Australia or India to enhance global applicability.

“Discretion” is used repeatedly, but its legal implications are not fully unpacked. Consider distinguishing between prosecutorial discretion, judicial discretion, and administrative discretion to avoid ambiguity.

The critique of political rhetoric would be more compelling if supplemented with empirical discourse analyses or studies measuring media effects on public opinion or policy formation.

Authors revised the manuscript and uploaded the document.

## 1.2. Reviewer 2

Reviewer:

You state that “The data analysis... followed a thematic analysis approach.” Please elaborate on how themes were developed and validated. Were multiple coders used? What criteria were applied in categorization?

The paper states that sources are drawn from 2021–2025, yet the article's acceptance date is December 2024. Please clarify how materials from 2025 were accessed, or adjust the range for accuracy.

The sentence “The term ‘illegal alien’ is especially problematic...” would benefit from a citation from media studies literature or legal linguistics to strengthen the critical language analysis.

The transition from the Chinese Exclusion Act to post-9/11 surveillance skips over important mid-20th-century legal developments. Consider briefly referencing the 1965 Immigration and Nationality Act as a pivotal restructuring point.

The framework powerfully addresses race but does not consider intersecting factors like gender, class, or sexual orientation. Consider briefly integrating intersectionality to enrich the analysis.

The phrase “racialized legal language into practice... using discretionary power... to target and detain racialized immigrants” uses “racialized” repetitively. Consider stylistic variation or consolidation for clarity.

Authors revised the manuscript and uploaded the document.

## 2. Revised

Editor's decision: Accepted.

Editor in Chief's decision: Accepted.