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Old Stereotypes Die Hard? Public Perceptions and Political Outcomes of Perceived Immigrant  
Criminality

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How does research on the relationship between immigration and crime differ from public perception? What are the implications of this continued association between immigrants and crime?

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## Introduction and Methodology

The idea that immigration is linked to crime enters into public discourses with each new wave of migrants. Today, one might point to any one of Donald Trump's numerous statements about Mexican migrants as drug lords, criminals and rapists, or his assertion that America has become a "dumping ground for Mexico's criminal element" (The Economist, 2015). While these statements may have appeared as merely isolated ramblings, they belong to a growing wave of anti-immigrant sentiment present in many prominent immigrant-receiving western nations (Brown, 2016). Arguably, recent trends from Brexit to Donald Trump's presidential win were crucially influenced by this popular anti-immigrant backlash<sup>1</sup>. While anti-immigration camps cite economic costs from job loss to burdens on education and social services, they also include concern for safety and fears of increased crime (Abrajano and Hajnal, 2015). This anxiety, rationalized by a perceived link between immigrants and criminal behaviour, has been found across a number of Western countries, including and the United States (Simon and Sikich, 2007). According to a Gallup poll conducted in the United States in 2007, fifty eight percent of respondents indicated that they believed "immigrants were likely if not very likely to cause higher crime rates"<sup>2</sup>. Furthermore, these opinions are not held simply

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<sup>1</sup> Exit polls from the most recent US election suggest that anti-immigrant sentiment, second only to historical party affiliation (which consistently predicts voting behaviour), was the most influential factor in deciding to vote for Trump. For more information see <http://www.vox.com/policy-and-politics/2016/10/15/13286498/donald-trump-voters-race-economic-anxiety>

<sup>2</sup> No page number, retrieved online at <http://www.gallup.com/poll/1660/immigration.aspx>

by more radical elements of the public, but are supported and given legitimacy by some in the media, institutionalized policy advocacy groups, and political figures (Kappeler, 2014). As explained by Kappeler (2014), anti-immigrant rhetoric with an implicit acknowledgement of a link to increased crime “became an easy way for politicians to focus public attention away from domestic social problems and generate fears to advance their agendas and political careers...The economic crisis, media sensationalism and state politicians’ not so subtle appeals to racism were all used to reconstitute the crime threat” associated with immigrants<sup>3</sup>.

Yet nearly three decades of empirical research indicates that the stereotype of the criminal migrant is unfounded. In fact, an emerging scholarly consensus argues that that under certain conditions immigration may have a hand in *lowering* crime rates (Sampson, 2006).

This MRP will provide a review of what we know about the public perception and empirical reality of the relationship between immigration and crime in the United States, and why the acknowledgement of this disconnect matters from a public policy perspective. It will explore how, despite evidence suggesting no link exists between immigration and crime at the individual or macro-social level, the perception continues to linger and influence policy decisions.

Part 1 will discuss the perception of immigrant criminality, the assumptions of segments of the public, the sociological and criminological theories that may influence this

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<sup>3</sup> No page number, retrieved online at <http://plsonline.eku.edu/insidelook/reality-immigrant-criminality-beyond-political-propaganda>

perception, and the distinct yet interrelated issue of race and criminality. Part 2 will review the research whose findings overwhelmingly challenge these perceptions in demonstrating that immigrants are not more involved in criminal activity than non-immigrants across a variety of factors and conditions. Part 3 will discuss why the continued presumption of inherent criminality among immigrants is important. It will argue that these largely misguided ideas underpin policies that see immigrants as a threat to be controlled or managed by the criminal justice apparatus, and risk being harmful and ineffective.

## METHODS

The disconnect between public perception and empirical evidence in the relationship between immigration and crime can be effectively demonstrated through a survey of the relevant literature and analysis of the findings of previous research. This paper focuses on research conducted over the past thirty years, for a number of reasons. First, the research within this time frame shows that that academic interest in the perception and empirical reality of the immigration/crime relationship comes in waves, usually coinciding with large increases in immigration, with the most recent ‘wave’ of interest beginning 30 years ago. Secondly, this most recent wave of immigration and academic interest had a much greater racial/ethnic dimension to it than in previous eras: immigrants to North America are no longer predominantly white, as they were before the 80s and 90s. It has been shown that there is a racial element to public debates surrounding the perceived threat that immigrants, particularly of Hispanic and Middle Eastern descent pose to their host societies. This ethnic/racial

dimension of the modern immigration issue links to policies that attempt to control these new immigrants through the criminal justice system. Finally, this MRP focuses on issues that are problematically topical. Brought to light in particular by the rhetoric of the most recent American election, and the growing hostility towards immigration in many parts of Europe, there continues to be an association between immigrants and criminality both by significant portions sections of the public as well as some of their political representatives.

In terms of sources and research strategy for this MRP, I have examined secondary sources such as peer reviewed journal articles, news media pieces (such as articles from the *Economist*. With respect to the peer reviewed journal articles, I first searched Google Scholar and the University of Ottawa Library web archives for articles with terms such as “immigration, crime” “immigration, crime, connection, evaluate”, “immigration, crime, perception” “immigration-crime nexus” “immigrant, commit, crime”. I then found the two most often cited literature reviews relating to my topic: “Lee, M. T., & Martinez, R. (2009), Immigration reduces crime: An emerging scholarly consensus” and “Ousey, G. C., & Kubrin, C. E. (2009) Exploring the connection between immigration and violent crime rates in US cities”. From there, I used a snowballed sampling technique to find other articles by looking at their literature reviews, and articles that cited their research. I used news media pieces to look at the public perception of immigration, searching on Lexis Nexis for terms such as “immigrant, crime, perception, United States”.

Overall, what was found was that segments of the population in the US believes that immigrants are more crime-prone than non-immigrants, especially Hispanic undocumented migrants and documented Muslim migrants. While some of this may be explained by overt racism, there is also a number of sociological and criminological theories that explain why

immigrants across racial backgrounds may be more crime-prone than native-born citizens. However, research over the last 30 years finds that immigrants, documented or otherwise, commit fewer crimes than non-immigrants, that high-concentrations of immigrants reduce crime rates, and that an increase in immigration over time does not increase the overall crime rate, but may actually have a hand in lowering it. Yet despite this research, the idea that immigrants are inherently more criminal continues to seep into public policy decisions.

Thus, the sections that follow will begin by establishing this association. It will begin by addressing what is meant by the public perception of immigrant criminality. How does race/ethnicity play a role in this public perception of immigrant criminality? In what ways do sociological and criminological theory explain that the association might extend beyond simply racism?

## Part 1: Perception

### THE IMMIGRATION-ETHNICITY NEXUS

One cannot discuss the public perception of immigrant criminality without a discussion of its intersection with race and ethnicity. While they are distinct concepts and political issues in their own right, there are important convergences between them particularly in terms of public attitudes.

Increasingly, immigrants coming to the United States belong to non-white ethnic minority groups, a trend that has been growing over the last 30 to 40 years (Zong 2015). Whereas previous cohorts of immigrants primarily arrived from white-dominant European countries, since the mid 1960s immigrants have most often originated from Mexico and Latin America, Asia (including the Middle East), and the Caribbean, and belonged to the Latino, Asian, Middle Eastern and Afro-Caribbean minority groups (Hagan and Palloni, 1998; Tonry, 1997). More recently, visible minority foreign-born migrants comprised 60 percent of the total incoming US population<sup>4</sup> in 2013<sup>5</sup>, a figure that many researchers expect to rise in the coming decades (Zong, 2015). However, not all immigrants to the United States belong to ethnic, racial, or visible minority groups, just as not all people belonging to these minority groups are immigrants: some immigrant to North America are white, and some people who belong to

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<sup>4</sup> This figure is estimated for migrants overall, including those who are both documented and undocumented

<sup>5</sup> According to Zong (2016) at the Migration Policy Institute, “ Mexican-born immigrants accounted for approximately 28 percent of the 41.3 million foreign born in the United States, making them by far the largest immigrant group in the country. India was the second largest, closely trailed by China (including Hong Kong but not Taiwan), which both accounted for about 5 percent, while the Philippines (4 percent) was the fourth largest sending country. Vietnam, El Salvador, Cuba, and Korea (3 percent each), as well as the Dominican Republic and Guatemala (2 percent each), complete the top ten countries of origin”

ethnic minorities were born in North America. While often they are regarded as the same, it is important to keep in mind that this is not always the case.

This distinction between immigration and ethnic minority status is important as concerns around immigration, and its seemingly related criminality, can be a dog-whistle for race and ethnic prejudice in public discourse. Racialized rhetoric meant to appeal to nativist sentiment and other internalized social fears of outgroups (as articulated by the Minority Threat thesis in Part 2), have increasingly been framed in relation to immigrants, arguably because openly racist statements are considered no longer widely socially acceptable (Brown, 2016; Zatz, 2012). According to Brown, (2016), crime is often used as a “racialized proxy issue” (p.318), a way of triggering an association with race relations and continuing to appeal to nativist sentiments, without fear of sounding overtly racist. As Zatz (2012) further explains, “this linking of immigration and crime provides an effective rallying cry for politicians and pundits, allowing them to demonize immigrants and reinforce radicalized anxieties without ever explicitly invoking race” (p.142). Thus, while race/ethnic issues are intertwined with immigration, particularly in terms of public perceptions, it is important to acknowledge that immigrants and ethnic minorities are not always the same.

#### WHAT DO PEOPLE BELIEVE?

Simply put, many people in popular Western host countries hold the belief that immigrants commit more crimes than non-immigrants: i.e that when more immigrants arrive, so does more crime. While it may seem especially heightened given the rhetoric of the 2016 US election, and its result, the link between immigration and crime in public consciousness has persisted throughout North American history. Researchers point to the 1920s where Italian,

Irish and Eastern European immigrants were viewed unfavourably due to perceived ties to the Mafia, alcohol and drug abuse, and cultural predisposition to other criminal behaviour (Brown, 2016; Hagan, 2009; Martinez and Lee, 2000b). Later decades saw this sentiment applied to Chinese and Japanese newcomers (Higgins et. al, 2010; Martinez and Lee, 2000b; Abbott 1931). While immigrants belonging to some of these groups might be regarded more favorably today, the stereotype of the criminal migrant persists most notably among Latino or Muslim newcomers (Zatz, 2012; Kurbin, 2012; Martinez and Lee 2000a; Simon 1993).

Today, this public association of migrants with increased criminality is arguably strongest when it comes to undocumented Latino migrants, particularly in the United States<sup>6</sup>. They are the most likely to be intrinsically associated with cartels, drug trafficking, human trafficking, violent gangs and other criminal behaviours. Many Americans also see undocumented people as inherently criminal for existing in the territory without papers. The use of words such as “illegal alien” or simply “an illegal” when discussing undocumented immigrants inherently signifies criminality, irrespective of their not necessarily having committed any other offence. Following this logic, undocumented immigrants are also seen as “repeat lawbreakers” as they break the law a second time to work while undocumented. As articulated by Brown (2016) “Such framings also asserted that illegal entry, visa-overstay, and the minor immigration-related infractions that often follow them (such as working with false papers) should be taken as prima facie evidence of a predisposition to criminality”<sup>7</sup>. In this

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<sup>6</sup> That is not to say that anti-immigrant sentiment, or a perceived link between immigration and crime does not exist towards other ethnic groups or towards immigrants in general, as this section continues to explain

<sup>7</sup> No page number, retrieved from <https://link.springer.com/article/10.1007/s10612-016-9317-8>

way, undocumented immigrants are significantly more likely to be framed as inherently criminal than legal immigrants.

However, even legal immigrants may connote an inherent predisposition to crime in the public eye. This is especially the case with Muslim immigrants, who often seen as culturally distinct and less willing to assimilate than previous immigrant groups. Especially since 9/11, Muslim immigrants are most often associated with a predisposition for engaging in the crime of terrorism, the subversion of national laws and gender-based violence (Zatz, 2012; Kurbin, 2012; Martinez and Lee 2000). Specifically, Brown (2016) finds that in US Republican speeches since 2008, 70 % of statements made regarding immigration “framed migrants as potential terrorists... “87.5 % [of those statements] openly labeled Muslim migrants as the primary source of danger” (p.324). Further, there has been widespread support for Donald Trump’s (likely unconstitutional) ban on Muslims entering the United States as a counter-terrorism strategy<sup>8</sup> (Hussain, 2016). A Gallup poll in 2014 even found that 25% of American adults indicated that "requiring Muslims, including those who are U.S. citizens, to carry a special ID" would be an effective counter-terrorism policy (Ingraham, 2016). While some suggest that these attitudes may represent only fringe members of society, this institutionalized minority now partially controls the house, the senate and the executive branch of the US government.

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<sup>8</sup> According to Hussain (2016) “ A YouGov/*Huffington Post* poll published this week found that 51 percent of Americans now support the ban, up from 45 percent in December. The same poll also found strong support for Sen. Ted Cruz’s proposal to “patrol and secure” Muslim neighborhoods, with 45 percent of Americans in favor”. No page number, retrieved from <https://theintercept.com/2016/03/30/majority-of-americans-now-support-trumps-proposed-muslim-ban-poll-shows/>

Although Latinos and Muslims bear the brunt of anti-immigrant attitudes and the strongest association with immigrant criminality, an association between immigration and criminality exists across immigrant groups. A Gallup poll in 2007 found that 58% of Americans believed that documented and undocumented migrants to the United States, regardless of nation of origin, would make the crime situation worse (Gallup, 2016)<sup>9</sup>. Research looking at the U.S General Social Survey in 2000 (NORC, University of Chicago, 2000) found that 73% of Americans believed that immigration in general caused increases in crime<sup>10</sup> (Rumbaut et. al. 2006). Thus, research has shown evidence that a public perception linking immigration to crime is prominent in the United States.

#### THEORIES THAT PREDICT HIGHER CRIME AMONG IMMIGRANTS

While some may easily dismiss anti-immigrant attitudes framed in terms of a predisposition to crime simply as racism, there is a history of scholarship in the fields of criminology and sociology that explains why it may be possible for this to be true, irrespective of specific ethnic background. Arguably, the entire public perception of immigrant criminality may not be simply miseducation or ignorance, but may be in part explained or influenced by institutional scholarly works. Theories such the Minority Threat theory, Social Disorganization theory, Relative Strain theory, Cultural Deviance and Reconciliation theory base their analyses on various social conditions of immigrants and other similarly situated groups, which may lend credibility to and reinforce the public perception of the criminal migrant (Wortley, 2009).

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<sup>9</sup> 2007 is the most recent year that this information is available for. Importantly, the question specified immigrants in general, not just illegal immigrants.

<sup>10</sup> 73% of respondents indicated that they “somewhat agreed” “agreed” or “strongly agreed” with the statement that increases in immigration causes increases crime

## *Minority Threat Thesis*

One such theory that may help explain why segments of the public have a perception of heightened immigrant criminality is the Minority Threat thesis. Borrowing heavily from social psychological research on ingroup favouritism and outgroup exclusion, the Minority Threat theory pioneered by sociologist Dr. Blalock in 1967 asserts that as the size of a minority group increases, the majority group will “perceive this competition as threatening to its position in society”<sup>11</sup>(Higgins, 2010; p.52). This threat can be represented as both economic, such as competition for limited jobs, and political, in terms of losing representation in government (due to changing demographics of an electoral area). This theory was developed to explain the ways in which competition, power and population size can be used to understand attempts to control racial/ethnic minorities. However, many researchers have used it to explain the association between immigrants and crime, as the majority of immigrants to North America belong to a noticeably different group than the majority in their host countries. As Rumbaut et. al. (2006; p.3) explains, “periods of increased immigration have historically been accompanied by nativist alarms and pervasive pejorative stereotypes of newcomers, particularly ... when the immigrants have en-masse differed substantially from natives in such cultural markers as religion, language, phenotype and region of origin.”

The theory goes on to argue that in the face of this threat, the dominant group will attempt to use methods of social control, such as the criminal justice system, to address it (Higgins et. al. 2010; Rumbaut, 2006). As explained by Higgins et. al. 2010, “This control

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<sup>11</sup> Interestingly, psychologists have found that this response is largely unconscious: people aren’t able to identify that they feel threatened by the outgroup, even if they feel that they are, and elicit the type of responses that indicate anxiety from a perceived threat (Higgins, 2010)

typically manifests itself in the form of discrimination and the use of the criminal justice system as a mechanism to keep undesirable populations, such as immigrants, under control” (p.52). Thus, some researchers argue, public perception of a connection between immigration and crime may derive from a perceived weakening of economic and political status by the dominant social group in a host country.

Some research found evidence that this theory might explain why segments of the public view immigrants as more crime-prone. For example, Chandler and Tsai (2001) found that those who viewed the economy as being worse off held stronger anti-immigration views in general than those who were more optimistic. This indicates that a perception of economic threat from an outgroup may elicit a social-control response: a key assertion of the Minority Threat theory. Further evidence was found by Burns and Gimpel (2000), who discovered that personal economic hardship had the greatest effect on an American respondents’ anti-immigrant attitudes, asserting that “prejudice is ultimately an expression of self-interested calculations based on one’s economic position; and anti-immigrant attitudes are traceable to economic anxieties...the fear of labor competition could easily bring about demands for protection even in the absence of racist beliefs” (p.203). Particularly with respect to the association of immigrants with criminality, evidence suggests that Americans are more likely to agree with the statement that immigrants increase crime if they themselves are lower skilled workers - the kind of worker whose job might be replaced by an unskilled immigrant worker, and thus more likely to feel personally economically threatened<sup>12</sup> (Bell and Machin, 2013). Brown (2016) found that Republicans in particular have been especially successful at courting

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<sup>12</sup> Chandler and Tsai also looked at this relationship in 2005, using data from the 1994 GSS, but found no statistically significant relationship between income and attitudes towards immigration.

this group of voters by appealing to this (conscious or unconscious) sense of threatened social dominance.

However, research has shown that actual demographic encroachment on a dominant group's superiority does not matter, only the perception of such (Wang, 2012; Alba et. al., 2005). For example, Alba et al. (2005) found that respondents who over estimate the proportion of outgroups (in this case, ethnic minorities and immigrants) in relation to the dominant group are more likely to hold negative attitudes towards not only that group, but immigrants in general, in terms of their effect on national unity, unemployment and crime. Further, that same study found that the extent to which respondents overrepresented certain groups correlated with how much they were in favour of immigration restrictions based on that specific group. For example, respondents who estimated that Hispanics made up a greater share of the population than they did were more likely to be in favour of restricting immigration from Mexico and Latin America. This also suggests that the Minority Threat thesis might be a reason as to why the presumption of the criminal migrant is so pervasive.

### *Sociological and Criminological Theories*

Other established sociological and criminological theories, such as Social Disorganization theory, Relative Strain theory, as well as Cultural Deviance and Reconciliation theory, might also be able to explain why people tend to associate immigrants with heightened criminality. A key reason for that is that these theories (as discussed below) validate their view: they largely indicate that immigrants should be more criminal than native-born citizens.

Strain theory (also sometimes referred to as Opportunity Structure theory) argues that groups of people who are deprived of opportunities, particularly economic opportunities, are

more likely to turn to crime to achieve their goals. This theory argues that as immigrants are less educated and poorer, they tend to settle in economically disadvantaged neighborhoods and lack the same level of economic opportunities, social capital and professional networking communities that native-born populations have (Spenkuch, 2010). Thus, it is presumed that as they lack the opportunity to achieve their economic goals, immigrants are more likely to commit crimes to do so (Valez and Lyons, 2012; Waters and Simes, 2012; Martinez and Lee, 2009; Wortley, 2009).

Social Disorganization theory argues that immigration weakens community ties and neighborhood social cohesion (Lee, Martinez and Stowell, 2010). The eroding of these social ties is seen to weaken modes of informal control that limit predispositions to crime, such as a sense of the good of the community and a willingness to intervene on its behalf. Thus, as immigrants weaken the social heterogeneity of the communities that they move into, so the theory goes, crime would increase in those areas because community social controls would not be as strong.

Another sociological theory pioneered by Edwin Sutherland (Sutherland, 1947; Sutherland and Cassey, 1992), is Cultural Deviance theory, sometimes called the Clash of Culture theory. It goes one step further in suggesting that immigrants bring with them a particular culture and set of values that are fundamentally different and opposed to the dominant culture, thereby creating a “cultural conflict”. This conflict, it is argued, weakens social norms and ties to the community, which increases immigrant’s involvement in crime because neighborhood cultural cohesion was found to be a mitigating factor for crime (Waters and Simes, 2012; Martinez and Lee, 2009; Sampson, 2008). Other versions of this theory argue

that certain groups have or have developed distinct cultural traditions that either promote or are accepting of criminal behavior (Tonry 1997, Mears 2001).

Specific research on the direct effect that belief in one of these sociological or criminological theories influences a perception of immigrant criminality is lacking. However, these theories argue that there should be immigrants be a correlation between immigrants and criminal behaviour, thus, validating and re-enforcing an existing perception.

This section has demonstrated that immigrants are often associated with higher criminal behaviour. It described how ethnicity often plays a role in this association, and that that this correlation may be explained by internalized social fears of an outgroup. It is also supported by sociological and criminological theories about the demographic characteristics of immigrants and the neighborhoods in which they tend to settle. The next section will examine the research on immigration and crime itself, which largely indicates that these theories, and the public perception that they validate, are misguided.

## **Part 2: Research**

If we assume that segments of the public are correct in their assumption that immigrants are more connected with crime, we would expect to see a number of outcomes. We would expect to see that on an individual level, immigrants would be more likely to commit crimes than non-immigrants. On a macro level, we would also expect to see that cities with larger immigrant populations would have higher crime rates, and when immigration increases, crime would also increase. None of this has been found to be true. This next section will provide a review of empirical research on the relationship between immigration and crime in the United States. This research largely disproves the various publicly held assumptions about immigrants and crime discussed in Part 1.

The first studies on the relationship between immigration and crime were conducted between 1900 – 1930. They looked at both the macro and micro level indicators, and were largely inconsistent and ungeneralizable. Some researchers found a connection between immigrants and individual likelihood of committing a crime, while others who studied groups of similar socioeconomic status found no relationship. As explained by Tonry (1997), “the earliest studies on crime among the first wave of immigrants, which ended in 1924, were based on evidence that was uneven at best” (Tonry 1997, p.21). Even researchers at the time such as Edwin Sutherland (1924) criticized these works for not adjusting for age or sex, and being

heavily based on what is now understood as racially prejudiced police practices<sup>13</sup> (cited in Hagan, 2009).

Modern research, on the other hand, is able to provide a more complete picture of the immigrant-crime nexus. The scholarly research that re-emerged with the next large wave of immigration in the mid-1960s consisted mostly of case studies of particular ethnic groups that had garnered negative attention from isolated cases, persistent stereotyping or politically notoriety. Such groups included Cubans, Haitians, and/or Jamaicans in Miami (Martinez and Lee, 2000; Nielsen and Martinez 2011), Latinos in Los Angeles, Chicago and El Paso (Sampson, 2008; 2005). However, the bulk of this research has empirically analysed both macro and micro indicators and has consistently found evidence in support of a number of assertions that contradict public perception and sociological/criminological theory. Overwhelmingly, what was found was that immigrants commit *fewer* crimes than native-born citizens, that their crime rates rise to meet the native-born level with each successive generation, that cities with high concentrations of immigrants are highly correlated with *lower* crime rates, and that over time, increases in immigration coincide with *decreases* in crime rates.

#### THE INDIVIDUAL LEVEL: IMMIGRANTS COMMIT FEWER CRIMES

The first major finding supported by the overwhelming majority of the literature is that immigrants, especially first generation immigrants, commit significantly less crime than non-

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<sup>13</sup> These findings are one of the reasons that this MRP focused on modern research (within the last 30 years)

immigrants. This finding also holds regardless of documentation status, and across several aspects and indicators of potential immigrant criminality. These indicators include youth offending (Butcher and Piehl, 1998), violent crime (Martinez and Lee, 2000; Sampson 2008), incarceration rates (Rumbaut et. al 2005), as well as recidivism (Hickman and Suttorp, 2008).

It should be noted that this paper does not consider undocumented migrants as inherently criminal based solely on their documentation status. The research discussed in this section of the paper exclude immigration violations, without the commission of any additional crimes, as evidence of criminal behavior. While being in a sovereign territory without explicit authorization is an offence, the interest for researchers and the segments of the public worried about illegal immigrant crime is any additional crimes committed within the United States, documentation status notwithstanding. In other words, this paper operates on the assumption that undocumented status alone does not necessarily make a person a ‘criminal’

In terms of individual-level differences between immigrant and non-immigrant crime, a comprehensive widely cited U.S. literature review by Martinez and Lee (2000) surveyed what they describe as the “vast body of theoretical and empirical works on the relationship between immigration and crime in 20th-century America” (p. 485). While they acknowledged that most research after 1965 has focused on dispelling the myth of specific racial/ethnic groups that garner the greatest negative media attention and stereotyping, they conclude that “the major finding of a century of research on immigration and crime is that . . . immigrants [documented or otherwise] nearly always exhibit lower crime rates than native groups” (Martinez and Lee, 2000 p. 496).

### *Youth Criminality*

Butcher and Piehl's (1998) work used the 1980 National Longitudinal Survey of Youth (NLSY) to evaluate individual level difference between the offending behaviors of native and foreign-born youth. The survey asked 10,709 respondents between the ages of 15 and 23 about any involvement in criminal activity and interactions with the criminal justice system within the last 12 months. The researchers found that immigrants were significantly less likely to report criminality on all examined measures: general self-reported crime, having been stopped by police, charged with or convicted of a crime, and overall contact with criminal justice agencies. What's more is that this negative relationship between foreign-born and crime was found even without controlling for background characteristics such as age, education level and gender<sup>14</sup>. While the authors acknowledge the common criticism of research utilizing self-reported surveys that respondents may lie in their responses, they argue that individuals are highly unlikely to misreport actual encounters with criminal justice<sup>15</sup>. Thus, these results led the researchers to conclude that there is a "strong negative relationship between immigrant status and the commission of crime" (p. 484).

### *Violent crime*

Sampson (2008) found that immigrants are significantly less likely to commit any category of violent crime. In the widely-cited large study addressing numerous city-level

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<sup>14</sup> When these factors were accounted for, the relationship understandably grew more negative

<sup>15</sup> "As with all self-reported information, there is the worry that respondents do not answer the questions accurately. Criminal activity may be inaccurately reported by those who think answering the questionnaire may increase their chance of being punished. However, it seems less likely that individuals would misreport actual run-ins with the criminal justice" (p. 482)

criminality issues in Chicago, Sampson analyzed data from police records and the US Census on nearly 3,000 criminal acts committed by individuals (both male and female) aged 8-25 between 1995 and 2003. Sampson and his team found that immigrants in Chicago were 45% percent less likely to commit violent crime (homicide, rape, murder, etc.) than non-immigrants. There was no statistically significant relationship between immigration status and their likelihood of committing property crime.

Martinez and Lee (2000a) examined potential differences in homicide rates for foreign and native-born Mariel Cuban, Haitian and Jamaican people in Miami. Information obtained directly from the homicide investigation units of Miami allowed the researchers to analyze the type of homicide committed<sup>16</sup>, the age, gender, and ethnicity of offenders (when known) and victims<sup>17</sup>, as well as the victim-offender relationship (acquaintance, family member, intimate partner, stranger, etc.). This information was gathered for two multi-year time periods: 1980-1984 and 1985-1990, calculating the average annual rate per 100,000 for each period. The overall city homicide rate was also used to provide a baseline comparison. In total, this accounted for recorded 1,900 homicides. The researchers found that on average, all three groups exhibited significantly lower rates of homicide offending (and victimhood) than the average for

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<sup>16</sup> The categories of homicides used by Martinez and Lee are (1) "'other felony" or a type of homicide committed during the course of a felony other than robbery... (2) "robbery" homicides" ... (3) "primary non-intimate" or killings among acquaintances, neighbors, friends, or co-workers... (4) "family intimate homicides" or killings between spouses, lovers, estranged partners, and immediate family members. Finally, (5) an "unknown category" is included to account for homicides not cleared with an arrest. (p. 801)

<sup>17</sup> The ethnicity of victims or offenders were sometimes able to be identified through "INS documentation such as a "Parole ID" discovered at the scene of the crime. A temporary tourist visa or INS green card was also frequently found on the victim or at his/her residence, usually in or around a northeast Miami neighborhood known as Little Haiti. Still other ethnic clues were gathered from witnesses, family members, friends, or neighbors including language (e.g., speaking Creole or English with West Indian accents), providing country of birth on death certificate, or names less than common to African Americans ("Michel Pierre" or "Augustine Seaga") p. 800

the city of Miami. Further, as the researchers explain, “Comparing the early 1980s to the late 1980s, we also found a strong pattern of declining violence, especially for Jamaicans and Mariel Cubans, while Haitians continuously maintain an overall low rate of violent crime. As immigrant groups became more established, grew in size, and were less dominated by young males, the most violence-prone group, the homicide rate rapidly dissipates” (p.802). The only caveat they discovered was the case of Jamaican offenders in the 1980, whose offending rates exceeded the city average. However, this rate shrank to 1/3 of its 1980 rate by 1990, even as the population of Jamaicans in Miami nearly tripled. The researchers theorize that this may have been due to a reduction in the portion of unattached young Jamaican men in the immigrant population, but conclude that this outlier warrants further study.

#### *Incarceration, documented and undocumented*

The lower criminality among immigrants has also been found when researchers examined incarceration rates among both documented and undocumented migrants. Rumbaut et.al (2006) examined the incarceration rate of the US population in terms of immigration status (born in the US or foreign-born, and further broken down by region or origin), level of education (having graduated from high school or not), length of time in the US and gender. Focusing on the incarceration rates of young men aged 18-39 across the United States, the researchers used data from the Public Use Micro Sample (PUMS) of the 2000 census to examine the 1.3 million men in custody that year. They found that the incarceration rate for US born individuals was four times higher than that of foreign born, regardless of region of origin or ethnic group<sup>18</sup>. When de-

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<sup>18</sup> Interestingly, Laotians and Cambodians had the highest incarceration rates out of the Asian immigrant groups, but “whose rate ... is still well below that for non-Hispanic white natives” (Rumbaut et al 2006)

segregated by ethnic makeup of the American-born group, the foreign-born rate was half that of non-Hispanic White US natives, and thirteen times less than that of US-native black men (Rumbaut et al, 2006<sup>19</sup>). When deconstructed by level of education, these findings challenge the conventional wisdom even more. Rumbaut and his team found that that being a high school dropout (lower level of education) was not a significant factor in an immigrant's likelihood of being incarcerated. As explained by the researchers

“Among the US born, 9.7 percent of all male dropouts 18-39 were in jail or in prison in 2000, compared to 2.3 percent among those who had graduated from high school. But among the foreign born, the incarceration gap by education was much narrower: only 1.13 percent of immigrant men who were high school dropouts were incarcerated, compared to 0.57 percent of those with at least high school diploma” (Rumbaut et al 2006; p.6).

Another telling finding was that within the group with the lowest proportion of people who had graduated high school, Salvadorans, Guatemalans and Mexicans, they had the lowest incarceration rates of any group (Rumbaut et al 2006). These findings present evidence against both criminological conventional wisdom and the Strain/Opportunity Structure thesis. The least educated immigrant, and thus those with arguably the least economic opportunities, in fact do not commit more crime.

### *Recidivism*

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<sup>19</sup> As an aside, one of the most striking pieces of information discovered by this study is unrelated to immigrant status specifically. The researchers found that in 2000, nearly a quarter (22.54%) of black men born in the United States were (“had been at some point in their lives”?) incarcerated.

Research on the recidivism rates of documented versus undocumented immigrants also suggests that undocumented immigrants are no more criminal than their documented counterparts. By tracking the 1,698 male foreign-born inmates released from prison in Los Angeles for a one-year period in 2002, Hickman and Suttorp (2008) showed that “deportable aliens” (undocumented migrants) did not have higher recidivism rates than “non-deportable aliens” (documented immigrants and naturalized US citizens)<sup>20</sup>. The researchers thus concluded that “deportable aliens are no greater threat to public safety than are legal immigrants” (p. 77).

In sum, studies have shown that immigrants commit less crime as youths, commit less violent crime overall, have lower rates of incarceration and recidivism than the non-immigrant population. These all indicators that contrary to what many would expect, immigrants commit less crime than the US-born population.

#### THE GENERATION EFFECT/ ACCULTURATION THESIS

The generation effect, or the acculturation thesis, refers to the widespread finding within the literature indicating that the crime rates of immigrants converge with the nonimmigrant average with each successive generation. In other words, while a recent immigrant’s initial crime rate may be low, their children and grandchildren are likely to have crime rates that rise to meet that of non-immigrant children and their descendants. Further, for first generation immigrants who immigrated as young children, their crime rates and/or criminality-influencing delinquent

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<sup>20</sup> Foreign born status was determined by self-report, as “all arrestees in LA County are asked to give their country of birth” as part of the jail booking procedure (p. 63)

behaviors rise to meet the national average the longer they have been in their host location (Rumbaut et. al, 2006; Bui et. al, 2005; Sampson, 2008; Tonry, 1997).

As Martinez and Lee (2000b, p.496) explain, “studies generally found that children of immigrants had crime rates higher than their immigrant parents but not higher than native-born children... [it] suggests that the acculturation of the second generation of immigrants, and not the assumed “criminal traditions” of immigrant groups, was related to immigrant crime rates.” For example, Sampson’s 2008 study found this effect to be true in Chicago, San Diego, El Paso and Los Angeles specifically with respect to violent crime. With respect to incarceration rates, Rumbaut (2006) found that in all but one case, immigrants in general, and when de-segregated by ethnic group, had higher rates the longer they lived in the US (though never exceeding the White non-immigrant average). The one case was that of Mexican inmates, who had the opposite effect. Men born in Mexico who were between 18 and 39 (the ages that criminologists expect to be prime ‘crime committing’ age) continued to have gradually lower incarceration rates. This was true even those who had been living in the US for over 15 years. Rumbaut summarizes, “Incarceration rates are lowest among immigrant young men, even among the least educated and the least acculturated among them, but they increase sharply among the ... acculturated second generation” (p.12). As this passage alludes, many others suggest that this generation effect is a result of individuals becoming acculturated to the society in which they live rather than an inherent quality within immigrant communities<sup>21</sup> (Martinez and Lee, 2009; Sampson, 2008; Rumbaut 2006; Tonry, 1997).

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<sup>21</sup> There was, however, a small geographical variation as a study by Mollenkopf (2006, cited by Press, 2006) indicates that in New York, arrest rates among second and third generation immigrants are the same as those of the first generation, and that this acculturation does not happen there.

Some research also suggests that this finding relates to Opportunity Structure theory, in that first-generation immigrants and their children may have different definitions of “economic success”, or what some researchers refer to as relative deprivation. As explained by Lee, Martinez and Rosenfeld (2001), “The experience of being socialized in a relatively impoverished homeland results in [recent] immigrants placing a greater value on jobs than natives who were socialized in the richer host country” (p. 564). In that their children belong to the group that is socialized in this richer host country, the authors go on to argue, it may be that the children of immigrants have a different reference point for what constitutes ‘deprivation’. Thus, they more likely not to settle for anything less than what they see from their North-American born peers.

Therefore, the research suggests that although crime rates are higher among second and third generation immigrants, they are (1) still below the national average and (2) may be a product of a societal problem or acclimatization within the host state, rather than a problem with the immigrants themselves, as the perception would have us believe.

#### IMMIGRATION PROTECTIVE THESIS - MACRO LEVEL ANALYSES

If the persistent stereotype that immigrants are more crime prone than non-immigrants were true, we should expect to see that over time, increases in immigration would coincide with increases in crime. Further, we should also expect to see that cities, neighborhoods or areas with larger immigrant populations would have higher rates of crime. However, research has found that this is not the case. Increases in immigration have either had no effect or have had negative correlations with crime rates over time. Further, the higher the concentration of immigrants in a neighborhood, the lower the crime rate. Combined, these observed effects are referred to in the literature as the Immigration Protective or Immigrant Revitalization thesis.

### *Concentration of Immigrants*

As opposed to the sociological theory Social Disorganization thesis, highly concentrated immigrant neighborhoods tend to have lower crime rates. Sampson et al. (2006) found that in San Diego, immigrants (regardless of ethnic background) are less violent overall, and even more so when they live in areas with a high concentration of other immigrants. They suggest that this concentration helps ‘buffer’ neighborhoods against delinquency and crime overall. Sampson’s 2008 study explained earlier found evidence that living in a neighborhood with a high concentration of immigrants directly lowered all categories of violent offences in Chicago as well. Zatz (2012), and Martinez, Lee and Rosenfeld (2001) expanded upon this research and found that cities with high concentrations of immigrants experienced not only lower rates of robbery, aggravated assault and overall violent crime, but that the higher the immigrant population, the larger the effect. This was found to be true in Miami, San Diego, El Paso: all immigrant-populous US cities. These findings provide evidence that counter the social disorganization theory, a theory that argues cities with larger immigrant populations should expect higher crime rates. Some researchers explain that immigrants have their own structural supports, social and economic networks that facilitate a shared community, and these in turn enhances neighborhood social cohesion, stability, and the crime-reducing effects that go along with it (Lee, Martinez and Rosenfeld, 2001).

With respect to documentation status and immigrant concentration, a report by the U.S commission on Immigration Reform in 1994 examined this relationship by evaluating violent and property crime in 244 U.S metropolitan areas. They found that areas along the Mexican border, those with the highest concentrations of illegal immigrants, had lower levels of both violent and property crimes than other areas of comparable size. Specifically, El Paso Texas was

found to have a homicide rate nearly one third that of all metropolitan areas and twelve percent lower than the national homicide rate, despite having among the largest concentration of illegal immigrants. This report, as explained by Martinez and Lee (2000a), arguably “countered the widespread belief that violence was high as a result of more “illegal aliens” crossing the U.S. border from Mexico”. (p.797)

### *Increases in immigration*

Returning to the perception and the theories that support it, if immigrants were connected to more crime than non-immigrants, increases in immigration would also be coincident with increased crime rates. However, the literature indicates that increases in immigration over time either had no statistically significant effect on crime rates or a slightly negative effect. Many of these findings also directly contradict the Social Destabilization theory.

For example, Reid et. al (2005) conducted a meta-analysis of the sixteen pieces of research published between 1980-2000 that used macro-level data to examine the immigration-crime nexus over time. They found that in fourteen out of the sixteen cases examined, increases in immigration had neither a positive nor a negative effect on crime rates. In the two remaining cases, “one suggests that metropolitan areas with a higher percentage of recent immigrants have lower homicide rates while the other indicates that a greater percentage of Asian foreign born [immigrants] is linked to lower larceny rates” (p.457, cited in Ousey and Kubrin 2009)

More specifically, included in the Butcher and Piehl (1998) study earlier is an analysis of whether changes in immigration levels are associated with changes in crime rates. This section of their piece utilized data from the Current Population Survey and the Universal Crime Report for 43 cities across the US between 1979 and 1990. The researchers focused on eight categories of crime that the researchers deemed of greatest concern to society: homicide, rape, robbery,

aggravated assault burglary, larceny/theft, motor vehicle theft, and arson. Across all categories, the Butcher and Piehl found that there was no statistically significant relationship between changes in immigration rates and the crime rate in the cities examined.

Focusing specifically on immigration's effect on violent crime rates over time, Lee, Martinez and Rosenfeld (2001) examined this relationship in San Diego, El Paso and Miami, because they are all "major destination points for recent immigrants and places with some of the longest, most consistently sustained waves of immigration in US history" (p. 560). Using data on homicides obtained directly from the homicide investigation units of the three cities between 1985 and 1995 (n=3,345), cross referenced with information on 352 census tracts, they found that increases in immigration corresponded with less homicides. This finding was significant even when the general decrease in homicides over this time frame was accounted for. Further, the presence of more immigrants was also correlated with fewer native non-Latino, White, and Latino homicide victims specifically in San Diego. The only exception to this finding was that increases in immigration correlated with higher number of black non-immigrant homicide offences in San Diego. The research explains that "one possible interpretation of this result is that homicides in San Diego are more likely to involve intergroup conflicts involving immigrants and black residents. Another is that new immigrants tend to settle in San Diego communities with pre-existing high levels of black-on-black homicide" (p. 571). While this element is worth further examination in its own right, the authors also point out that San Diego still has one of the lowest levels of homicide among cities of similar size (Lee, Martinez and Rosenfeld, 2001). When the researchers replicated their initial research design nine years later (Lee Martinez and Stowell, 2010), they also found that increases in the size of the immigrant population over time reduced all lethal violence (including homicide). As the researchers explain, similar to their

previous findings, “neighborhoods with a larger share of immigrants have fewer total, non-Latino White, and Latino homicide victims” (Lee, Martinez and Stowell, 2010, p. 798). This led the researchers to conclude simply that over time, increases in immigration correlated with decreases homicides overall.

Ousey and Kurbin (2009) also examined how immigration over time might influence violent crime rates, using a fixed-effects panel data regression approach. The study combined census data from 1980, 1990 and 2000 for 159 U.S cities with populations above 100,000. Data on homicides, robberies, aggravated assaults and rapes were obtained from the UCR. An immigrant in this study was determined by the percentage of a city’s population made up of foreign-born persons who had immigrated in the past 10 years. Interestingly, the researchers also determined immigration status through a measure of “linguistic isolation... we included the percentage of the population that speaks english ‘not well’ or ‘not at all’ . As one would expect, these two measures are highly correlated ( $r=.84$ )” (p. 459). They also accounted for other possible influencing factors such as population size, demographic structure (proportion of men aged 15-34), residential instability (percentage of persons not living in the same house as 5 years prior) economic deprivation (unemployment rate and persons living below the poverty line), illegal drug markets (presence of drug related criminal activity), police force capacity and family structure (proportion of divorced or single-parent households). All that considered, the main finding in this piece is that cities that experienced increases in immigration also experienced a significant decrease in violent crime rates. Percent young males, population size, residential turnover, unemployment, illegal drug market, and the relative size of the policy force had no statistically significant effect. The only caveat to their finding was that when family instability was accounted for, the previously negative relationship was no longer significant (at the .05

level). In other words, increases in immigration correlated with decreases in crime rates, except when the proportion of single-parent or divorced families was taken into account, at which point there is no longer any relationship at all.

The crime-mitigating effect that immigration has seems counter-intuitive if Social Disorganization theory is to be believed. However, as Lee, Martinez and Stowell (2010) explain, “immigration in the modern era paradoxically has strengthened institutions of social control, fostered economic development, and sparked a revival of previously high-crime, inner-city neighborhood[s]” (p.799). Some research suggests that this may be because immigrant enclaves provide their own form of social support and controls that mitigate crime. Ousey and Kurbin (2009) argue that immigrant groups within the same or similar ethnic backgrounds encourage cultural preservation, family ties and social networks as a collective group, which all help to curb crime. While more research is needed on this specific element of the relationship, it stands to reason that immigration may in fact have a protective effect on crime within a city, rather than a disorganizing and escalating one.

### **Part 3: Policy**

The largely unfounded perception of heightened immigrant criminality presents a number of elements to consider from a policy perspective. What effect might a greater involvement of immigrants with criminality have on policy? What is the political outcome that this association might have? The sections that follow will go through the ways in which public opinion in democracies affects broad policy outcomes, and discuss how a movement towards “post-truth politics” may be shifting that relationship. It will further discuss how increasingly

framing non-citizens as risks to public security is problematic, in an effort to answer the questions posed above.

## DEMOCRATIC RESPONSIVENESS: THE EFFECT OF PUBLIC OPINION ON POLICY

Responding to the desires of the public remains a central tenant of governance in democratic countries. According to early authors in the field of public opinion research (Dahl 1971; May 1978; Pitkin 1967; cited in Hakhverdian 2012), a political entity cannot be deemed democratic unless citizenry has a degree of influence over government action. What remains unsettled in the democratic responsiveness or opinion-policy nexus literature is the degree to which public opinion affects policy change, or the congruence between public opinion and policy outcomes, the direction of this relationship, and the possibility of a spurious correlation. How much do public opinion and policy actually align? Is public opinion reflected by changes in policy? What is the direction of that change? Is this responsiveness a product of the influence of special interests, political parties, elites or another factor? The section that follows will discuss previous literature regarding these questions.

### *Strength of public opinion on policy outcomes*

Research evaluating the degree to which policy and public opinion might be congruent was pioneered by Page and Shapiro in 1983. In their classic work, they examined public opinion polls and policy decisions in the US from 1935-1979<sup>22</sup>, and found policy outcomes do tend to reflect public opinion. They found this to be especially true when the policy issue is salient, and when changes in public opinion are large and stable over time. This congruence in

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<sup>22</sup> Using Gallup polls, the National Opinion Research Center, the Survey Research Center/Institute for Social Research and Center for Political Studies at the University of Michigan for data on public opinion.

the opinion-policy relationship was also observed most often when the political process is given at least one year to respond to shifts in public opinion<sup>23</sup> (Page and Shapiro, 1983). In a review of the 52 pieces of literature written on the topic since, Burstein (2003) concluded that these works largely supported Page and Shapiro, but that issue of salience had a much larger effect on policy outcomes than initially discussed. In other words, the stronger a public's view on an issue, the more likely it is that policy will reflect those views. Researchers theorize that this responsiveness may be a product of electoral turnover in the democratic process: the citizenry votes officials into office who match their own preference, who will then implement policy based on those preferences once elected (Hakhervidian, 2012). Politicians will thus often identify and engage with the position of certain segments of the public from which they draw their votes, appealing to a particular framing of issues in order to win elections (Welch, 2011; Rumbaut et al., 2006; Burstein, 2003; Page and Shapiro, 1983). Burstein (2003) theorizes that this may explain why the salience of an issue is particularly important in the responsiveness of policy to public opinion. According to Burstein, "citizens who care about an issue are especially likely to take elected officials' actions on that issue into account on Election Day. This leads elected officials to be particularly responsive on highly salient issues (Burstein, 2003, p. 30). In this way, it is argued that public opinion plays an important role in not only supporting certain policies but also the more general framings of issues.

### *Direction of the relationship*

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<sup>23</sup> Page and Shapiro also argue that congruence between public opinion and policy outcomes increased in the later years in their analysis, though current research on the subject is highly contested

Even Page and Shapiro acknowledge that while public opinion and policy may be congruent, the direction of this relationship is unclear. Is it public opinion that changes policy, or policy framings (and the political process) that influences public opinion? As they explain,

“The mere observation of congruence between opinion and policy tells us little, of course, about which causes which. Congruence could indicate that there is democratic responsiveness: that changes in public preferences cause changes in policy. But it might instead result from policy affecting opinion. Policy changes might lead citizens to change their opinions as they saw good results from the new policies, or as they rationalized that whatever the government does must be acceptable. Or persuasive rhetoric by politicians and other accompanying new policies might convince citizens of their merits. Such processes of learning, persuasion, and rationalization are indistinguishable from responsiveness, if all we know is that opinion and policy move in the same direction” (Page and Shapiro, 1983 p.185)

Other authors have also suggested that the particular rhetoric used by legislators either in the wording of the policy itself or in how it is presented to the public legitimizes or prioritizes certain conceptions of the issues which can be utilized to drum up public support for that policy. (Brown, 2016; Burstein, 1998 cited by Hakhverdian 2012). Thus, while policy and public opinion might be connected, the research is conflicted with respect to the direction of the influencing relationship.

#### *Special interests, political parties and elite influence*

Researchers within the field also disagree on the effect that special interest groups, political parties, or socioeconomic elites have on democratic responsiveness. As Page and Shapiro (1992, p. 9) explain, “Even when opinion and policy are highly correlated, the public’s power may be more apparent than real; citizens may have been persuaded that they are getting what they want, while effective power lies elsewhere”. The argument advanced in this case is that interest groups and political parties are more organized have greater resources than members of the public on their own, are more able to influence change according to their views

(Hakhervidian, 2012; Burstein, 2003). Some researchers have found evidence that interest organizations and other elites do see their preferences reflected in policy even when it run counter to public opinion (Wilson 2001, also cited in Burstein, 2003), and that political parties tend to enact policies that favour their most devoted supporters (Aldrich 1995; cited by Burstein, 2003). Other researchers argue that such special groups act as intermediaries between the public and their elected representatives, enhancing responsiveness by acting as an amplifier for citizen's existing preferences (Hansen, 1991; cited by Burstein, 2003).

### *Spurious correlations and other issues*

Many researchers further diverge on the possibility of an unmeasured variable influencing democratic responsiveness. This concern about spurious correlations between public opinion and policy outcomes is mentioned as early as Page and Shapiro's 1983) work in that they remark how "An observed relationship between opinion and policy could be spurious, the product of a concurrent influence upon both by some outside factor (Page and Shapiro 1983). Nearly all researchers since note the complexity of modern politics as a limitation to discerning degrees of responsiveness in policy. Some scholars have also pointed out other difficulties in studying democratic responsiveness that include the need for an engaged electorate that is informed on issues being decided upon at the political level (Burstein, 2003). Further, due to limited resources, researchers are often devoted to studying a particular issue area, which leads to difficulties in making generalizations about the responsiveness of other issue areas (Burstein, 2003).

Nevertheless, while researchers may disagree on the precise strength of responsiveness across policy areas, the direction of the influencing relationship and the extent to which it may

be manipulated by special interests or outside forces, they all agree that public opinion matters in the policy decisions of democratic countries.

## POST-TRUTH POLITICS

However, many have noted a recent shift towards the prioritization of public opinion as-is, whether supported by evidence or not. In what some have begun to call a “post-truth” political environment, public opinion, regardless of how misguided it might be, supersedes observed reality with respect to what is enacted as policy. Verifiable evidence comes second to how people perceive about an issue, even if those feelings are incorrect. Debates about policy issues are then framed in ways that appeal to emotions, often in the form of repeated talking points, and cater to what the public already believes to be true, rather than a discussion on the details of policy (Drezner, 2016). As Brown argues (2016), Donald Trump and the larger Republican party in the United States have been doing this since the 1980s on a host of issues ranging from immigration and crime control, to abortion, and welfare reform. Outside of the United States, some point to misinformation and the Brexit result, especially around the “350 pounds a week” claim, which was a significant factor for many Britons voting to leave the EU, as evidence of a global movement towards post-truth politics (Drezner, 2016). Some commentators argue that this may be the result of an increasingly polarized and expansive media landscape that often lends credibility to potentially prejudiced positions in the hope of appearing balanced. Others argue that it is a product of information sharing in the social media age, which can institute an ideological echo chamber within social groups and facilitate the spread of unverifiable or factually dubious sources. Still others extend this argument by asserting that it is a product of social psychology, a form of confirmation bias, whereby people tend to ignore or outright reject facts that do not coincide with their existing beliefs (Young,

2016). As a result, the argument exists that objective truth is becoming of secondary importance to political leaders and policy makers. If left un-corrected, misguided public perceptions have the ability to influence potentially harmful, discriminatory, or ineffective policy.

## CRIMMIGRATION

Many have argued that harmful policies targeting non-citizens in the name of public safety and security, influenced by a perceived connection between immigrants and criminal behavior, have been steadily growing in the United States over the last 20 years. Observance of this trend has even spawned a sub-set of legal scholarship that examines the convergence of criminal law into migration law, a previously civil domain. Sometimes called the “criminalization of migration” or more simply “crimmigration” (Brown, 2016; Hernandez, 2013; Stumph, 2006), it largely examines the ways in which the criminal justice system has been increasingly used for migration-related issues, which were previously dominated by the much less punitive and stigmatizing civil branch of the law. Its proponents trace how the post-slavery and Jim Crow Era United States had used the criminal justice apparatus to exclude ‘undesirable’ black populations from the general public (Brown, 2016; Hernandez, 2013). They argue that today, the same framework is applied in the case of migrants, particularly those that are undocumented, against which society at large needs to be secured. As Hernandez (2013) explains, “Together they abandon framing noncitizens as contributing members of society on the path to full political membership as citizens...instead, the procedural and substantive law that comprises crimmigration law has reimagined noncitizens as criminal deviants and security risks” (p.1458). Scholars in this field point to the steady augmentation of deportable offenses, proliferation of increasingly punitive immigration laws, policies and enforcement mechanisms

that contribute to the widespread detention and deportation of people for nonviolent misdemeanors or immigration violations who pose no threat to public safety, but enacted under the guise of such (Hernandez, 2013). Particularly, the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) and the Antiterrorism and Effective Death Penalty Act (AEDPA), the Secure Communities Program, and the expansion of immigration detention centers and deportation programs are most often pointed to as evidence of crimmigration and its harmful effects.

### *The 1996 IIRIRA and AEDPA*

Often pointed to as the most glaring examples of the modern criminalization of migration, these two laws mandated the detention and the initiation of deportation hearings of noncitizens (both lawful permanent residents and undocumented migrants) who had been convicted of an ‘aggravated felony’, including those whose conviction did not include any jail time (Ewig, Martinez and Rumbaut 2015). In other words, the mandatory detention period applied after a non-citizen had already served their time and even when their sentence did not require them to serve any time at all. The laws further expanded this definition of “aggravated felony”, which previously only included murder and trafficking in large quantities of drugs and firearms, to include misdemeanors and nonviolent procedural violations such as failure to appear in court, obstruction of justice, gambling, petty theft forging or holding forged official documents, driving without a license and other traffic violations. It also applied to any conviction carrying a penalty of one year in jail or more, regardless of the sentence given to the immigrant in question (Stumph, 2006). This new list of qualifying offenses was also applicable retroactively: meaning that it applied to offenses committed in the years prior to the laws being enacted (Ewig, Martinez and Rumbaut, 2015). In a 2009 amendment to this law, Congress

further expanded this deportation requirement to include the commission of most misdemeanours, referring to them as “gateway crimes” (Stumph, 2006). As the American Civil Liberties Union (ACLU) explains,

“...even if the person was convicted of a crime for which no time in prison was actually served because the crime was so insignificant, the person might be subjected to mandatory detention on account of that crime while his deportation case was pending. In addition, by expanding the definition of "aggravated felonies" to include even misdemeanors under state law, Congress dramatically increased the categories of crimes for which mandatory detention could be imposed. (ACLU, 2017; web page)

These laws thus effectively created a two-tiered legal system whereby a misdemeanor might result in a fine if committed by a citizen, but mandatory detention and potential deportation for a non-citizen. Combined with the steady increase in such crimes considered deportable offense, this understandably increased the number of immigrants apprehended, and detained for immigration hearings; further removing them from society under the guise of public safety to which they pose no tangible threat. According to a 2009 Human Rights Watch report, 20 percent of those removed from the US under these laws specifically were longtime legal residents whose crimes were minor and nonviolent offenses (Ercolani, 2013).

With respect to mandatory detention pending immigration proceedings, which the ACLU argues violates the due process rights of noncitizens, some suggest that this was influenced both by a continued perception of the disproportionate threat of foreign-born criminality and a growing industry that sought to capitalize on such insecurities. As Ewig, Martinez and Rumbaut (2015) explain, “as the immigrant-detention industry grew, so did the redefinition of “immigrants” as an inherently dangerous group of people. This can be attributed in part to the fact that private prison companies work actively to shape the federal and state laws governing corrections and law enforcement”, (p. 10) by lobbying politicians in Congress and other state legislatures on bills that align with their such interests. Part of the reason behind this influence of

private special interests is because ICE depends entirely on renting space in facilities created by the Corrections Corporation of America (Arriaga, 2016). Current laws also mandate that occupancy rates be kept high, and meet a pre-defined quota (34,000 in 2013; The Economist, 2013). Thus, many argue that the number of people detained is largely a function of how many beds are required to be filled in detention facilities, rather than substantial flight risk or danger to the public (Arriaga, 2016; Ewig, Martinez and Rumbaut, 2015).

### *Secure Communities Program*

Another case that crimmigration scholars often point is the Secure Communities (SC) program. This program was launched in 2008 by the Department of Homeland Security (DHS) and based its legal authority on the IIRIRA and AEDPA. This program facilitated the sharing of biometric data, such as fingerprints, that were collected by local authorities upon an individual's arrest. Under this program, an arrestee's fingerprints were automatically run against both criminal and immigration databases, alerting Immigration and Customs Enforcement (ICE) if a person was foreign born and may be suitable for deportation (Ewig, Martinez and Rumbaut, 2015). In the Congressional justification of the program in 2011, it was enacted to "...revolutionize immigration enforcement by using technology to share information between law enforcement agencies ... to focus resources on assisting local communities in the removal of those criminal aliens representing the greatest threat to community safety." (Department of Homeland Security, 2011; p.5). While this justification demonstrates how the program was instituted in the name of public safety and crime control, in practice however, it didn't produce the desired effects. Given the increased categories of non-violent yet deportable crimes under IIRIRA and AEDPA, the vast majority of the immigrants flagged, and subsequently detained and deported, by the Secure Communities were non-violent,

first-time or misdemeanor offenders who posed no greater threat to society at large (Ewig, Martinez and Rumbaut, 2015). As explained by Ewig, Martinez and Rumbaut (2015), “among the nearly one million detainers issued by ICE during a 50-month period during FY 2008-2012, over 77 percent consisted of individuals who “had no criminal record—either at the time the detainer was issued or subsequently.” (p. 17). Further, records from that period also show that of those who did have a criminal record, only 8.6 percent were for committing violent crimes - the crimes that this initiative was most concerned with securing against (Ewig, Martinez and Rumbaut, 2015; p.17). In recognition of these shortfalls, in addition to opposition from local law-enforcement officers, DHS Secretary Jeh Johnson announced in a Nov 20, 2014 that the program was in the process of being discontinued. However, an executive order signed on January 25th 2017 by Donald Trump formally reinstated the program. Thus, this program and its legal support is likely to continue the criminalization of largely law-abiding non-citizens who pose no tangible threat to public safety.

### *Arizona’s SB 1070*

Another case of crimmigration-influenced legislation is Arizona’s SB 1070. This law required that police contact immigration authorities if there is “reasonable suspicion” that an individual may be in the United States illegally (Downing and Inda, 2013). The law has been widely criticized as racial profiling, in that most often the people who are under “reasonable suspicion” are overwhelmingly Latino (Downing and Inda, 2013; Zatz, 2012). Further, in an attempt to justify the law, Senator Russell Pearce credited its passage with reducing crime, explaining that “violent crime has dropped three times the national average in Arizona”, even though the violent crime rate had been dropping two years before this law was passed (Zatz,

2012). Thus, a misguided presupposition of a relationship between immigration and crime was used as a justification for a discriminatory policy.

#### POTENTIALLY INEFFECTIVE POLICIES

In addition to being harmful to non-citizens, policies that target immigrants in an effort to control crime risk being ineffective, and their resources are better used elsewhere. If, as the research suggests, immigrants already have significantly lower crime rates than the non-immigrant population, crime reduction efforts should be better spent addressing actual factors influencing criminal behaviour. As Butcher and Piehl (1998) have noted: “Fully understanding the routes through which immigration may affect crime is important for a targeted policy response” (p.467). Addressing populations most at risk for involvement in criminal behaviour, rather than arguably among the least at risk, would be the most effective policy option.

However, the argument can be made that the only case where a policy might be able to address an element of the immigration-crime relationship is in the case of the higher crime rates of second generation immigrants. Some preliminary research by Martens (1997) found evidence that suggests that Sweden’s generous social welfare support system contributed to lower levels of offending among second generation immigrants. He suggests that it is this social support system in place for all members of Swedish society that safeguards against the relative poverty that he theorizes is a significant factor in the rising crime rates in the children of immigrants. However, this is the only study to date that examined the potential effects of social policies on the crime rates of second generation immigrants, and thus warrants further research. In any event, addressing the continued perception of immigrant criminality is important as its misguided ideas can influence the continued criminalization of migrants, as well as harmful or ineffective policy.



## **Conclusion and Opportunities for Further Research**

In sum, this MRP has reviewed the literature regarding the public perception and subsequent research on the relationship between immigration and crime. It has described how the time-tested belief that immigrants commit more crimes than non-immigrants persists today. It explained how a perceived economic and political threat by a growing out-group (Minority Threat Thesis) might be a reason for why people think immigrants cause crime. It also discussed how this position is validated and supported, in theory, by demographics, and the idea that people who are denied economic opportunities are more likely to turn to crime (Strain/Opportunity Structure Theory). It discussed other supporting theories that the presumption that immigrants disturb the social cohesion of neighborhoods (Social Disorganization Theory), and that they bring with them a particular culture that conflicts with the values of their host society (Cultural Deviance Theory). While these theories seem intuitive, empirical evidence over the last thirty years has disproved various elements of this perception. A consistent finding within the literature is that across ethnic group, documentation status, socioeconomic status, level of education and various indicators of criminal behaviour, recent immigrants commit significantly less crime than non-immigrants. It also described the finding that the crime rates of immigrants converge with the non-immigrant average with each successive generation, but that this may in fact indicate inadequate integration of immigrant communities or larger societal problems within a host state, rather than an inherent quality with respect to immigrants themselves. It also discussed the finding that cities with higher

concentrations of immigrants have lower crime rates, countering the Social Disorganization thesis, and that increases in immigration either have no effect on or significantly decrease crime rates in major immigrant-destination cities across the U.S. It also discussed the role that race and ethnicity plays into the public perception of immigrant criminality as well as how the relationship is studied. This MRP then argued that despite this wealth of empirical research, a public perception of immigrant criminality can continue to influence policy issues such as immigration and crime control that may be harmful, or ineffective.

While much of the relationship between immigration and crime has been studied since its resurgence in interest in the 1980s, there remain many opportunities for further research. For one, much research at the individual level does not distinguish between documented and undocumented migrants (Martinez, 2000). While some does, more research is also needed to further explore this element of the immigration-crime nexus, particularly in the US. One way to expand on this would be to extend research by Hickman and Suttrop (2008), who found that legal immigration status had no bearing on recidivism. However, they were unable to compare it to the non-immigrant population. In addition, Ousey and Kurbin (2009) note that many longitudinal studies on immigration and crime that use city-level data do not take into account potential covariates such as poverty, inequality, racial and ethnic composition, and the relative availability of guns depending on the state. These elements may influence the crime rate, especially with regards to violent crime, but are largely understudied. Thirdly, at the policy

level, further examining the way in which social programs may mitigate the rise in the crime rate of second generation immigrants might be worthwhile.

It is important for researchers to strive continuously to dismantle unfounded public perceptions, as the way we as a society think about issues matters. If history is any indication, immigration is likely to be a political issue that is here to stay. For the sake of all members of our society, we may as well get it right.

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