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# THE MYTH OF IMMIGRANT CRIMINALITY AND THE PARADOX OF ASSIMILATION:

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*Incarceration Rates among Native and  
Foreign-Born Men*

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# THE MYTH OF IMMIGRANT CRIMINALITY AND THE PARADOX OF ASSIMILATION: *Incarceration Rates Among Native And Foreign-born Men*

by Rubén G. Rumbaut, Ph.D.  
and Walter A. Ewing, Ph.D.

## EXECUTIVE SUMMARY

Because many immigrants to the United States, especially Mexicans and Central Americans, are young men who arrive with very low levels of formal education, popular stereotypes tend to associate them with higher rates of crime and incarceration. The fact that many of these immigrants enter the country through unauthorized channels or overstay their visas often is framed as an assault against the “rule of law,” thereby reinforcing the impression that immigration and criminality are linked. This association has flourished in a post-9/11 climate of fear and ignorance where terrorism and undocumented immigration often are mentioned in the same breath.

But anecdotal impression cannot substitute for scientific evidence. In fact, data from the census and other sources show that for every ethnic group without exception, incarceration rates among young men are lowest for immigrants, even those who are the least educated. This holds true especially for the Mexicans, Salvadorans, and Guatemalans who make up the bulk of the undocumented population. What is more, these patterns have been observed consistently over the last three decennial censuses, a period that spans the current era of mass immigration, and recall similar national-level findings reported by three major government commissions during the first three decades of the 20<sup>th</sup> century. The problem of crime in the United States is not “caused” or even aggravated by immigrants, regardless of their legal status. But the misperception that the opposite is true persists among policymakers, the media, and the general public, thereby undermining the development of reasoned public responses to both crime and immigration.

Among the findings in this report:

### *Crime Rates Have Declined as Immigration Has Increased*

- Even as the undocumented population has doubled to 12 million since 1994, the violent crime rate in the United States has declined 34.2 percent and the property crime rate has fallen 26.4 percent.
- Cities with large immigrant populations such as Los Angeles, New York, Chicago, and Miami also have experienced declining crime rates during this period.

### *Immigrants Have Lower Incarceration Rates than Natives*

- Among men age 18-39 (who comprise the vast majority of the prison population), the 3.5 percent incarceration rate of the native-born in 2000 was 5 times higher than the 0.7 percent incarceration rate of the foreign-born.
- The foreign-born incarceration rate in 2000 was nearly two-and-a-half times less than the 1.7 percent rate for native-born non-Hispanic white men and almost 17 times less than the 11.6 percent rate for native-born black men.
- Native-born Hispanic men were nearly 7 times more likely to be in prison than foreign-born Hispanic men in 2000, while the incarceration rate of native-born non-Hispanic white men was almost 3 times higher than that of foreign-born white men.
- Foreign-born Mexicans had an incarceration rate of only 0.7 percent in 2000—more than 8 times lower than the 5.9 percent rate of native-born males of Mexican descent. Foreign-born Salvadoran and Guatemalan men had an incarceration rate of 0.5 percent, compared to 3.0 percent of native-born males of Salvadoran and Guatemalan descent.

- Foreign-born Chinese/Taiwanese men had an extremely low incarceration rate of 0.2 percent in 2000, which was three-and-a-half times lower than the 0.7 percent incarceration rate of native-born men of Chinese/Taiwanese descent.
- The incarceration rate of foreign-born Laotian and Cambodian men (0.9 percent) was the highest among Asian immigrant groups in 2000, but was more than 8 times lower than that of native-born men of Laotian and Cambodian descent (7.3 percent).
- With the exception of Laotians and Cambodians, foreign-born men from Asian countries had lower incarceration rates than those from Latin American countries, as did their native-born counterparts. This is not surprising given that immigrants from India, Taiwan, China, South Korea, and the Philippines are among the most educated groups in the United States, while immigrants from Cambodia, Laos, Mexico, and Central American countries are among the least educated.

*Immigrants Have Lower Incarceration Rates than Natives among High-School Dropouts*

- For all ethnic groups, the risk of imprisonment was highest for men who were high-school dropouts. But among the foreign-born, the incarceration gap by education was much narrower than for the native-born.
- The highest incarceration rate among U.S.-born men who had not finished high school was seen among non-Hispanic blacks, 22.3 percent of whom were imprisoned in 2000—more than triple the 7.1 percent incarceration rate among foreign-born black high-school dropouts.
- The incarceration rate of native-born Hispanic men without a high-school diploma in 2000 (12.4 percent) was more than 11 times higher than the 1.1 percent rate of foreign-born Hispanic high-school dropouts.
- Foreign-born Mexicans without a high-school diploma had an incarceration rate of 0.7 percent in 2000—more than 14 times less than the 10.1 percent of native-born male high-school dropouts of Mexican descent behind bars.
- Only 0.6 percent of foreign-born Salvadoran and Guatemalan high-school dropouts in 2000 were in prison, which

was nearly 8 times lower than the 4.7 percent incarceration rate among native-born men of Salvadoran and Guatemalan descent who lacked high-school diplomas.

- The 0.9 percent incarceration rate of foreign-born Vietnamese high-school dropouts in 2000 was vastly lower than the 16.2 percent rate of native-born high-school dropouts of Vietnamese descent. The incarceration rate of native-born high-school dropouts of Indian descent (6.7 percent) was far greater than the 0.3 percent rate among foreign-born Indian high-school dropouts.

*The Paradox of Assimilation*

- The higher rate of imprisonment for native-born men than foreign-born men highlights a darker side to assimilation than is commonly recognized.
- The process of assimilation often involves the acquisition by immigrants and their descendants of English-language proficiency, higher levels of education, valuable new job skills, and other attributes that ease their entry into U.S. society and improve their chances of success in the U.S. economy.
- However, other aspects of assimilation are not as positive. For instance, immigrants, especially those from Latin America, have lower rates of adult and infant mortality and give birth to fewer underweight babies than natives despite higher poverty rates and greater barriers to health care. But their health status—and that of their children—worsens the longer they live in the United States and with increasing acculturation.
- The children and grandchildren of many immigrants—as well as many immigrants themselves the longer they live in the United States—become subject to economic and social forces, such as higher rates of family disintegration and drug and alcohol addiction, that increase the likelihood of criminal behavior among other natives.
- The risk of incarceration is higher not only for the children of immigrants, but for immigrants themselves the longer they have resided in the United States. However, even immigrants who had resided in the United States for 16+ years were far less likely to be incarcerated than their native-born counterparts.

## PUBLIC PERCEPTIONS OF IMMIGRANTS AND CRIME

Myths and stereotypes about immigrants and crime often provide the underpinnings for public policies and practices.<sup>1</sup> These stereotypes are propagated through movies and television series like *The Untouchables*, *The Godfather*, *Scarface*, *Miami Vice*, and *The Sopranos*—all of which project an enduring image of immigrant communities permeated by criminal elements. Moreover, the media long have been replete with stories of violent crimes committed by the Italian *mafia*, Cuban *marielitos*, Colombian cocaine cartels, Japanese *yakuza*, Chinese *triads*, and Central American gangs such as the Salvadoran *Mara Salvatrucha* (MS-13). Similar views greeted Irish, Jewish, Polish, and other immigrants in the 19th and early 20th centuries.

The extent to which stereotypes such as these have permeated U.S. society is apparent in the results of the National Opinion Research Center's 2000 General Social Survey, which interviewed a nationally representative sample of adults to measure attitudes toward and perceptions of immigration in a "multi-ethnic United States." Asked whether "more immigrants cause higher crime rates," 25 percent said "very likely" and another 48 percent "somewhat likely." In other words, about three-fourths (73 percent) of Americans believed that immigration is causally related to more crime. That was a much higher proportion than the 60 percent who believed that "more immigrants were [somewhat or very] likely to cause Americans to lose jobs," or the 56 percent who thought that "more immigrants were [somewhat or very] likely to make it harder to keep the country united."<sup>2</sup>

Periods of increased immigration have historically been accompanied by nativist alarms, perceptions of threat, and pervasive stereotypes of newcomers, particularly during economic downturns or national crises (such as the 2000-2002 economic recession and the "war on terror" of the post-9/11 era), and when immigrants have arrived *en masse* and differed substantially from the native-born in religion, language, physical appearance, and world region of origin.<sup>3</sup> The present period is no exception. California's Proposition 187, which was passed with 59 percent of the statewide vote in 1994 (but challenged as unconstitutional and overturned by a federal court), asserted in its opening lines that "the people of California...have suffered and are suffering economic hardship

[and] personal injury and damage caused by the criminal conduct of illegal aliens in this state."<sup>4</sup>

Similarly, the "Illegal Immigration Relief Act Ordinance" passed in 2006 by the city council of Hazleton, Pennsylvania—the first of a number of such ordinances passed by local councils in 2006—declares in part that "illegal immigration leads to higher crime rates" and seeks accordingly to secure for the city's legal residents and citizens "the right to live in peace free of the threat of crime" and to protect them from "crime committed by illegal aliens."<sup>5</sup> Such attitudes find support at the highest levels of political leadership. For instance, in his May 15, 2006, address to the nation on immigration reform, President George W. Bush asserted that: "Illegal immigration puts pressure on public schools and hospitals, it strains state and local budgets, and brings crime to our communities."<sup>6</sup>

The misperception that the foreign-born, especially illegal immigrants, are responsible for higher crime rates is deeply rooted in American public opinion and is sustained by media anecdote and popular myth. But this perception is not supported empirically. In fact, it is refuted by the preponderance of scientific evidence. Both contemporary and historical data, including investigations carried out by major government commissions over the past century, have shown repeatedly and systematically that immigration actually is associated with *lower* crime rates.

## A NEW ERA OF MASS IMMIGRATION

After a period of mass immigration from Europe in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, the United States experienced a relative lull in immigration from the 1920s to the 1960s. But the past few decades have ushered in a new era of large-scale immigration which has accelerated since the 1980s. This time the flows have come largely from Latin America and Asia, not from Europe. Over the past 15 years, the number of immigrants—both "legal" and "illegal"<sup>7</sup>—coming to the United States has been the largest in its history in absolute terms. However, the percentage of the U.S. population that is foreign-born remains below the post-1850 highs recorded by each decennial census from 1860 through 1920, when immigrants comprised more than 13 percent of the population.<sup>8</sup> According to the most recently available national data, in 2006 the foreign-born population totaled about 38.1 million, or just under 13 percent of the U.S. population.<sup>9</sup>

Roughly 12 million immigrants, or 30 percent of all foreign-born persons in the country, are unauthorized. The number of illegal immigrants has more than doubled since 1994. According to estimates by demographer Jeffrey Passel of the Pew Hispanic Center, by 2005 two-thirds (66 percent) of the unauthorized population had been in the country for 10 years or less, and the largest share, 40 percent or 4.4 million people, had been in the country five years or less. There were 1.8 million children who were unauthorized, or 16 percent of the total. In addition, 3.1 million children who are U.S. citizens by birth were living in households in which the head of the family or a spouse was unauthorized. About 56 percent of the unauthorized population was from Mexico, and another 22 percent from elsewhere in Latin America. The rest come from Asia, Europe, Canada, Africa, and elsewhere.<sup>10</sup>

Since 1993, the militarization of the U.S.-Mexico border in four key sectors from San Diego to El Paso and the lower Rio Grande Valley, including a tripling of the number of Border Patrol agents and a quadrupling of the Border Patrol budget, has not deterred the flow of unauthorized migrants. Rather, as shown by several expert analyses, it has led to a booming industry of professional smugglers (*coyotes*) and re-directed the flow of undocumented immigrants through more isolated and dangerous desert terrain, resulting in hundreds of deaths each year. Moreover, undocumented immigrants are heading to new destinations across all 50 states, including communities like Hazleton, rather than just traditional destinations in California and Texas. Another unintended consequence of heightened border enforcement is that the largely temporary population of “sojourner” workers that predominated in the past has been transformed into a population of permanent “settlers” who bring their families and stay, since the risks and costs of dangerous border crossings have sharply increased. For instance, in recent years *coyotes* have charged Mexican migrants about \$3,000 per person to cross the border.<sup>11</sup>

Nonetheless, the illegal immigrant population still is disproportionately made up of poor young males who have recently arrived from Mexico—as well as from El Salvador, Guatemala, and a few other Latin American countries—to work in low-wage jobs requiring little formal education. These migrants are responding to the growing demand for their labor generated by the U.S. economy, which faces a demographic challenge to future labor-force growth as the fertility

rate of natives declines and a growing number of native-born workers retire.<sup>12</sup> As the Congressional Budget Office put it in a 2005 report: “The baby-boom generation’s exit from the labor force could well foreshadow a major shift in the role of foreign-born workers in the labor force. Unless native fertility rates increase, it is likely that most of the growth in the U.S. labor force will come from immigration by the middle of the century.”<sup>13</sup> Conventional wisdom presumes a connection between the characteristics of workers who fill less-skilled jobs (young, male, poor, high-school dropout, ethnic minority) and the likelihood of involvement with crime, all the more when those young male workers are illegal migrants. But if immigration (legal or illegal) were associated with increasing crime rates, the official crime statistics would clearly reveal it. The opposite, however, is the case.

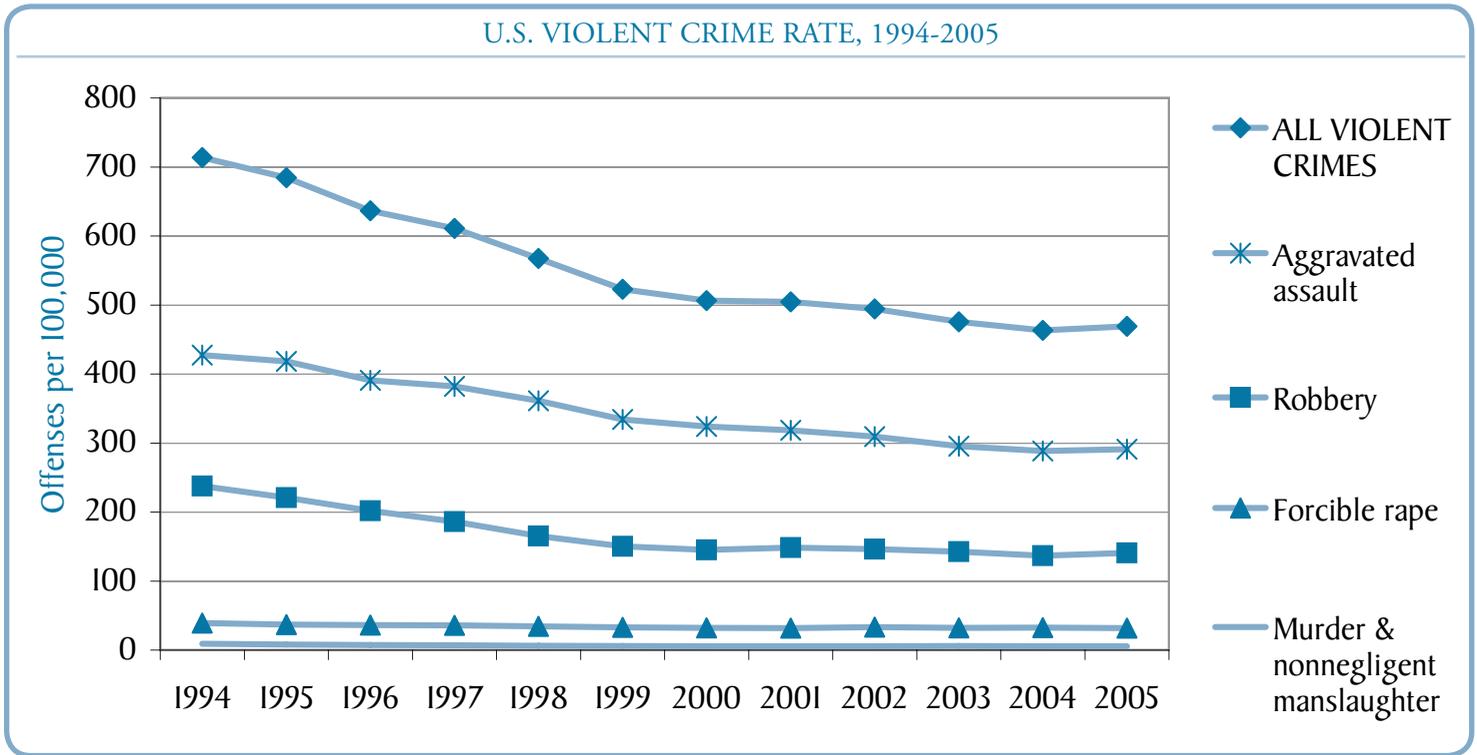
## CRIME RATES HAVE DECLINED AS IMMIGRATION HAS INCREASED

At the same time that immigration—especially undocumented immigration—has reached and surpassed historic highs, crime rates in the United States have *declined*, notably in cities with large immigrant populations (including cities with large numbers of undocumented immigrants such as Los Angeles and border cities like San Diego and El Paso, as well as New York, Chicago, and Miami). The Uniform Crime Reports released each year by the Federal Bureau of Investigation (FBI) demonstrate the decline of both violent crime and property crime at the same time that the foreign-born population has grown.

From 1994 to 2005, the violent crime rate overall declined 34.2 percent, reaching the lowest level ever in 2005. In particular, homicide rates fell 37.8 percent to levels last seen in the late 1960s, robbery rates dropped 40.8 percent, and assault rates declined 31.9 percent {Figure 1}.<sup>14</sup> Moreover, the proportion of serious violent crimes committed by juveniles decreased during this period and the number of gun crimes stabilized at levels last seen in 1988.<sup>15</sup>

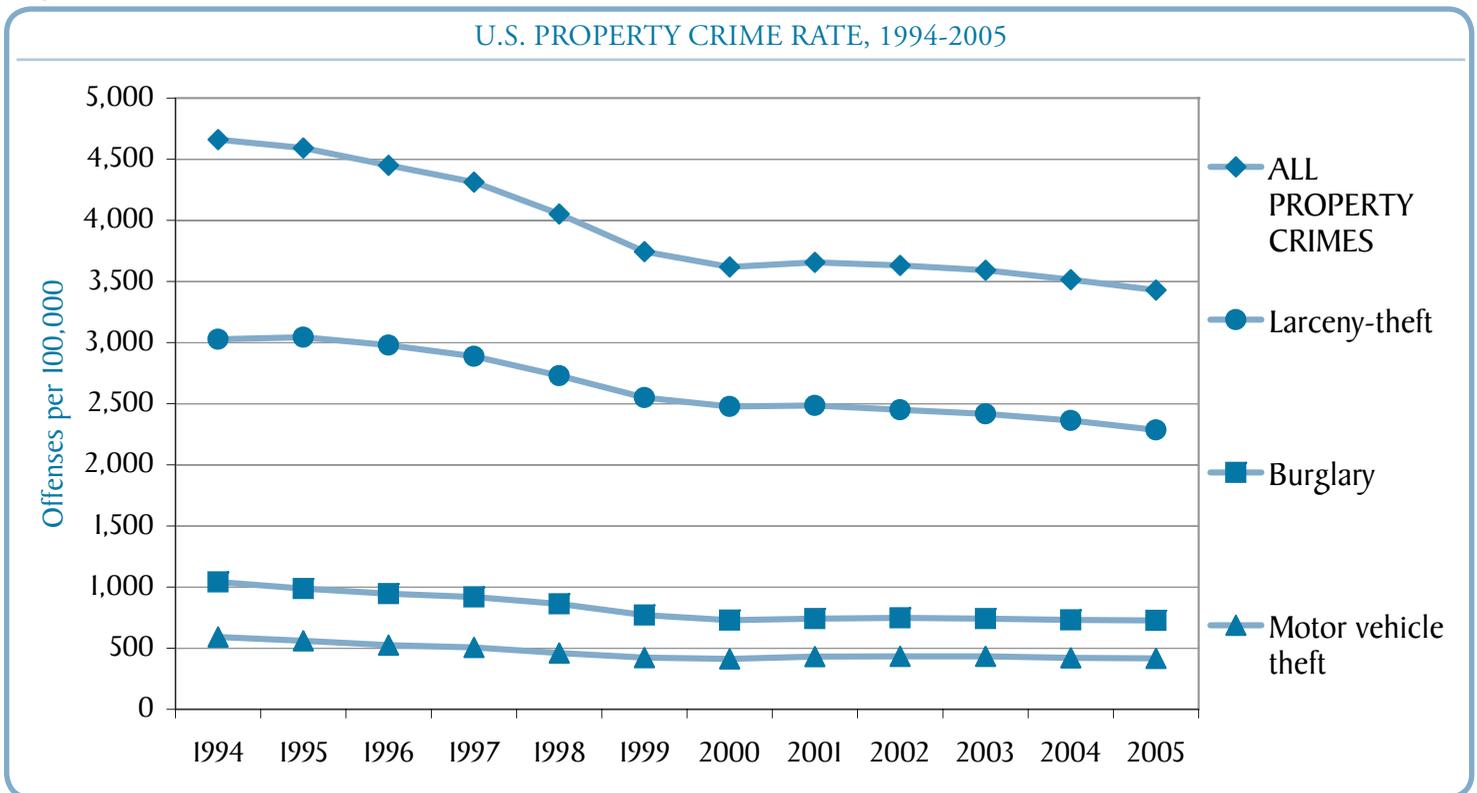
The property crime rate as a whole declined 26.4 percent between 1994 and 2005. Specifically, burglary rates have stabilized after years of decline, theft rates reached the lowest level ever recorded in 2005, and motor-vehicle theft rates leveled off after 2000 {Figure 2}.<sup>16</sup>

Figure 1:



Source: Bureau of Justice Statistics-Data Online, "Reported Crime in United States-Total."

Figure 2:



Source: Bureau of Justice Statistics-Data Online, "Reported Crime in United States-Total."

## INCARCERATION RATES HAVE INCREASED

However, alongside this new era of immigration, the U.S. incarceration rate has become the highest of any country in the world. There are more people behind bars in the United States than in either China or India, each of which has a population roughly 4 times larger than the United States.<sup>17</sup> Between 1980 and 2005, the number of adults incarcerated in federal or state prisons or in local jails in the United States quadrupled from just over 500,000 to 2.2 million. This amounts to an increase in the incarceration rate from 139 prisoners for every 100,000 people in the country to 491 per 100,000. Two-thirds of those are in federal or state prisons and one-third in local jails. The vast majority are young men between the age of 18 and 39.<sup>18</sup> According to a 1998 study by the National Center on Addiction and Substance Abuse at Columbia University, about 80 percent of those in prison either violated drug or alcohol laws, were high at the time they committed their crimes, stole property to buy drugs, had a history of drug and alcohol abuse and addiction, or some combination of those characteristics.<sup>19</sup>

Department of Justice statistics on incarceration are not broken down by nativity or generation, but the available data indicate that imprisonment rates vary widely by gender, ethnicity, and education. In 2005, about 93 percent of inmates in federal and state prisons were men, and there were 3,145 non-Hispanic black male prisoners per 100,000 black males in the United States and 1,244 Hispanic males per 100,000, compared to 471 non-Hispanic white males per 100,000.<sup>20</sup> The majority of prison inmates are high-school dropouts.<sup>21</sup> Among some minorities, particularly native-born blacks, imprisonment has become a common and defining event for men in early adulthood. As sociologists Becky Pettit and Bruce Western have noted, black men born in the late 1960s were, by the end of the 1990s, more likely to have prison records than either military records or college degrees, and those who were high-school dropouts had a nearly 60 percent chance of having served time in prison.<sup>22</sup>

## IMMIGRANTS' INCARCERATION RATES ARE LOWER THAN NATIVES'

Conventional theories of crime and incarceration predict higher rates of imprisonment for younger and less educated adult males from minority groups—characteristics which describe a much greater proportion of the foreign-

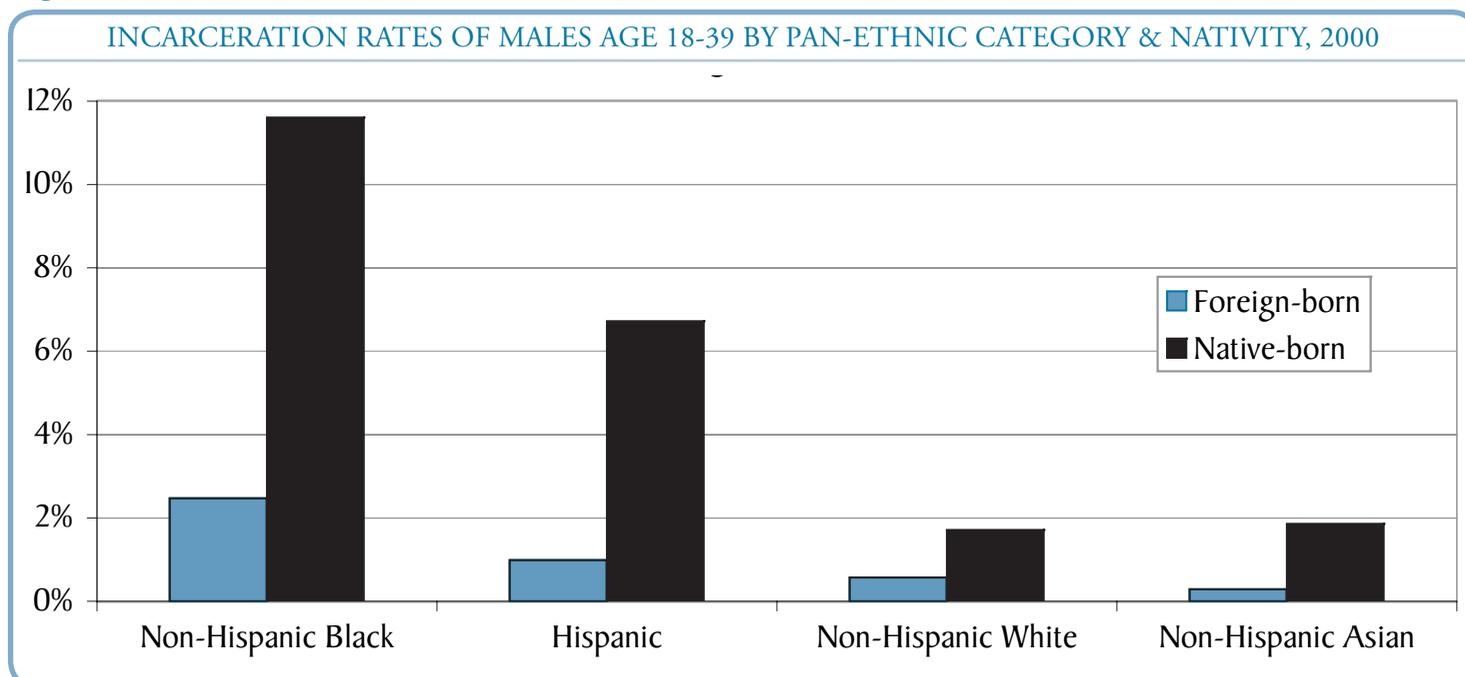
born population than of the native-born, especially illegal immigrants. Foreign-born Mexican men comprise a third of all immigrant men between the ages of 18 and 39, have the lowest levels of education of any ethnic group in the country, and account for the majority of illegal immigrants. Therefore, they would be expected to have the highest rates of imprisonment, followed by Salvadorans and Guatemalans. However, an analysis of data from the 2000 U.S. Census<sup>23</sup> reveals just the opposite to be the case.

In 2000, 3 percent of the 45.2 million males age 18 to 39 in the United States were in federal or state prisons or local jails at the time of the census. Surprisingly, at least from the vantage point of conventional wisdom, the incarceration rate of native-born men in this age group (3.5 percent) was 5 times *higher* than the incarceration rate of foreign-born men (0.7 percent). The foreign-born rate was nearly two-and-a-half times less than the 1.7 percent rate for native-born non-Hispanic white men and almost 17 times less than the 11.6 percent rate for native-born non-Hispanic black men. The lower incarceration rate among immigrants was found in every pan-ethnic category without exception. For instance, native-born Hispanic men were nearly 7 times more likely to be in prison than foreign-born Hispanic men, while the incarceration rate of native-born non-Hispanic white men was almost 3 times higher than that of foreign-born white men {Figure 3}.

There also was wide variation in the incarceration rates of native and foreign-born men within particular ethnic groups. Among Hispanic men, for example, foreign-born Mexicans had an incarceration rate of only 0.7 percent—more than 8 times lower than the 5.9 percent rate of native-born males of Mexican descent. Similarly, 0.5 percent of foreign-born Salvadoran and Guatemalan men were in prison, compared to 3.0 percent of native-born males of Salvadoran and Guatemalan descent {Figure 4}.<sup>24</sup> The incarceration rates of foreign-born Mexicans, Salvadorans, and Guatemalans were the lowest of any Latin American immigrant group even though they were the least educated. These three nationalities are precisely the groups that make up the majority of illegal immigrants in the United States.

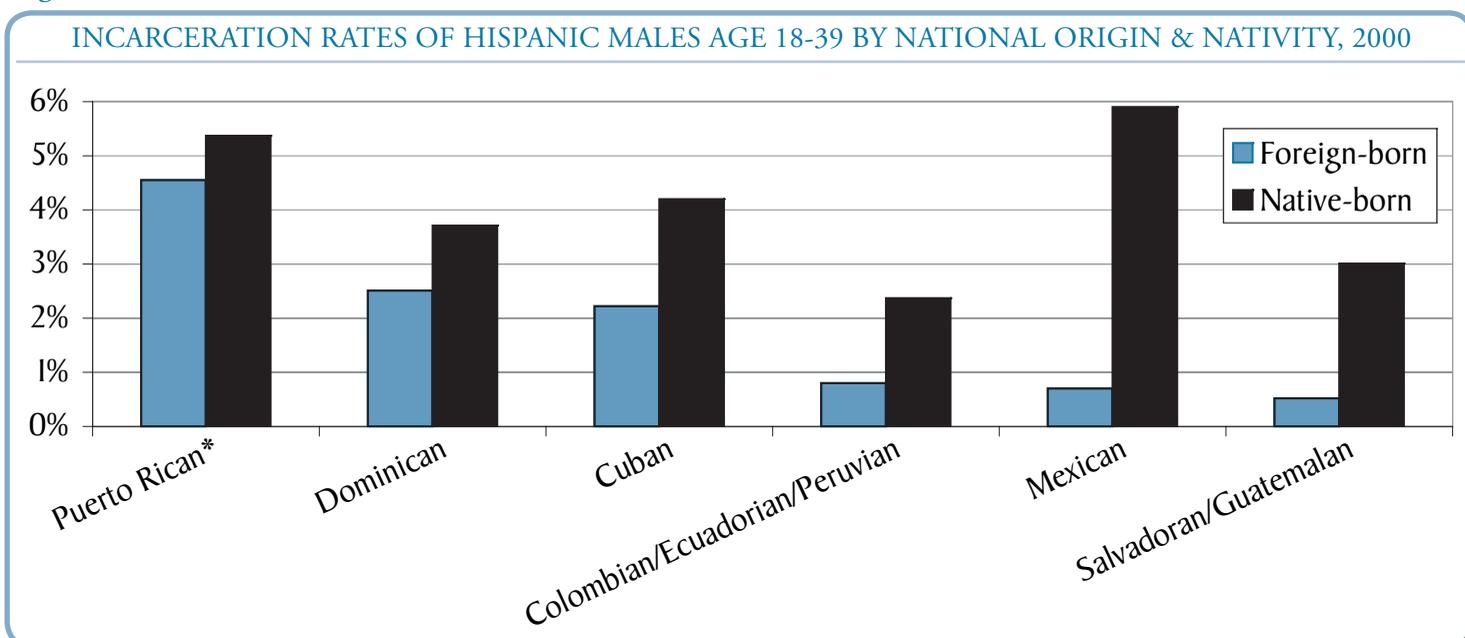
A similar range of variation was found among Asian men. For instance, foreign-born Chinese/Taiwanese men had an extremely low incarceration rate of 0.2 percent, which was three-and-a-half times lower than the 0.7 percent

Figure 3:



Source: 2000 Census, 5% PUMS.

Figure 4:



Source: Source: 2000 Census, 5% PUMS.

\*Although Puerto Ricans are U.S. citizens, not immigrants, for the purposes of this table those born on the island are classified as “foreign-born” and those born on the mainland as “native-born.”

incarceration rate of native-born men of Chinese/Taiwanese descent. The incarceration rate of foreign-born Laotian and Cambodian men (0.9 percent) was the highest among Asian immigrant groups, but was more than 8 times lower than that of native-born men of Laotian and Cambodian descent (7.3 percent). With the exception of Laotians and Cambodians, foreign-born men from Asian countries had lower incarceration rates than those from Latin American countries, as did their native-born counterparts. This is not surprising given that immigrants from India, Taiwan, China, South Korea, and the Philippines are among the most educated groups in the United States, while immigrants from Cambodia, Laos, Mexico, and Central American countries are among the least educated {Figure 5}.<sup>25</sup>

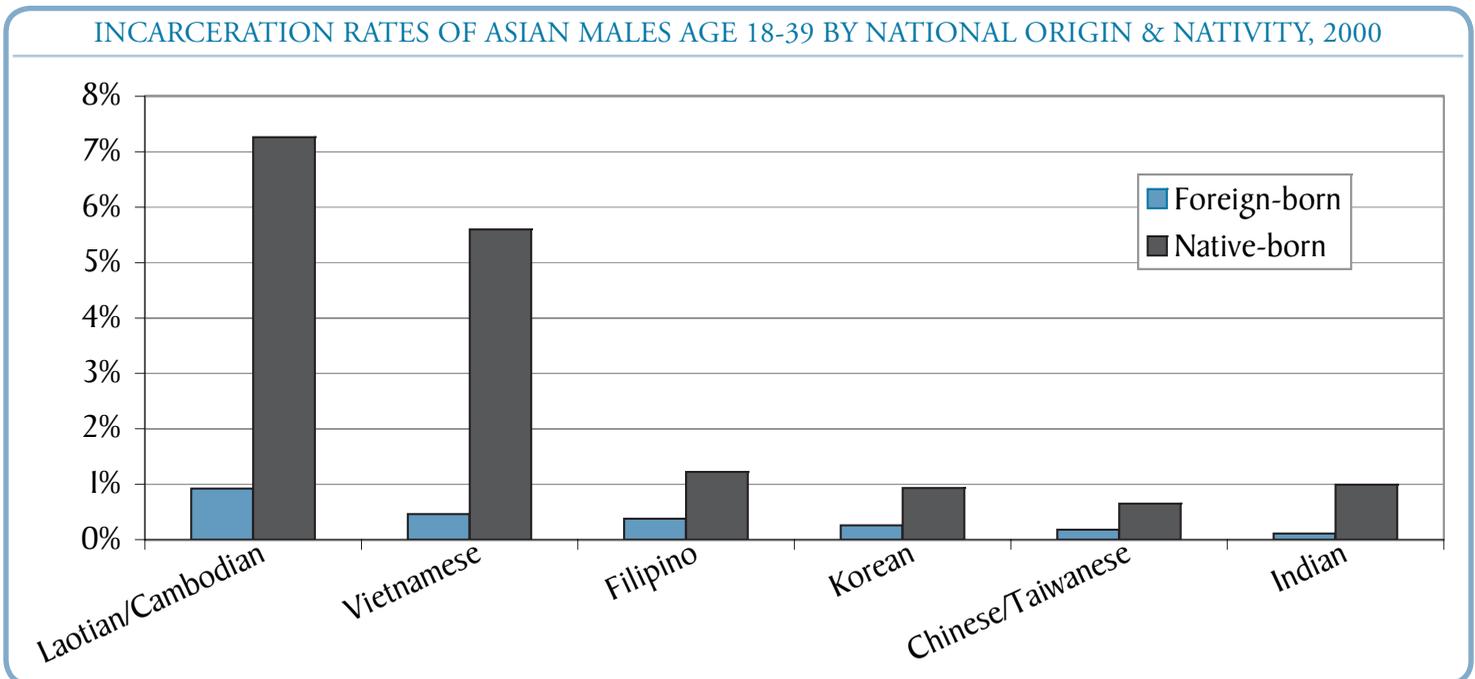
The 2000 Census data yielded comparable results for California, the state with the greatest number of both legal and illegal immigrants—over a quarter of the national total, including the largest concentrations by far of Mexicans, Salvadorans, and Guatemalans—and with the greatest number of people in prisons and jails. Overall, native-born men age 18 to 39 in California had *higher* incarceration rates than the

rest of the United States, while the foreign-born had *lower* rates in California compared to the rest of the country. The incarceration rate for the native-born was more than one percentage point higher in California than in the rest of the country (4.5 percent vs. 3.4 percent). In contrast, the incarceration rate for the foreign-born in California was less than half the foreign-born rate in the rest of the country (0.4 percent vs. 1.0 percent).

### IMMIGRANTS' INCARCERATION RATES ARE LOWER THAN NATIVES' AMONG HIGH-SCHOOL DROPOUTS

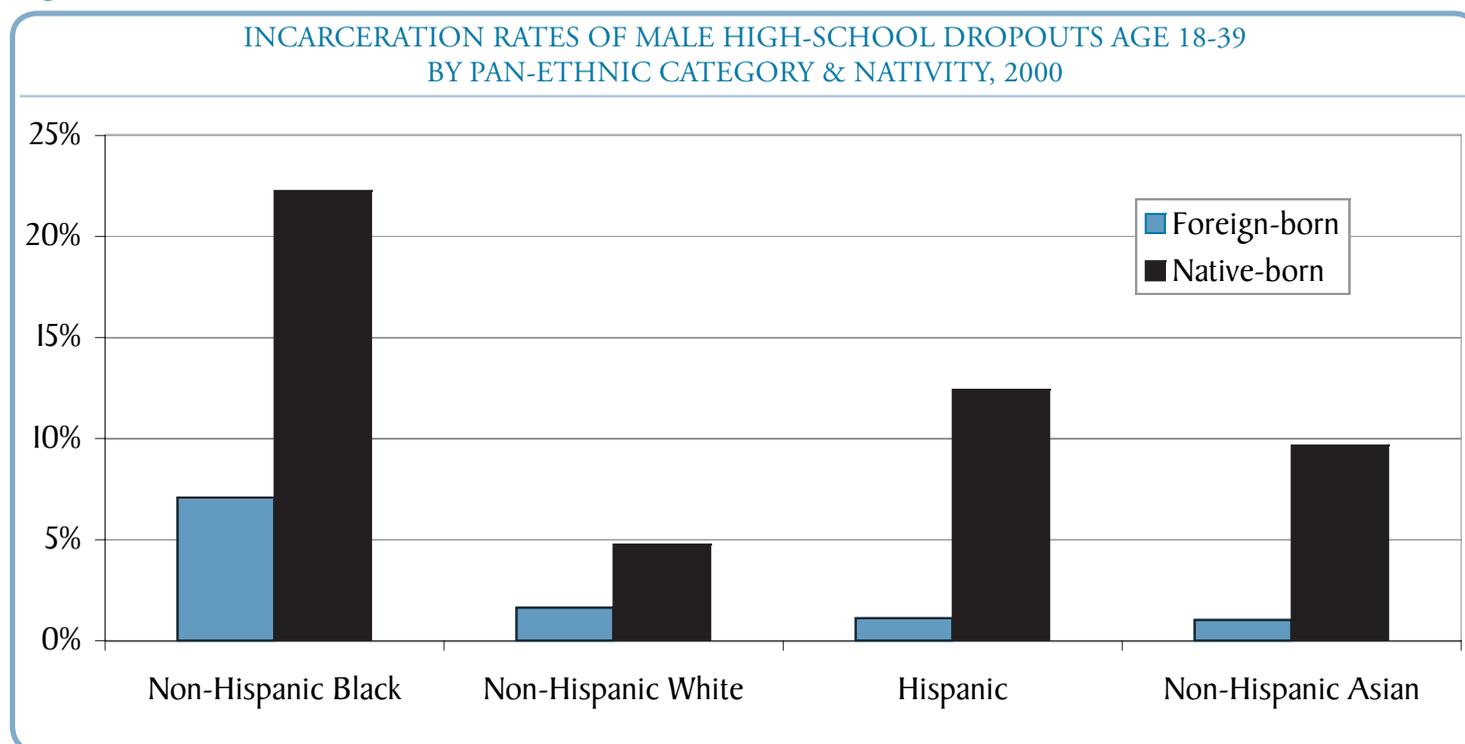
For all ethnic groups, as expected, the risk of imprisonment was highest for men who were high-school dropouts (6.9 percent) compared to those who were high-school graduates (2.0 percent). However, the greatest difference in the risk of incarceration by education was observed among native-born men, not immigrants. Among the U.S.-born, 9.8 percent of all male high-school dropouts were in jail or prison in 2000, compared to 2.2 percent among high-school graduates. But among the foreign-born, the incarceration gap by education

Figure 5:



Source: 2000 Census, 5% PUMS.

Figure 6:



Source: 2000 Census, 5% PUMS.

was much narrower. Only 1.3 percent of immigrant men who were high-school dropouts were incarcerated, compared to 0.6 percent of those with at least a high-school diploma.

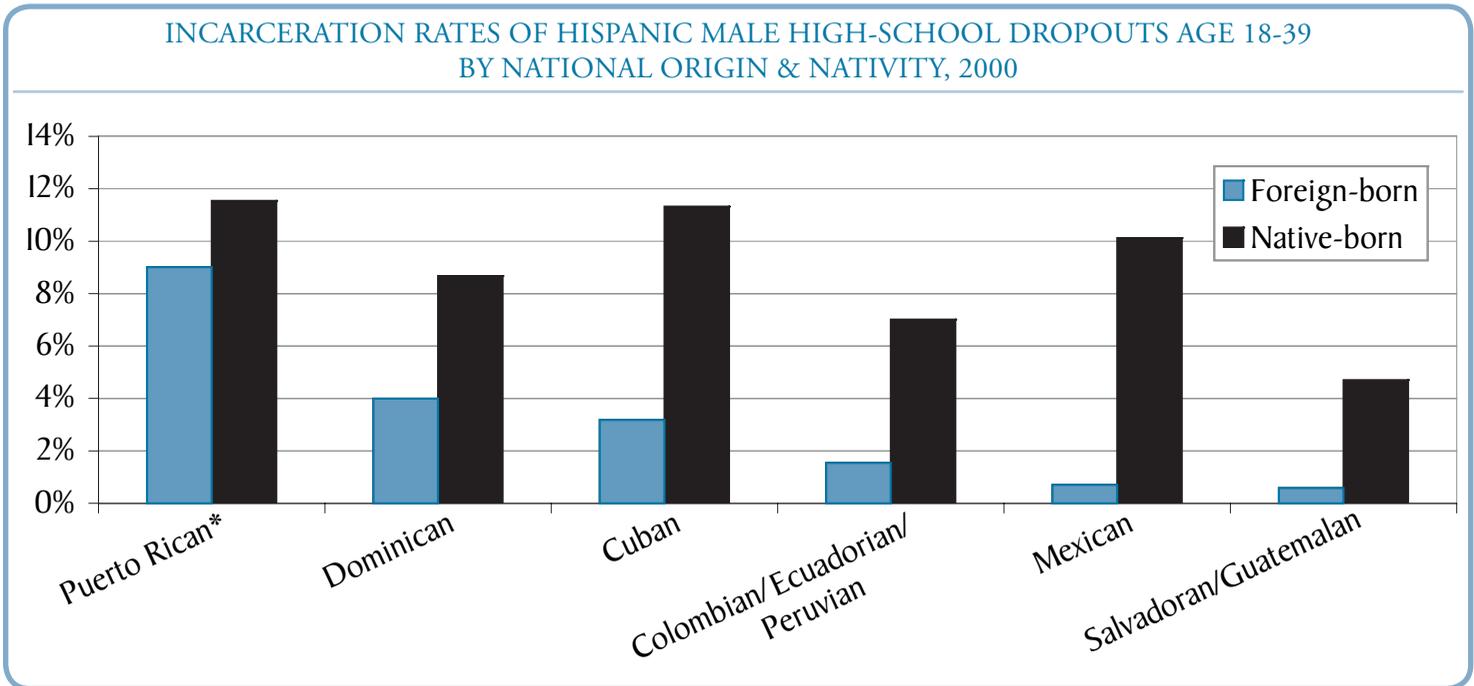
Nativity emerged as a stronger predictor of incarceration than education for all ethnic categories. Among U.S.-born men who had not finished high school, the highest incarceration rate by far was seen among non-Hispanic blacks, 22.3 percent of whom were imprisoned at the time of the 2000 Census—more than triple the 7.1 percent incarceration rate among foreign-born black high-school dropouts.<sup>26</sup> Among non-Hispanic whites who had not finished high school, 4.8 percent of the U.S.-born were in prison, triple the 1.6 percent rate among foreign-born white high-school dropouts. The incarceration rate of native-born Hispanic men without a high-school diploma (12.4 percent) was more than 11 times higher than the 1.1 percent rate of foreign-born Hispanic high-school dropouts {Figure 6}.

Again, there was considerable variation in the incarceration rates of male high-school dropouts within each ethnic

group. Among Hispanics, 0.7 percent of foreign-born Mexicans without a high-school diploma were imprisoned—more than 14 times less than the 10.1 percent of native-born male high-school dropouts of Mexican descent behind bars. Only 0.6 percent of foreign-born Salvadoran and Guatemalan high-school dropouts were in prison, which was nearly 8 times lower than the 4.7 percent incarceration rate among native-born men of Salvadoran and Guatemalan descent who lacked high-school diplomas {Figure 7}.

Even greater differences between the incarceration rates of native-born and foreign-born men without a high-school diploma were found among Asian groups. The 0.9 percent incarceration rate of foreign-born Vietnamese high-school dropouts was vastly lower than the 16.2 percent rate of native-born high-school dropouts of Vietnamese descent. Similarly, the incarceration rate of native-born high-school dropouts of Indian descent (6.7 percent) was far greater than the 0.3 percent rate among foreign-born Indian high-school dropouts {Figure 8}.

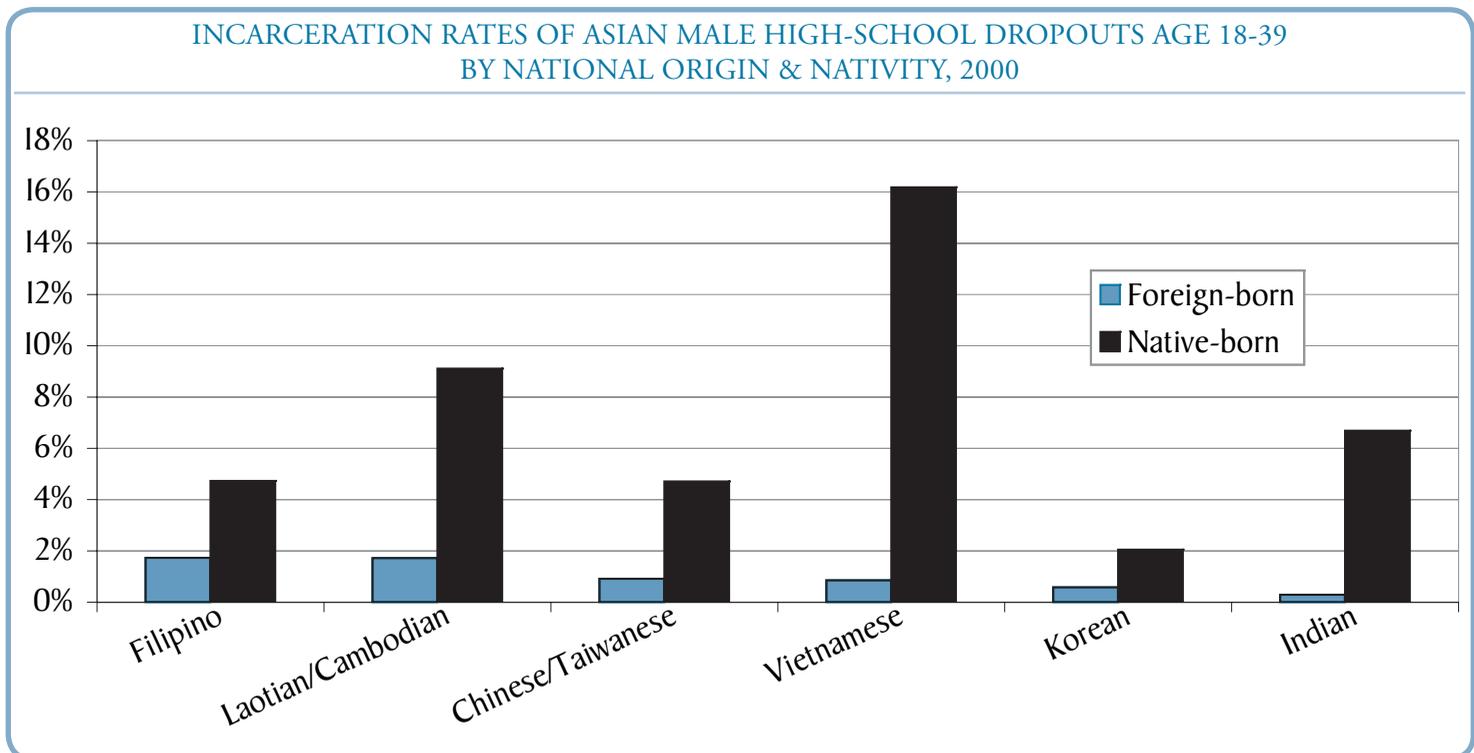
Figure 7:



Source: 2000 Census, 5% PUMS.

\*Although Puerto Ricans are U.S. citizens, not immigrants, for the purposes of this table those born on the island are classified as “foreign-born” and those born on the mainland as “native-born.”

Figure 8:



Source: 2000 Census, 5% PUMS.

## THE PARADOX OF ASSIMILATION

The higher rate of imprisonment for native-born men than foreign-born men highlights a darker side to assimilation than is commonly recognized. It traditionally has been assumed that assimilation involves the acquisition by immigrants and their descendants of English-language proficiency, higher levels of education, valuable new job skills, and other attributes that ease their entry into U.S. society and improve their chances of success in the U.S. economy. However, other aspects of assimilation are not as positive. For instance, public-health experts have noted an “epidemiological paradox” among immigrants, especially those from Latin America. On the one hand, they have lower rates of adult and infant mortality and give birth to fewer underweight babies than natives despite higher poverty rates and greater barriers to health care. But, on the other hand, their health status—and that of their children—worsens the longer they live in the United States. As they adopt an “American” diet high in fats, sugars, and processed foods, they experience sharp increases in obesity and in the incidence of diseases such as diabetes and high blood pressure.<sup>27</sup>

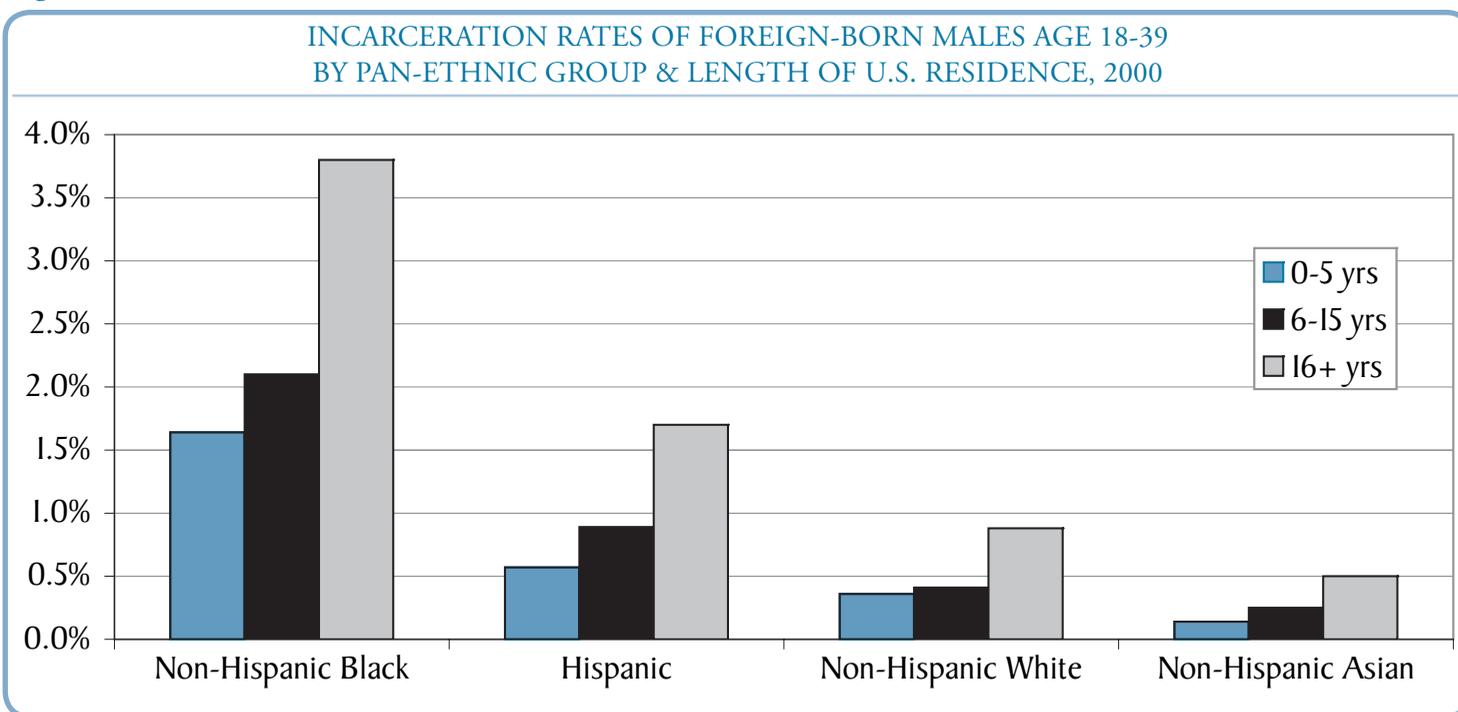
In addition, assimilation often entails incorporation into “minority” status in the United States, particularly among

poor immigrants from non-European countries. As a result, the children and grandchildren of many immigrants—as well as many immigrants themselves the longer they live in the United States—become subject to economic and social forces that increase the likelihood of criminal behavior among other natives. This is especially true in impoverished communities where the native-born in particular are much more likely than immigrants (especially recent immigrants) to experience higher rates of divorce and drug and alcohol addiction.<sup>28</sup>

## THE RISK OF INCARCERATION FOR IMMIGRANTS INCREASES OVER TIME

The 2000 Census shows that the risk of incarceration is higher not only for the children of immigrants, but for immigrants themselves the longer they have resided in the United States. Among foreign-born Hispanic men, the incarceration rate nearly tripled from 0.6 percent for those who had been in the United States 5 years or less to 1.7 percent for those with 16 or more years of residence. Similarly, foreign-born non-Hispanic white men and black men who had been in the country for 16 or more years were more than twice as likely to be in prison as those who had been in the United States for 5 years or less {Figure 9}. However, even

Figure 9:



Source: 2000 Census, 5% PUMS.

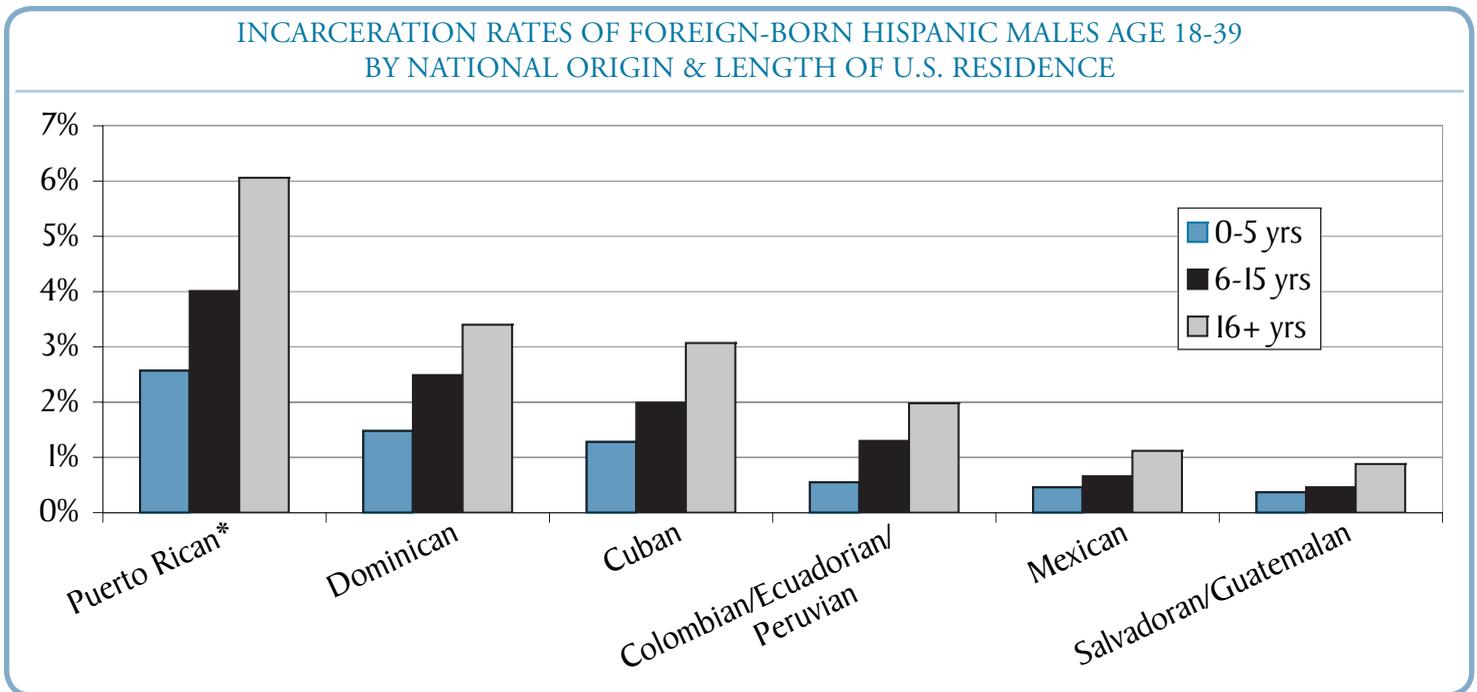
immigrants who had resided in the United States for 16+ years were far less likely to be incarcerated than their native-born counterparts in each pan-ethnic category.

The increasing risk of incarceration among foreign-born men the longer they reside in the United States varied among the different nationalities within pan-ethnic categories. Among foreign-born men from Mexico, El Salvador, Guatemala, and Cuba, the chance of being in prison was more than twice as great for those in the country 16 years or more as for those with 5 years or less of residence. The incarceration rate for Colombians, Ecuadorians, and Peruvians in the country 5 years or less was more than 3 times lower than for those with 16 or more years of residence {Figure 10}. Among foreign-born Asian men, the risk of incarceration was 3 times greater for Chinese/Taiwanese and Indian men with 16+ years of residence than for those with 0-5 years, and 5 times greater for Koreans who had been in the country for 16 years or more {Figure 11}.

SIMILAR RESULTS FROM OTHER STUDIES

The evidence from the 2000 Census demonstrating the lower rate of incarceration among immigrants is reinforced by other studies conducted over the past century. For instance, a study by economists Kristin Butcher and Anne Morrison Piehl based on data from the 1980 and 1990 Censuses yielded similar findings.<sup>29</sup> A more recent analysis by Butcher and Piehl demonstrates that these findings are not the result of increased deportations of non-citizen criminals or the impact of harsher immigration laws in deterring immigrants from committing crimes. Rather, the authors conclude that during the 1990s, “those immigrants who chose to come to the United States were less likely to be involved in criminal activity than earlier immigrants and the native born.”<sup>30</sup> Taken together, studies such as these provide consistent and compelling evidence over a period of three decades that incarceration rates are much lower among immigrant men than the national norm despite their lower levels of education and higher rates

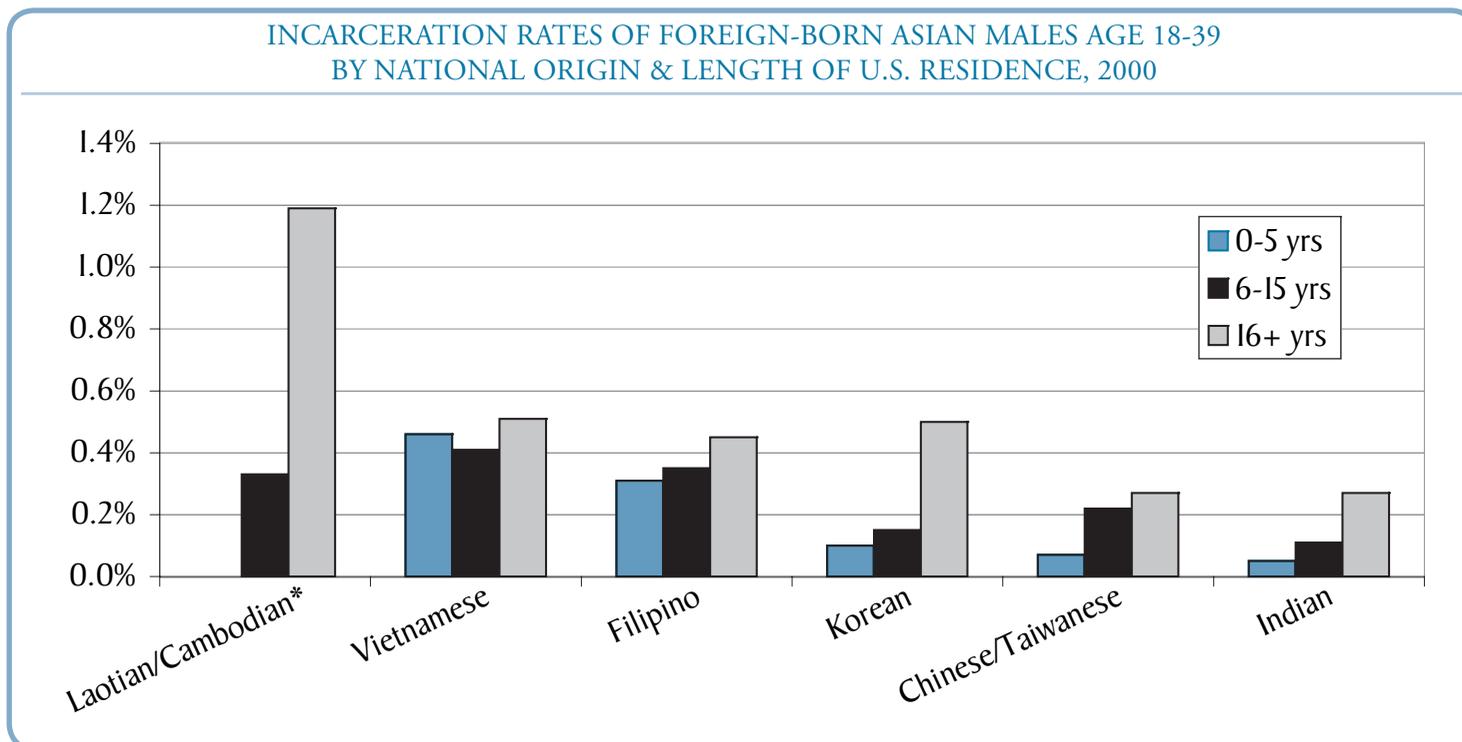
Figure 10:



Source: 2000 Census, 5% PUMS.

\*Although Puerto Ricans are U.S. citizens, not immigrants, for the purposes of this table those born on the island are classified as “foreign-born” and those born on the mainland as “native-born.”

Figure 11:



Source: 2000 Census, 5% PUMS.

\*There were too few Laotian/Cambodian men who had been in the United States for 0-5 years as of 2000 to provide an accurate estimate.

of poverty. In 2000, these patterns applied to every ethnic group without exception.

Other scholars, such as sociologist Robert J. Sampson, have addressed similar questions concerning immigration and crime and concluded that increased immigration is a major factor associated with lower crime rates. In a study of 180 Chicago neighborhoods from 1995 to 2002, Sampson and his colleagues found that Latin American immigrants were less likely than the U.S.-born to commit violent crimes even when they lived in dense communities with high rates of poverty. First-generation immigrants (foreign-born) were 45 percent less likely to commit violent crimes than were third-generation Americans (children of native-born parents), adjusting for family and neighborhood background. The second generation (those born in the United States to immigrant parents) was 22 percent less likely to commit violent crimes than the third or higher generation.<sup>31</sup> Similarly, the U.S. Commission on Immigration Reform concluded in a 1994 report that immigration is not associated with higher crime. The Commission compared crime rates in U.S.-

Mexico border cities such as El Paso with cities elsewhere in the United States and found that crime rates generally were lower in border cities.<sup>32</sup>

Recent empirical studies by sociologists Ramiro Martínez and Matthew Lee of homicides in three high-immigration border cities (San Diego, El Paso, and Miami) and of drug violence in Miami and San Diego came to similar conclusions, further refuting commonly presumed linkages between immigration and criminality.<sup>33</sup> In addition, several other studies have examined homicide rates among the Cuban refugees who arrived in the United States as a result of the Mariel Boatlift of 1980. Although these *marielitos* frequently were depicted in the media as prolific criminal offenders, even murderers, they in fact were not overrepresented among either homicide victims or offenders. Moreover, after only a short time in the United States, they were much less likely to commit crimes than Cubans who arrived in Miami before the Mariel Boatlift. As with south Florida in general, Miami experienced a sharp spike in homicides *before* the Mariel Cubans arrived in the city. Homicide rates continued to decline throughout

the 1980s despite a steady inflow of Latin American immigrants.<sup>34</sup>

Data from the National Longitudinal Study of Adolescent Health (Add Health) further demonstrate the intra- and inter-generational differences in delinquency and other risk behaviors among adolescents. Add Health is a nationally representative longitudinal survey of adolescents conducted in several “waves” since 1994. Drawing upon this survey, sociologists Kathleen Mullan Harris, and Hoan Bui and Ornuma Thingniramol, have found that second-generation youth were significantly more prone to engage in risk behaviors such as delinquency, violence, and substance abuse than foreign-born youth. In their analyses, every first-generation nationality had significantly fewer health problems and engaged in fewer risk behaviors than the comparable group of native-born non-Hispanic whites.<sup>35</sup>

In a sense, these findings should not come as news, for they are not new—merely forgotten and overruled by popular myth. In the first three decades of the 20<sup>th</sup> century, during the previous era of mass immigration, three major government commissions came to similar conclusions. The Industrial Commission of 1901, the [Dillingham] Immigration Commission of 1911, and the [Wickersham] National Commission on Law Observance and Enforcement of 1931 each sought to measure how immigration resulted in increases in crime. Instead, each found lower levels of criminal involvement among the foreign-born and higher levels among their native-born counterparts.<sup>36</sup> As the report of the Dillingham Commission concluded a century ago: “No satisfactory evidence has yet been produced to show that immigration has resulted in an increase in crime disproportionate to the increase in adult population. Such comparable statistics of crime and population as it has been possible to obtain indicate that immigrants are less prone to commit crime than are native Americans.”<sup>37</sup>

## CONCLUSION

Because many immigrants to the United States, especially Mexicans and Central Americans, are young men who arrive with very low levels of formal education, popular stereotypes and standard criminological theory tend to associate

them with higher rates of crime and incarceration. The fact that many of these immigrants enter the country through unauthorized channels or overstay their visas often is framed as an assault against the “rule of law,” thereby reinforcing the impression that immigration and criminality are linked. This association has flourished in a post-9/11 climate of fear and ignorance where terrorism and undocumented immigration often are mentioned in the same breath.

But anecdotal impression cannot substitute for scientific evidence. In fact, data from the census and other sources show that for every ethnic group, without exception, incarceration rates among young men are lowest for immigrants, even those who are the least educated and the least acculturated. This holds true especially for the Mexicans, Salvadorans, and Guatemalans who make up the bulk of the undocumented population. What is more, these patterns have been observed consistently over the last three decennial censuses, a period that spans the current era of mass immigration and mass imprisonment, and recall similar national-level findings reported by three major government commissions during the first three decades of the 20<sup>th</sup> century.

Given the cumulative weight of this evidence, immigration is arguably one of the reasons that crime rates have dropped in the United States over the past decade and a half. Indeed, a further implication of this evidence is that if immigrants suddenly disappeared and the country became immigrant-free (and illegal-immigrant free), crime rates would likely *increase*. The problem of crime and incarceration in the United States is not “caused” or even aggravated by immigrants, regardless of their legal status. But the misperception that the opposite is true persists among policymakers, the media, and the general public, thereby undermining the development of reasoned public responses to both crime and immigration.

## ENDNOTES

- <sup>1</sup> See Ramiro Martínez, Jr. and Abel Valenzuela, Jr., eds., *Immigration and Crime: Race, Ethnicity, and Violence*. New York: New York University Press, 2006.
- <sup>2</sup> Rubén G. Rumbaut and Richard D. Alba, “Perceptions of Group Size and Group Position in ‘Multi-Ethnic United States.’” Presented at the annual meeting of the American Sociological Association, Atlanta, August 2003. See also Richard D. Alba, Rubén G. Rumbaut and Karen Marotz, “A Distorted Nation: Perceptions of Racial/Ethnic Group Sizes and Attitudes toward Immigrants and Other Minorities,” *Social Forces* 84(2), December 2005: 899-917.
- <sup>3</sup> Brian N. Fry, *Nativism and Immigration: Regulating the American Dream*. New York: LFB Scholarly, 2006.
- <sup>4</sup> California Ballot Proposition 187, Section 1 (1994).
- <sup>5</sup> City Council of Hazleton, PA, Ordinance 2006-18: “Illegal Immigration Relief Act Ordinance,” Sections 2(C) and 2(F).
- <sup>6</sup> White House, Office of the Press Secretary, “President Bush Addresses the Nation on Immigration Reform,” May 15, 2006.
- <sup>7</sup> As used in this report, “legal” immigrants consist of Legal Permanent Residents (LPRs)—about 40 percent of whom had been in the United States in other statuses (including temporary or unauthorized) before becoming LPRs—as well as LPRs who subsequently became naturalized U.S. citizens. “Illegal” immigrants are those who entered the country without proper authorization, or who entered the country lawfully with non-immigrant visas but subsequently over-stayed or violated the terms of their visas. Visa over-stayers and violators may make up as much as 40 percent of the illegal immigrant population (See Jeffrey S. Passel, *The Size and Characteristics of the Unauthorized Migrant Population in the U.S.: Estimates Based on the March 2005 Current Population Survey*. Washington, DC: Pew Hispanic Center, March 7, 2006, p. 16).
- <sup>8</sup> Campbell Gibson and Kay Jung, *Historical Census Statistics on the Foreign-Born Population of the United States: 1850 to 2000* (Population Division Working Paper No. 81). Washington, DC: U.S. Census Bureau, February 2006, Table 1.
- <sup>9</sup> These figures are weighted estimates drawn from the March 2006 Current Population Survey (CPS).
- <sup>10</sup> Jeffrey S. Passel, *The Size and Characteristics of the Unauthorized Migrant Population in the U.S.*, March 7, 2006, pp. 2, 5, 7.
- <sup>11</sup> Wayne A. Cornelius, “Impacts of Border Enforcement on Unauthorized Mexican Migration to the United States.” New York: Social Science Research Council, on-line forum on “Border Battles: The U.S. Immigration Debates,” September 26, 2006 {<http://borderbattles.ssrc.org/Cornelius/>}; Douglas S. Massey, Jorge Durand and Nolan J. Malone, *Beyond Smoke and Mirrors: Mexican Immigration in an Era of Economic Integration*. New York, NY: Russell Sage Foundation, 2002, Chapter 6.
- <sup>12</sup> See Immigration Policy Center, *Economic Growth and Immigration: Bridging the Demographic Divide*. Washington, DC: American Immigration Law Foundation, November 2005.
- <sup>13</sup> Congressional Budget Office, *The Role of Immigrants in the U.S. Labor Market*. Washington, DC: November 2005, p. 25.
- <sup>14</sup> U.S. Department of Justice, Bureau of Justice Statistics—Data Online, “Reported Crime in United States—Total, 1960-2005” {<http://bjsdata.ojp.usdoj.gov/dataonline/Search/Crime/State/state-bystaterun.cfm?stateid=52>}.
- <sup>15</sup> U.S. Department of Justice, Bureau of Justice Statistics, “Key Crime and Justice Facts at a Glance” {<http://www.ojp.usdoj.gov/bjs/glance.htm>}.
- <sup>16</sup> U.S. Department of Justice, Bureau of Justice Statistics, “Reported Crime in United States—Total, 1960-2005.”
- <sup>17</sup> Roy Walmsley, *World Prison Population List*, 6th edition. London: University of London, King’s College, School of Law, International Centre for Prison Studies, February 2005, p. 1.
- <sup>18</sup> U.S. Department of Justice, Bureau of Justice Statistics, “Corrections Statistics” {<http://www.ojp.usdoj.gov/bjs/correct.htm>}; Paige M. Harrison and Allen J. Beck, *Prisoners in 2005* (NCJ 215092). Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, November 2006, pp. 2, 8.
- <sup>19</sup> National Center on Addiction and Substance Abuse (CASA) at Columbia University, *Behind Bars: Substance Abuse and America’s Prison Population*. New York: Columbia University, January 1998, p. 2.
- <sup>20</sup> Paige M. Harrison and Allen J. Beck, *Prisoners in 2005*, November 2006, pp. 4, 8.
- <sup>21</sup> Caroline Wolf Harlow, *Education and Correctional Populations* (NCJ 195670). Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, January 2003, p. 2.
- <sup>22</sup> Becky Pettit and Bruce Western, “Mass Imprisonment and the Life Course,” *American Sociological Review* 69 (2), April 2004: 156, 164.
- <sup>23</sup> Data from the 5% Public Use Microdata Samples (PUMS) of the 2000 Census are here used to measure the institutionalization rates of immigrants and natives, focusing on males 18 to 39, among whom the vast majority of the institutionalized are in correctional facilities. For a description of the methodology used to produce estimates of the incarcerated population from census data, see Kristin F. Butcher and Anne Morrison Piehl, *Recent Immigrants: Unexpected Implications for Crime and Incarceration* (Working Paper 6067). Cambridge, MA: National Bureau of Economic Research, June 1997.

- <sup>24</sup> Census Bureau data are not available on the specific ethnicities of native-born, non-Hispanic whites and blacks. Therefore, comparisons of the native-born and foreign-born by ethnic group are possible only for Hispanics and non-Hispanic Asians. In addition, the native-born Hispanic category includes a sizeable number of people who no longer identify themselves by a specific national origin.
- <sup>25</sup> Data on education for these foreign-born populations are drawn from the 2000 Census, 5% PUMS. See also Alejandro Portes and Rubén G. Rumbaut, *Immigrant America: A Portrait*, 3rd edition. Berkeley: University of California Press, 2006.
- <sup>26</sup> Foreign-born non-Hispanic blacks include Jamaicans, Haitians, West Indians, Nigerians, etc.
- <sup>27</sup> See José J. Escarce, Leo S. Morales and Rubén G. Rumbaut, "Health Status and Health Behaviors of Hispanics," in Marta Tienda and Faith Mitchell, eds., *Hispanics and the Future of America*. Washington, DC: National Academies Press, 2006, pp. 362-409; Rubén G. Rumbaut and John R. Weeks, "Unraveling a Public Health Enigma: Why Do Immigrants Experience Superior Perinatal Health Outcomes?," *Research in the Sociology of Health Care*, 13(B), 1996: 335-388.
- <sup>28</sup> Ramiro Martínez, Jr. and Matthew T. Lee, "On Immigration and Crime," in National Institute of Justice, *Criminal Justice 2000: The Nature of Crime, Vol. 1* (NCJ 182408). Washington, DC: U.S. Department of Justice, Office of Justice Programs, July 2000, p. 515; Rubén G. Rumbaut, "Assimilation and Its Discontents: Between Rhetoric and Reality," *International Migration Review* 31(4), 1997: 923-960.
- <sup>29</sup> Kristin F. Butcher and Anne Morrison Piehl, "Recent Immigrants: Unexpected Implications for Crime and Incarceration," *Industrial and Labor Relations Review* 51(4), July 1998: 654-679.
- <sup>30</sup> Kristin F. Butcher and Anne Morrison Piehl, *Why Are Immigrants' Incarceration Rates So Low? Evidence on Selective Immigration, Deterrence, and Deportation* (WP 2005-19). Chicago: Federal Reserve Bank of Chicago, November 2005, p. 2.
- <sup>31</sup> Robert J. Sampson, Jeffrey D. Morenoff and Stephen Raudenbush, "Social Anatomy of Racial and Ethnic Disparities in Violence," *American Journal of Public Health* 95(2), February 2005: 224-232. See also Eyal Press, "Do immigrants Make Us Safer?," *The New York Times Magazine*, December 3, 2006.
- <sup>32</sup> U.S. Commission on Immigration Reform, *U.S. Immigration Policy: Restoring Credibility*. Washington, DC: 1994, p. 20.
- <sup>33</sup> Ramiro Martínez, Jr., Matthew T. Lee and A. L. Nielsen, "Segmented Assimilation, Local Context and Determinants of Drug Violence in Miami and San Diego: Does Ethnicity and Immigration Matter?," *International Migration Review* 38(1), March 2004: 131-157; Matthew T. Lee, Ramiro Martínez, Jr. and Richard B. Rosenfeld, "Does Immigration Increase Homicide? Negative Evidence from Three Border Cities," *Sociological Quarterly* 42(4), September 2001: 559-580.
- <sup>34</sup> For a summary of these studies, see Ramiro Martínez, Jr. and Matthew T. Lee, "On Immigration and Crime," July 2000, pp. 498-501.
- <sup>35</sup> Kathleen Mullan Harris, "The Health Status and Risk Behavior of Adolescents in Immigrant Families," in Donald J. Hernández, ed., *Children of Immigrants: Health, Adjustment, and Public Assistance*. Washington, DC: National Academy of Sciences Press, 1999, pp. 286-347; Hoan N. Bui and Ornuma Thingniramol, "Immigration and Self-Reported Delinquency: The Interplay of Immigrant Generations, Gender, Race, and Ethnicity," *Journal of Crime and Justice* 28(2), 2005: 79-100.
- <sup>36</sup> For a summary of these reports, see Michael Tonry, "Ethnicity, Crime, and Immigration," in Michael Tonry, ed., *Ethnicity, Crime, and Immigration: Comparative and Cross-National Perspectives*. Chicago: University of Chicago Press, 1996; Ramiro Martínez, Jr. and Matthew T. Lee, "On Immigration and Crime," July 2000, pp. 495-498.
- <sup>37</sup> *Reports of the Immigration Commission*, 61st Congress, 3rd Session. Washington, DC: Government Printing Office, 1911, p. 168.



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