



# IMMIGRATION POLICY CENTER

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...providing factual information about immigration and immigrants in America

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## **From Anecdotes to Evidence: Setting the Record Straight on Immigrants and Crime**

Anti-immigrant activists and politicians are fond of relying upon anecdotes to support their oft-repeated claim that immigrants, especially undocumented immigrants, are dangerous criminals. This mythical claim is usually based on rhetorical sleight of hand in which individual stories of heinous crimes committed by immigrants are presented as “proof” that we must restrict immigration or “get tough” on the undocumented in order to save the lives of U.S. citizens. While these kinds of arguments are emotionally powerful, they are intellectually dishonest. There is no doubt that dangerous criminals must be punished, and that immigrants who are dangerous criminals should not be allowed to enter the United States or should be deported if they already are here. But harsh immigration policies are not effective in fighting crime because—as numerous studies over the past 100 years have shown—immigrants are *less* likely to commit crimes or be behind bars than the native-born, and high rates of immigration are *not* associated with higher rates of crime. This holds true for both legal immigrants and the undocumented, regardless of their country of origin or level of education.

### **Crime Rates in the United States *Fell* as the Undocumented Population *Doubled***

- Although the undocumented immigrant population *doubled* to about 12 million from 1994 to 2004, data from the [Bureau of Justice Statistics](#) indicates that the violent crime rate in the United States *declined* by 35.1 percent during this time and the property crime rate fell by 25.0 percent.<sup>1</sup> The decline in crime rates was not just national, but also occurred in border cities and other cities with large immigrant populations such as San Diego, El Paso, Los Angeles, New York, Chicago, and Miami.<sup>2</sup>
- According to a [2008 report](#) from the conservative Americas Majority Foundation, crime rates are *lowest* in states with the *highest* immigration growth rates.<sup>3</sup>
  - From 1999 to 2006, the total crime rate declined 13.6 percent in the 19 highest-immigration states, compared to a 7.1 percent decline in the other 32 states.
  - In 2006, the 10 “high influx” states—those with the most dramatic, recent increases in immigration—had the lowest rates of violent crime and total crime.
- Statistics released by the [Federal Bureau of Investigation](#) (FBI) in June 2008 indicate that the violent crime rate increased for two consecutive years after 2004, before falling again in 2007 (while the property crime rate declined continuously during this period).<sup>4</sup> It is highly unlikely that the brief upswing in violent crimes from 2004 to 2006 was related to immigration given that the rates of both violent and property crime declined significantly during the 1990s at the same time the immigrant population increased dramatically.

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## **Nationwide, Immigrants are Five Times *Less* Likely to be in Prison Than the Native-Born**

- A [2007 study](#) by University of California, Irvine, sociologist Rubén G. Rumbaut, found 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.<sup>5</sup>
- The 3.5 percent incarceration rate for native-born men age 18-39 was five times *higher* than the 0.7 percent rate for immigrant men in 2000.
  - Among male high-school dropouts, 9.8 percent of the native-born were behind bars in 2000, compared to only 1.3 percent of immigrants.
- In 2000, 0.7 percent of foreign-born Mexican men and 0.5 percent of foreign-born Salvadoran and Guatemalan men were in prison.
  - Among male high-school dropouts, 0.7 percent of foreign-born Mexicans and 0.6 percent of foreign-born Salvadorans and Guatemalans were behind bars in 2000.

## **New Research in New Jersey and California Finds Immigrants Less Likely to be in Prison**

- An analysis of data from the New Jersey Department of Corrections and U.S. Census Bureau by New Jersey's [Star-Ledger](#) found that "U.S. citizens are twice as likely to land in New Jersey's prisons as legal and illegal immigrants." According to the [Star-Ledger's](#) analysis, released in April 2008, "non-U.S. citizens make up 10 percent of the state's overall population, but just 5 percent of the 22,623 inmates in prison as of July 2007."<sup>6</sup>
- A June 2008 report from the [Public Policy Institute of California](#) found that foreign-born adults in California have lower incarceration rates than their native-born counterparts. Based on data from 2005, the report found that "the incarceration rate for foreign-born adults is 297 per 100,000 in the population, compared to 813 per 100,000 for U.S.-born adults. The foreign-born, who make up roughly 35% of California's adult population, constitute 17% of the state prison population, a proportion that has remained fairly constant since 1990."<sup>7</sup>

## **Immigration Violations, Not Violent Acts, Account for Most Immigrants in Federal Prison**

- Some pundits and policymakers have attempted to back up the claim of immigrant criminality by citing a [2005 report](#) from the U.S. Government Accountability Office (GAO) which concludes that 27 percent of all inmates in federal prisons are "criminal aliens."<sup>8</sup> However, the use of this figure as "evidence" that undocumented immigrants are prone to criminality is not only highly misleading—it is simply wrong.
- All immigration violations fall under the federal system. Even in cases where an immigrant has not committed a criminal offense, or has committed an offense that is relatively minor, immigration violations are automatically prosecuted under the federal system. As a result, undocumented immigrants in federal prisons *may* have committed a criminal offense, or they may simply be imprisoned in the federal system because of their lack of immigration status.
- The *federal* prison population is a small share of the *total* prison population. One cannot make generalizations about the incarceration rates of immigrants based on the immigrant share of the federal inmate population since, according to a [2007 report](#) from the Bureau of Justice Statistics, *only about 8 percent* of the U.S. prison population was in federal prisons as of June 30, 2006.<sup>9</sup>

- At the state and local level, where most U.S. prisoners are held, the incarceration rates for immigrants are *lower* than for the native-born.

The problem of crime in the United States is not caused or even aggravated by immigrants, regardless of their legal status. This is hardly surprising since immigrants come to the United States to pursue economic and educational opportunities not available in their home countries and to build better lives for themselves and their families. As a result, they have little to gain and much to lose by breaking the law. Undocumented immigrants in particular have even more reason to not run afoul of the law given the risk of deportation that their lack of legal status entails. Public policies must be based on facts, not anecdotes or emotions. And the fact is that the vast majority of immigrants are *not* criminals.

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## Endnotes

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<sup>1</sup> U.S. Department of Justice, Bureau of Justice Statistics—Data Online, “Reported Crime in United States—Total, 1960-2006.”

<sup>2</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>3</sup> Richard Nadler, *Immigration and the Wealth of States* (Overland Park, KS: Americas Majority Foundation: January 2008), p. 9.

<sup>4</sup> Federal Bureau of Investigation, *Preliminary Annual Uniform Crime Report, January-December 2007* (Washington, DC: June 2008), “Table 3: Percent Change for Consecutive Years.”

<sup>5</sup> Rubén G. Rumbaut and Walter A. Ewing, *The Myth of Immigrant Criminality and the Paradox of Assimilation: Incarceration Rates among Native and Foreign-Born Men* (Washington: DC: Immigration Policy Center, American Immigration Law Foundation, Spring 2007), p. 6-10.

<sup>6</sup> Brian Donohue, “Citizens twice as likely to land in NJ prisons as legal, illegal immigrants,” *The Star-Ledger*, April 12, 2008.

<sup>7</sup> Public Policy Institute of California, *Immigrants and Crime* (San Francisco, CA: June 2008).

<sup>8</sup> U.S. Government Accountability Office, *Information on Criminal Aliens Incarcerated in Federal and State Prisons and Local Jails*, GAO-05-337R (Washington, DC: April 7, 2005), p. 2.

<sup>9</sup> William J. Sabol, Todd D. Minton, and Paige M. Harrison, *Prison and Jail Inmates at Midyear 2006*, NCJ 217675 (Washington, DC: Bureau of Justice Statistics, U.S. Department of Justice, June 2007), p. 8.