Publications and Research   John Jay College of Criminal Justice

2020

Immigrants and Crime

Daniel L. Stageman
CUNY John Jay College

Summary and Keywords

The gap between public perception of immigrant criminality and the research consensus on immigrants' actual rates of criminal participation is persistent and cross-cultural. While the available evidence shows that immigrants worldwide tend to participate in criminal activity at rates slightly lower than the native-born, media and political discourse portraying immigrants as uniquely crime-prone remains a pervasive global phenomenon. This apparent disconnect is rooted in the dynamics of *othering*, or the tendency to dehumanize and criminalize identifiable out-groups. Given that most migration decisions are motivated by economic factors, othering is commonly used to justify subjecting immigrants to exploitative labor practices, with criminalization often serving as the rationale for excluding immigrants from full participation in the social contract. When considered in the context of *social harm*, immigrants' relationship to crime and criminality becomes more complex, especially where migration decisions are forced or made under coercive circumstances involving ethnic cleansing, genocide, or other state crimes; many recent examples of these dynamics have rendered large numbers of migrants effectively *stateless*. Experiencing the direct or collateral effects of state crimes can, in turn, affect immigrants' participation in a wide range of crime types, from status crimes such as prostitution or survival theft to terrorism and organized criminal activity such as drug trafficking or human trafficking. While there is no available research evidence indicating that immigrants participate in any given crime type at higher rates than the native-born, the dynamics of transnational criminal activity—reliant on multinational social networks, multilingual communication, and transportation across borders—favor immigrant participation, though such crimes are often facilitated by multinational corporations.

Keywords: immigrants, immigration, crime, criminality, othering, social harm, globalization, statelessness, international criminology

Introduction

Despite a strong and long-standing social scientific consensus that immigrants engage in crime at levels slightly below their native-born counterparts (Ousey & Kubrin, 2018; Sampson, 2008), fear of crime associated with immigrants remains a global phenomenon, driving political rhetoric, media discourse, policymaking, criminal justice, and immigra-

tion control practices from North America to Europe to the Global South. The perceived association between immigrants and criminality is a phenomenon with deep historical roots that transcend any particular culture; it is linked to ethnocentrism and *othering*, wherein dominant groups react to their exposure to alien cultural practices by criminalizing those practices and dehumanizing the immigrants who practice them (Young, 2007). In the contemporary neoliberal global system, othering has led to immigrants being particularly vulnerable to economic and other forms of exploitation (Cheliotis, 2017), as well as criminal victimization ranging from fraud and human trafficking to genocide and ethnic cleansing.

While the consistent portrayal and perception of immigrants as disproportionately crime-prone is a misconception of their criminal participation across a global mean, both natural variance and contextual factors can lead to immigrant participation in specific crime types and places that departs from that mean. While the decision to immigrate is most often driven by the push-pull factors of labor supply (of which there is generally an excess in source countries) and labor demand (excess in destination countries), circumstances of immigration, such as its motivations and the reception immigrant's experience upon arrival in destination countries, can vary significantly in ways that correlate with immigrant participation in specific crime types. For these reasons and others related to contemporary dynamics of globalization, immigrants in many regions of the world engage in patterns of crime and criminality that are qualitatively distinct from the patterns of their native-born counterparts; transnational criminal networks, for example, commonly consist of disproportionate numbers of immigrants due to their reliance on international relationships for their primary criminal activities (Selee, 2018). Current systems of immigration control and enforcement, however, are generally poorly designed to address specific qualitative variations in the criminal participation of immigrants, instead adopting a totalizing approach that elides the distinction between criminal and non-criminal immigrants (or crime severity) and utilizes exclusion, detention, and deportation in a manner that exacerbates criminality and other social problems within the communities targeted.

Dynamics of Global Migration

Contemporary global migration features a number of routes and patterns that are unique to the 21st century, alongside continued large-scale flows rooted in the postcolonial relationships of the second half of the 20th century (Castles & Miller, 2009). The United States has been the top destination for immigrants throughout this period, currently hosting some 20% of the world's migrants, who make up about 14% of the country's 320 million residents. The first major shift in 20th-century immigration patterns to the United States occurred with the 1965 Immigration and Nationality Act, which removed quotas favoring migrants from Europe. Following passage of the act, the largest source of immigrants to the United States shifted rapidly from Europe to Latin America (primarily Mexico). More recent shifts have seen a sharp decrease in Mexican immigration to the United States, with increasing numbers fleeing crime and violence in the Northern Triangle countries of Central America (El Salvador, Guatemala, and Honduras) as irregular mi-

grants and asylum seekers. Large numbers of economic migrants from South and East Asia (primarily India and China) currently dominate authorized migration to the United States (Chishti & Hipsman, 2015), seeking opportunities as students, entrepreneurs, and tech workers (see Figure 1).
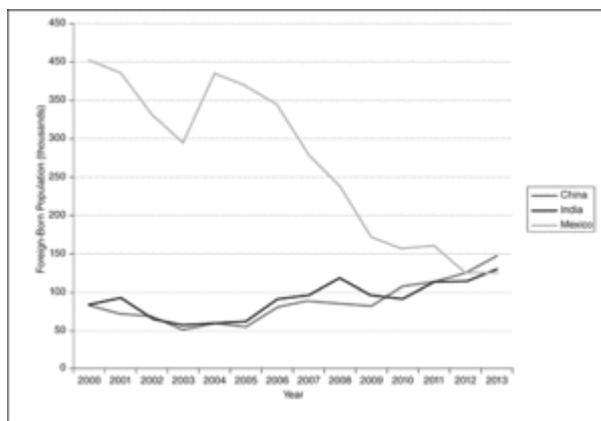

Figure 1. Comparative populations of foreign-born residents in the United States from China, India and Mexico, 2000–2013.

In Europe, migrant flows from former overseas colonies (such as from the Caribbean and South Asia to the United Kingdom; Suriname and Indonesia to Holland; and Algeria, West Africa, and Southeast Asia to France), while still active, were first eclipsed by refugee flows from the former Yugoslavia in the 1990s, followed by internal European migrants from East to West after the accession of several less economically prosperous Eastern European nations to the common labor market of the European Union (EU) in 2004. Finally, a recent wave of refugees, primarily fleeing the civil war in Syria and ongoing conflicts in Iraq and Afghanistan, has led anti-immigrant sentiment to the forefront of political discourse across the continent, arguably driving the election of increasingly authoritarian governments (Stockemer, 2016). A similar movement to Australia has led the government there to adopt the controversial policy of indefinite extraterritorial detention for attempted irregular migrants and asylum seekers on Manus Island and elsewhere in Papua New Guinea (Welch, 2014). Across the rest of the world, noteworthy migration flows include mass movements of contract laborers from South Asia and the Philippines to the oil-producing nations of the Arabian peninsula (where they make up nearly 90% of the current population of the United Arab Emirates) (McPhillips, 2017), continued flows into Russia from the states of the former Soviet Union, and the flight of Rohingya refugees into Bangladesh from ethnic cleansing in Myanmar. Intracontinental economic and other migration also takes place in Latin America (e.g., from Bolivia and Venezuela into Brazil), Africa (from Nigeria, Ethiopia, Ghana, etc., into South Africa), and Asia (from Southeast Asia and the Philippines into China, Japan, and Korea), albeit involving considerably lower rates and total numbers alike.

The history of global migration, from ancient times to the present, is one that is complex and punctuated by conflict, colonialism, imperialism, slavery, the displacement of indige-

nous peoples, and genocide; these legacies contribute to contemporary ethnic conflicts and economic disparities that drive immigration to the present day. Rarely, however, are they considered contextual factors in recent discourse around the presumed criminal propensities of immigrants, except insofar as the violence and other social problems left in their wake feed into racial and ethnic stereotypes that ostensibly explain why migrants belonging to these groups are undesirable, biologically or culturally inferior, or crime-prone. Legacies of colonialism are insufficiently discussed as drivers of immigration, or to contextualize major migration flows in terms of prior extractions of wealth and resources that followed the same routes and directionality. Postcolonial migration to Europe and the United States from countries where large amounts of resources and wealth were extracted and removed during colonial periods is logical as a historical economic corrective: populations relocating from source countries denuded of wealth and resources, in order to sell their labor at fair market rates in the destination countries to which their original wealth and resources were removed.[1] *Critical criminology* and other critical social science disciplines foreground these issues in their examinations of immigrants and crime, as examples of the *harm*—specifically *social harm*[2]—considered by critical criminologists as the appropriate metric for defining crime and measuring its severity (Yar, 2012). Traditional measures of crime often aggregate status offenses and survival crimes that represent minimal (if any) social harm, and research that measures crime rates among immigrants relies on these commonly used measures. A comprehensive reckoning with the contemporary or historically contextual "crimes of the powerful" that play an outsized role in driving global migration patterns presents a significant methodological challenge that has yet to be addressed in quantitative research into the relationship between immigrants and crime; it is also rarely addressed in political rhetoric or factored into immigration policymaking worldwide.

Theoretical Frameworks for Understanding the Myths and Realities of Immigrant Criminality

In examining the putative correlation between immigrant status and criminal participation, scholars have tested several potential explanations (*hypotheses*) for why immigrants might participate in criminal activity at rates that differ from those of their native-born counterparts. The first set of hypotheses discussed here are potential explanations for why immigrants might commit crime at higher levels than the native-born; while these have proved largely unsupported by the available evidence, they remain a feature of government policy in the design and rationale for immigration control and enforcement systems worldwide (Beck, 1996; Tonry, 1997, 2014; Zatz & Smith, 2012). The second set of explanations for why immigrants may commit crimes at lower rates than the native-born have been supported by the evidence in scholarly analyses across a range of social science disciplines, including criminology, sociology, anthropology, political science, geography, and economics.[3] Hypotheses in both categories, however, require continued testing across national and cultural contexts and crime types in order to more firmly establish

scholarly consensus on their importance as mediating factors in the relationship between immigrants and crime.

Potential Mediating Factors Tending to Increase Immigrant Crime

As noted in the section "THEORETICAL FRAMEWORKS FOR UNDERSTANDING THE MYTHS AND REALITIES OF IMMIGRANT CRIMINALITY," the hypotheses discussed here have generally not been supported by the available evidence across the national contexts in which they have been studied (Disha, 2019; Mears, 2001; Tonry, 1997). They remain, however, a key feature of the political and policy debates surrounding immigrants and crime in the United States, Europe, and elsewhere (Epps & Furman, 2016; Grajzl, Eastwood, & Dimitrova-Grajzl, 2018). Because these ideas continue to fuel anti-immigrant rhetoric and are frequently put forward as justifications for restrictive immigration policies and broad approaches to immigration enforcement, they are subjects of continued study by social scientists.

- Immigrants might come from cultures of origin where crime is comparatively acceptable (Mears, 2001). This contention may be framed as a variant of *cultural deficit theory*[4] when discussed generally (Patel, 2016), or as *culture conflict theory* in discussion of specific crime types and categories of immigrants, such as the perceived higher participation rates of Muslim immigrants in terrorist activity (Erez, 2000; Freilich, Newman, Shoham, & Addad, 2018; Martinez & Lee, 2000; Sampson, 2008; Wortley, 2009).

- Immigrants might not respect the laws or culture of the destination country. Another variant of culture conflict theory, this explanation suggests that immigrants oppose specific aspects of the destination country's legal codes or cultural traditions, or actively choose to participate in criminal activity because of disagreement with or disapproval of the destination country's foreign policy, history, economic system, and so on. Again, this explanation is commonly deployed to explain presumed immigrant dedication to terrorism. It is also utilized to support popular assumptions of criminality among irregular migrants, who may have engaged in illegal border crossings or visa overstays that many see as fundamentally criminal acts. In this interpretation, the willingness of immigrants to undertake an illegal border crossing is seen as an indication of their willingness to violate other legal codes once in residence in the destination country.[5]

- Criminals may emigrate in disproportionately higher numbers than law-abiding members of society from source countries, resulting in immigrant flows that are disproportionately criminal. This idea posits immigration as a specific opportunity for criminals, who in turn make a *rational choice* to immigrate in order to pursue criminal gain in destination countries. It has been promoted heavily by current U.S. President Donald Trump and members of his administration, who suggest that Mexico and Central America are "not sending their best" but rather large numbers of gang members, drug traffickers, and others who do not fit the typical profile of the labor migrant.

- An inability or disinclination on the part of immigrants to assimilate or integrate "appropriately" into the culture and society of the destination country may lead them to

increased criminality out of need, naiveté, or frustration (Disha, 2019). It may also lead to increased marginalization of immigrant communities, which will take on through *differential association* (Matsueda, 2001) the criminality assumed to be a feature of poverty and common to native-born minority groups with whom they now reside in close contact. On a community or neighborhood level, this dynamic also fits with *social disorganization theory* (Shaw & McKay, 1942), in which the ethnically and linguistically diverse urban neighborhoods that immigrants share with native-born minority groups lack the informal networks and social capital that suppress crime in more homogenous areas.

Potential Mediating Factors Tending to Decrease Immigrant Crime

The aforementioned labor market dynamics that drive the majority of global migration are often associated with differentials in mean quality of life between source and destination countries that are also a major factor in the decision to emigrate; in general, the more significant this differential, the more risk and effort migrants are willing to undergo to relocate (Massey, Durand, & Malone, 2003; Massey & Sanchez, 2010). Because economic and quality-of-life motivators are the primary drivers for most decisions to relocate —with or without authorization or documentation—immigrants have a meaningful incentive not to draw official attention to themselves as individuals or to their communities. Scholarly consensus holds that this is one of a suite of related incentives that provide a "protective factor" leading to lower rates of crime commission among first-generation immigrants and within the communities where they are found (Wolff, Intravia, Baglivio, & Piquero, 2018; Xie & Baumer, 2018). The majority of economic migrants are motivated workers with minimal idle time to participate in criminal activity; they have generally aged out of the most criminogenic phase of the life course (16–24); they have strong social networks and economic dependents, both in their countries of origin and in their destination countries, and they are highly motivated, as evinced by success in carrying out their original decision to emigrate.

Structural factors may also play a role in the complex relationship between crime commission and victimization. Immigrants who find themselves as linguistic minorities in their destination countries may have difficulty communicating with authorities in instances of victimization or witnessing of a criminal act. Cultural insularity may also be a factor, particularly where perpetrators are fellow immigrants or members of the victim's community. Unauthorized or undocumented immigrants may fear self-reporting criminal victimization or other kinds of interaction with legal authorities in destination countries, for fear of exposing their status.[6] Finally, immigrants in destination countries where anti-immigrant sentiment is a strong and consistent presence in the national discourse may lack the necessary trust in their host society—or the legal authorities whom they perceive to represent its interests—to solve crime problems experienced by the immigrant community. Thus, underreporting by immigrants of crimes such as domestic abuse, interpersonal violence, fraud, and theft, among others, may obscure community-level crime rates, and—

assuming a significant proportion of the perpetrators of these unreported crimes are themselves immigrants—obscure per capita rates of immigrant criminality.

Categories and Circumstances with Potentially Mediating Effects on Immigrant Crime Commission

Several additional factors may further mediate the theoretical relationships between immigration and crime.

Generational Effects

Evidence suggests that as immigrants assimilate (i.e., second- or "1.5-generation" immigrants who made the journey as very young children), their criminal offending patterns meet—and in some cases exceed—those of their native-born counterparts (Bersani, 2014). The theory of *segmented assimilation* suggests that social class and racial/ethnic or religious minority status influence the trajectory of assimilation for second and subsequent generations of immigrants (Portes & Zhou, 1993; Rumbaut, 1994). The theory posits three distinct assimilation trajectories for immigrants based on these and other contextual factors: immigrants from middle-class backgrounds who are racially and ethnically similar to the national majority (or able to pass as such) assimilate smoothly into the destination country's middle class within one or two generations; immigrants who are middle class and able to take an entrepreneurial approach to migration but are racially, ethnically, or religiously distinct become economically prosperous while maintaining a strong and separate linguistic and cultural identity; and labor migrants who experience prejudice and curtailed economic opportunities in the destination country experience *downward assimilation* (Waldinger & Feliciano, 2004), entering a cycle of poverty akin to that experienced by native minority groups (such as African Americans in the United States, indigenous peoples in Canada and Australia, etc.) that is most closely associated with an increase in criminal offending patterns at the one and a half and second generations (Bersani, 2014; Portes & Zhou, 1993; Rumbaut, 1994).

Irregular Migration, Unauthorized and Undocumented Immigrants

Immigrants who reside in destination countries where their presence has not been officially sanctioned by the relevant immigration authorities, and who therefore do not hold official documentation of their legal status, are described by scholars as "unauthorized" or "undocumented," terms that will be used in tandem throughout this article. These descriptors are widely considered more appropriate than the colloquial term "illegal immigrant" for a number of reasons: (a) they are more accurate, since *illegal* denotes actions that are proscribed in criminal law and immigration status is generally adjudicated under civil law; (b) they are grammatically correct, since *illegal* is an adjective appropriately applied to proscribed actions and activities rather than individuals; and (c) they do not serve

to criminalize immigrants, as the term "illegal immigrants" implies a pre-judgment of criminality where none may exist other than the civil status violation to which the phrase refers.

The development of the *illegal immigrant* archetype—along with the development of a massive, highly invasive immigration control and enforcement infrastructure in response —is primarily an American phenomenon, albeit one that has been adopted and adapted in a number of nations around the globe in the 21st century. In the developed world, fear of crime has gained considerable strength as a motivator of anti-immigrant sentiment and rationale for increasingly stringent immigration enforcement, overtaking concerns over labor competition, fears of disease or cultural contagion, tribalism, and overt racial or ethnic animus, among others—perhaps counterintuitively so, given the concurrent reality that crime rates have been dropping steadily across the developed world for some 30 years (Tseloni, Mailley, Farrell, & Tilley, 2010). The reasons for these changes have been theorized in a number of ways by scholars in different schools of thought: in attempting to come to terms with the anti-immigrant rhetoric surrounding the Trump administration in the United States, Brexit in the United Kingdom (Golec de Zavala, Guerra, & Simao, 2017; Outhwaite, 2018), or authoritarian leaders such as Hungary's Victor Orban and Brazil's Jair Bolsonaro, scholars and media commentators alike have remarked upon the degree of overt racial and ethnic animus expressed by these leaders themselves as well as their followers in advocating for or justifying anti-immigrant policies—often alongside rationales rooted in perceived immigrant criminality rather than in place of them. These critical scholars argue that this juxtaposition demonstrates that fear of crime is in fact a proxy for racial and ethnic animus, originally deployed due to social desirability or as an explicit political strategy intended to expand popular support. Given that both racial animus and criminalization are rooted in *othering*—the dehumanizing of people distinct from the majority or dominant group due to physical and cultural markers, participation in proscribed or taboo activities, and so forth—this explanation is logically sound, if difficult to operationalize and therefore understudied.[7]

Extending this theoretical argument, scholars of political economy argue that anti-immigrant rhetoric and the resulting high levels of investment in control and enforcement infrastructure are tacitly promoted by corporations and holders of capital with a vested interest in increasing public spending on *securitization:* that is, the infrastructure, policies and processes of incarceration, state surveillance, and coercive violence, particularly in the lives of the poor and disenfranchised (Astor, 2009; Menjivar, 2014; Trujillo-Pagan, 2014). In addition to direct profits from increased public spending on privatized incarceration and security services, this approach further enhances the traditional role of immigrants as a flexible and exploitable low-wage labor source: if immigrant laborers are kept in a state of constant credible fear about an ever-growing immigration enforcement and control apparatus bent upon their incarceration and eventual removal, they will avoid drawing attention to themselves and their communities via labor actions or other advocacy, and they will be less likely to report high levels of exploitation involving mechanisms such as wage theft, unsafe or unsanitary working conditions or employer-provided housing, violations of minimum wage and overtime laws, and the like (Sung, Delgado, Pena, &

Paladino, 2013). In the United States, attributions of criminality further enhance this flexible exploitability by providing mechanisms for immigrants to occupy local and private correctional infrastructure that is increasingly underutilized due to falling incarceration rates; in Europe, the massive overrepresentation of immigrants in many correctional systems sustains them at their current scale, further fueling the economic engine of securitization there (Arriaga, 2016, 2017; De Giorgi, 2010; Stageman, 2019).

Stateless Populations

Many nations around the globe feature significant populations of *stateless persons* within their borders—often as a direct result of government policy. A stateless person is an individual, ethnic group, or class of persons whose nationality is disputed or contested, and who therefore cannot draw upon citizenship rights in their country of residence, their country of origin (which are in many cases one and the same), or any other.[8] Disputes resulting in statelessness are often the result of long-standing ethnic or tribal antagonisms playing out in government policy, wherein the ascendant group seeks to further marginalize and disenfranchise the subordinate one. Contemporary examples include the plight of ethnic Vietnamese residents in Cambodia, who are systematically being denied documentation and pushed out of communities where they have resided for generations (Mauk, 2018), or the Rohingya people in Myanmar, a Muslim minority in this primarily Buddhist country, who have been denied citizenship, subjected to ethnic cleansing, and pushed into neighboring Bangladesh in large numbers as refugees (Office of the High Commissioner for Human Rights, 2017). Attributions of criminality to the targeted minority group are a common aspect of the processes leading to their statelessness, as is the criminalization of specific cultural practices that can serve as a pretext to displacement. Groups subjected to statelessness are frequently displaced, leading them to flee to neighboring nations as refugees or seek asylum elsewhere.

Stateless peoples are at a significantly increased risk of victimization when compared to other migrant categories, encompassing both the state crimes and the crimes against humanity discussed in this article, as well as human trafficking, forced labor, fraud, extortion, and sexual and physical violence. It is unclear, however, whether stateless peoples are more likely to themselves engage in criminal activity, a question further obscured by the tendency of governments in their territories of origin to criminalize cultural practices and status offenses as a pretext to ethnic cleansing. Historically stateless or transient populations such as the Roma (colloquially known as Gypsies) of Europe or the "Irish Travellers" of the United Kingdom, have widely accepted reputations for criminality in their countries of residence and transit. These reputations are reinforced by a culture of transience within these communities, contributing to a sense on the part of settled populations of a separate and closed society with unknown values and unfamiliar traditions. While there is no indication that crime rates are higher for transient peoples such as the Roma, transient and closed societies provide increased opportunities and motivations for externally directed property crimes, contributing to a perception of higher rates of criminality regardless of the lack of evidence (Petrova, 2003). The mutually reinforcing dynamics of othering directed at immigrants by native-born populations, and social closure and

enforced separation on the part of immigrant communities in response, are not unique to the Roma and other traditionally transient populations; indeed, they have long been observed in the mutual suspicion between native and immigrant populations in Europe in particular (Safi, 2009). While there is again limited evidence that these dynamics contribute to increased immigrant participation in crime regardless of their country of origin or residence, they do appear to hinder meaningful multicultural dialogue and curtail economic and social opportunities for immigrants and their children in the communities in question.

Limitations on the Study of Immigrant Criminality

A number of factors limit empirical study of the relationship between immigration and crime in a global context.

Definitional Limitations

The relative lack of global consensus on definitions for the concepts of "crime" and "immigrant" alike precludes a full and complete reckoning with the involvement of immigrants in criminal activity worldwide. Major differences across international legal systems mean that what is legally proscribed in one nation-state may be both non-criminal and culturally acceptable in another; legal codes in nations that circumscribe human and civil rights within their borders may be widely viewed as unjust—and possibly criminal in and of themselves by the critical measure of social harm—in less authoritarian nations that place a higher value on democratic participation and individual autonomy. This means that crime and victim categories that have recently won hard-fought recognition in more progressive nations—such as rape or other sexual offenses, violent crimes including domestic violence, or hate crimes against women, racial/ethnic minorities, or LGBTQ individuals—may be officially unrecognized or tacitly ignored under more conservative criminal justice systems; in some of these societies, homosexuality itself is a punishable status offense (Carrington, Hogg, & Sozzo, 2016; Henne & Troshynski, 2013).

Limitations on the definition of "immigrant" also speak to major global controversies and disagreements. Some of these engender strong sentiments among the individuals and groups deeply invested in one or another interpretation of their meaning, while resisting easy resolution on the international stage. The Palestinian "right of return," for example, is intended by groups representing the Palestinian cause to establish the inalienable right of Palestinian refugees to return to lands owned by their ancestors that are currently occupied by the state of Israel (Fiddian-Qasmiyeh, 2016). This idea has also, however, allowed the neighboring Arab countries surrounding Israel—many of which have for decades hosted sizable populations of Palestinian refugees and their descendants—to classify their Palestinian populations as refugees rather than immigrants. In some cases, this classification has persisted into the third and fourth generations, resulting in distinct internal populations who are not accorded the full rights of citizens (see the section

"STATELESS POPULATIONS"). The case for Turkish and other "guest workers" in Germany was similar throughout the 20th century, while Germany's *jus sanguinis* persisted (Schonteich, 2013).[9] Until these laws were changed in the 21st century, multiple generations of Turks—many of whom had largely assimilated into mainstream German culture—lived within Germany's borders but were not accorded the full rights of citizens. An even more stark example of this phenomenon currently persists in the oil-rich nations of the Arabian Peninsula, with the huge populations of South Asian and other "guest workers" (in the case of the United Arab Emirates, these workers make up almost 90% of the nation's residents) whose ruthlessly exploited labor fueled these countries' recent building booms and explosive economic growth (Gardner, 2010).

Limitations of the Available Evidence

In addition to definitional issues, the quality and reliability of statistics on both crime and immigration in many parts of the world are extremely limited—or, in the case of many nations in the Global South, unavailable entirely outside very broad estimates (Fargues, 2009). The control of data collection and distribution on these important social and demographic issues allows both authoritarian and ostensibly democratic governments to manipulate these statistics in ways that suit their political and public relations needs; indeed, the recent attempt in the United States to include questions about citizenship status on the 2020 census is widely seen not as being motivated by a meaningful interest in collecting better data on this topic but as a political ploy to drive down response rates in areas with high concentrations of (especially unauthorized/undocumented) immigrants, thus reducing the proportional representation these populations are accorded in state and federal legislatures (New York et al. v. U.S. Department of Commerce et al., 2018).[10] Where data are unreliable, nonexistent, or widely viewed as subject to significant manipulation, scholars cannot make decisive analyses of the connection (or lack thereof) between immigration and crime. The fact that others—such as political advocacy organizations, government officials, media commentators, or non-governmental organizations (NGOs)—continue to make claims on the basis of such evidence reveals more about their motives and interests than it does about the issue at hand (Anti-Defamation League, 2018; Berry, Garcia-Blanco, & Moore, 2015). The preponderance of the reliable evidence available reveals that there is nothing intrinsically criminogenic—or, indeed, anything intrinsically anti-criminogenic—about immigrants as a population category; rather, contextual factors closely linked to the circumstances under which individuals and groups migrate, their reception and status within the society and culture of the destination country, and the availability of economic opportunity and social support appear to influence the offending patterns of first and subsequent generations of immigrants alike.
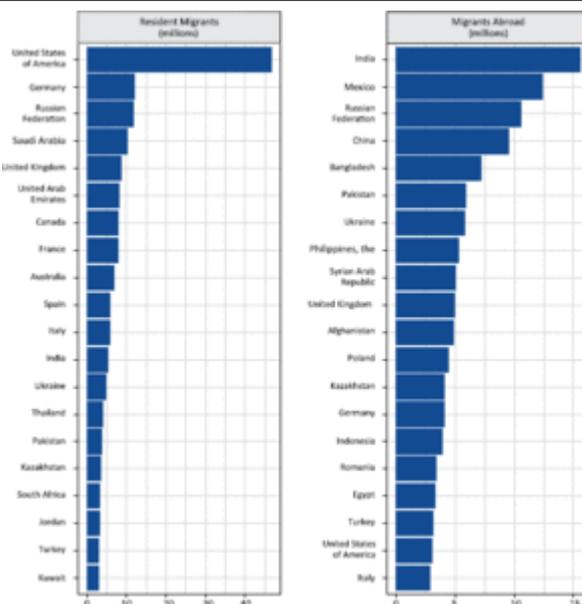
Figure 2. Top 20 destinations (left) and origins (right) of international migrants in 2015 (millions).

Source: U.N. Department of Economic and Social Affairs (2015).

Regional Overviews of the Available Evidence on Immigrant Crime

Just as there is massive variance in the scale of immigration around the globe (see Figure 2), there is also significant variance by region in the quantity, quality, and rigor of research on the criminal participation of immigrants.[11] This section attempts to provide an overview of the major issues surrounding immigrants, their treatment in political rhetoric and popular discourse, and their involvement in crime in each of the listed regions. For some of these regions, however, little to no reliable research exists on the subject. Where this is the case, we have drawm information from related scholarly research, NGO reports, and mainstream media to provide a broad sense of the issues and perceptions facing contemporary immigrants in the areas in question, with all possible consideration of real or perceived immigrant crime participation within the confines of the available evidence.

Immigrants in North America

Much of the most reliable global evidence on immigrant crime participation comes from North America, and the United States in particular. The importance of immigration to American history cannot be overstated, nor can the degree to which that history is intertwined with ideas of crime: much of the immigration to the continent during the colonial period preceding American independence was driven by *transportation*, or the official exile of British convicted criminals to the country's overseas possessions (transportation also features heavily in Australian history, to the extent that it has become part of the

nation's foundational identity) (Bleichmar, 1999; Ekirch, 1990). While this practice was quickly curtailed by the newly independent United States, the exploitative labor that was its most salient economic feature continued, in successive waves of European mass migration (most notably from regions suffering significant poverty and privation) to the North, and in the importation of enslaved Africans to the South. In both cases, attributions of criminal propensity to these ethnically distinct populations were frequently utilized to rationalize coercive practices directed against them by the state and private interests, further ensuring that these groups provided the maximum labor for the minimum cost. While the successive generations of European immigrants and their offspring assimilated over time into the developing dominant ethnic category of *whiteness*, the dominant white majority expended considerable social, cultural, economic, and political effort to maintain the separate and inferior status of *blackness* for the country's African American minority, even after the ending of slavery following the American Civil War (Patterson, 1985). The codification of these categories further extended labor exploitation (through mechanisms such as convict leasing) and social exclusion (through Jim Crow segregation) for black Americans (Mancini, 1996).

The legally defined minority status of African Americans, in turn, provided the template for additional excluded and marginalized racial categories that developed as labor migration to the country became increasingly globalized and diverse. This process culminated in the 1882 *Chinese Exclusion Act* which established the first major restriction on immigration to the United States, and brought a formerly localized and largely informal immigration control apparatus under the purview of the federal government (Kanstroom, 2007; Trucios-Haynes, 1997). Restrictions around racial and ethnic undesirability became increasingly caught up in attributions of criminal intent as the states of the American South turned to techniques such as *convict leasing* to justify the continued forced labor of African Americans post-slavery (Mancini, 1996); such policies provided legal precedent for exploiting the labor of ostensibly crime-prone non-European immigrants when the economy required, and forcibly ejecting them when it did not. This dynamic found its starkest example in the *Bracero Program* which brought Mexican workers into the country during the labor shortages of World War II, and *Operation Wetback* which deported them *en masse* once the pressing need for their labor had subsided (Astor, 2009). Far from being a new phenomenon, the current promotion of the myth of the criminal immigrant in U.S. political discourse and federal government policy is a long-standing tradition, featuring complex layers of legal precedent and cultural rationalization, which serves to instrumentalize vast segments of the largest immigrant population in the world to the considerable benefit of American enterprise—and in a manner that explicitly reinforces an American racial hierarchy particularly benefiting whites (Prieto, 2018).

American research on immigrant criminality thus takes place within the context of this tension: the vital importance of immigration to the formation and founding myths of the American Republic; the social and legal realities of a racially stratified society, at best partially dismantled by the successes of the Civil Rights Movement; a long-standing tradition of *crimmigration*, in which the intertwined apparatuses of crime control and immigration control serve the interests of capital (Stumpf, 2006) by disciplining labor and se-

curitizing (i.e., through mass incarceration) whole populations whose labor force participation is tenuous; and a sizable population of uniquely vulnerable undocumented immigrants, who face alongside America's other underprivileged groups a host of severe social problems associated with poverty and social exclusion, of which crime is only one important element. The surprising quality and quantity of American research on this issue across the social sciences therefore belies the extraordinary political pressures under which much of this work has taken place, particularly since Donald Trump's election to the American presidency on an explicitly anti-immigrant platform. As collected in a meta-analysis by Ousey and Kubrin (2018), 51 high-quality quantitative studies conducted between 1994 and 2014 found statistically significant negative correlations between immigration and crime two and a half times as often as positive ones, indicating an overall dynamic that is both globally consistent, and deeply at odds with the driving narrative in U.S. politics and policy. There are clear indications that aggressive immigration enforcement and highly restrictive immigration control policies exacerbate social problems within immigrant communities, rather than providing meaningful solutions to social problems experienced by U.S. residents as a whole (Engelbrecht, 2018; Leyro & Stageman, 2018).

This established American template—of media coverage, political discourse, and immigration policy at odds with scientific consensus—is followed worldwide, with minimal variation (Segal, Elliott, & Mayadas, 2010; Silverman & Massa, 2012). Further, U.S. policies around the punishment of immigrants—through civil detention and deportation, as well as the hypercriminalization of immigration offenses—have provided a template that countries around the world have adopted to varying degrees in their own immigration enforcement.[12] With its origins in the lockdown refugee camps the United States developed as a racialized response to the influx of Haitian "boat people" in the early 1980s—and public fear of their presumed criminal propensities—the U.S. immigrant detention system evolved into an infrastructure that currently confines an average of nearly 50,000 immigrants on any given day (Altman & Small, 2019; Chishti, Pierce, & Capps, 2019; Loyd & Mountz, 2018). Its exponential 40-year growth can be explained in part by the actions of "punishment entrepreneurs": private, for-profit prison corporations and local governments seeking to host detention facilities as economic anchors to offset the loss of manufacturing jobs (Stageman, 2019). The potential for profit and other economic benefits gives numerous individuals and institutional actors a direct self-interest in the continued criminalization of immigrants; not only do for-profit detention corporations like GEO Group and CoreCivic lobby for criminalizing and punitive immigration policies, they have also spread their detention business model to other countries such as the United Kingdom and Australia (see sections "IMMIGRANTS IN THE UNITED KINGDOM" and "IMMIGRANTS IN AUSTRALIA") (Flynn & Cannon, 2009; Furman, Epps, & Lamphear, 2016; Mainwaring & Cook, 2018). No other country, however, has privatized immigrant detention to an extent that approaches the United States, where current estimates suggest up to 73% of detained immigrants are held in private, for-profit facilities (Haberman, 2018).

Immigrants in Latin America and the Caribbean

Outside border regions that feature regular cross-border traffic, internal migration within Latin America is estimated to be low. As a transit point for immigrants from Central America, Africa, South Asia, and elsewhere seeking to enter the United States, Mexico has increasingly become an indefinite stopover for those prevented from reaching their intended destination. This phenomenon has intensified with the Trump administration's "Remain in Mexico" policy, under which individuals seeking asylum at the U.S. border are prevented from entering until their asylum hearing takes place. This policy, partly justified through appeals to public safety rooted in attributions of criminality to asylum seekers, has in fact resulted in this already vulnerable population experiencing high rates of criminal victimization during their time in Mexico (Human Rights First, 2019). In South America, political unrest, government corruption, and shortages of food and other basic needs goods have caused significant outmigration from Venezuela to the surrounding countries of Colombia, Peru, and Brazil (see Figure 3), where these immigrants are frequently blamed in the media for increases in criminal activity in the communities where they settle (Faiola & Lopes, 2018; International Organization for Migration, 2018). In the Caribbean, attributions of criminality to Haitian immigrants and residents of Haitian descent in the neighboring Dominican Republic were the driving force for the latter country's 2013 change in citizenship law, rendering some 134,000 Haitians and Dominicans of Haitian descent effectively stateless (Alami, 2018; Jones, 2018).
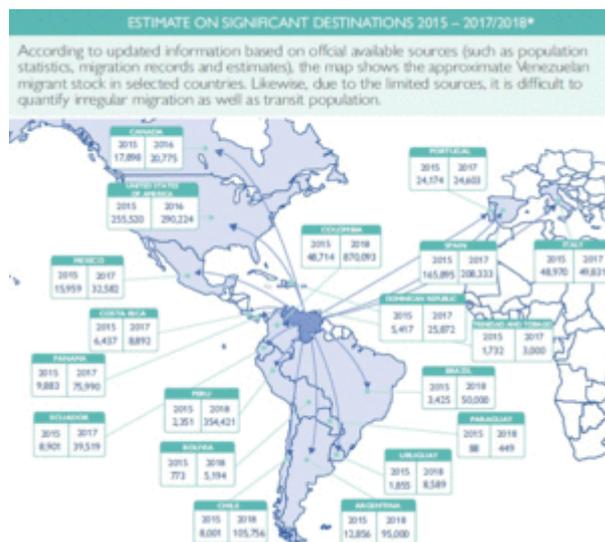

Figure 3. Comparative Venezualan diaspora populations, 2015 and 2017–2018

Source: Migration trends in the Americas (International Organization for Migration, 2018).

Immigrants in the United Kingdom

Anti-immigrant sentiment and perceptions of immigrant criminality among native-born Britons was a major driver of the Brexit referendum's unexpected success (Golec de Zavala et al., 2017), presenting a clear parallel to the disconnect between U.S. political

discourse and the research consensus on the involvement of immigrants in criminal activity. Available research on the involvement of UK immigrants in crime and criminal activity indicates that the relationship there is similar to that found in the United States: either no effect or a modestly negative one (Bell, Fasani, & Machin, 2013). This pattern was established in the 20th century with the steady postcolonial influx of immigrants from the South Asian nations of India, Pakistan, and Bangladesh (Jaitman & Machin, 2013). Findings of no relationship or a negative relationship between immigrants and crime have remained consistent across the two major subsequent waves of immigration to the United Kingdom that have taken place since 1997: a large flow of asylum seekers fleeing wars and breakdowns in national governance in countries including Yugoslavia, Iraq, Afghanistan, and Somalia that peaked around 2002 and an influx of EU citizens from the countries of Poland, Hungary, the Czech Republic, Slovakia, Slovenia, and the Baltic States following their accession to the EU's common labor market in 2004. Despite these immigration waves being highly distinct both culturally and economically, none led to an increase in either property crime or violent crime. More recently, large-scale immigration from Romania and Bulgaria to the United Kingdom following the 2014 accession of those countries to the EU was found to exhibit the same pattern—though high levels of immigration from this wave were found to be correlated with slightly higher levels of drug offenses (Stansfield, 2016). This finding tends to support the idea that transnational and related crime (see section "IMMIGRANTS AND TRANSNATIONAL CRIME") is one exceptional category in which immigrants may be overrepresented.

Despite a basis in bad faith arguments and mistaken beliefs about the place of immigrants in British society, the process of withdrawal from membership in the European Union set in motion by the 2016 Brexit referendum has been finalized in 2020. The exact nature of the more restrictive immigration control policies that will follow has yet to be determined, along with what—if any—effect these measures may have on crime rates in the United Kingdom. The co-occurrence of the United Kingdom's large-scale 21st-century increase in immigration with a crime drop similar to that experienced by the United States over the same time period (Redgrave, 2018) has featured rarely in media discussions surrounding Brexit.

Immigrants in Mainland Europe

Crimmigration rhetoric in Europe has produced significant negative consequences for immigrants to the continent, where De Giorgi (2010) found hyper-incarceration rates (i.e., the rate as a multiple of the incarceration rate of nationals) of foreign-born prisoners ranging from 3.8 (in France and Germany) to 14.4 (Italy), with an average EU hyper-incarceration rate of 6.2. This dynamic persists despite no evidence that immigrants to Europe offend at rates higher than their native-born counterparts (Bircan & Hooghe, 2011; Nunziata, 2015). An explanation may be found in a study of EU countries showing that while increased immigration rates do not increase crime victimization, they are positively associated with an increase in *fear* of crime among native-born residents (Nunziata, 2015).

Immigrants and Crime

Fear of immigrant crime and immigrant criminals, along with the nativism and ethnic prejudice with which it regularly co-occurs, has in recent years driven the increased success of authoritarian, right-wing parties and politicians in elections across Europe (Mudde, 2012; Stockemer, 2016). Anti-immigrant parties currently control the governments of Italy, Hungary, and Poland, and hold significant numbers of seats in the parliaments of many others, as well as the European parliament itself (Nakamura & Witte, 2018), where they continue to manipulate public fears about Europe's ongoing "crisis" influx of refugees fleeing the Syrian civil war, and the aftermath of recent high-casualty terrorist attacks perpetrated by ISIS-affiliated immigrants and foreign nationals (National Consortium for the Study of Terrorism and Responses to Terrorism, 2019). There is currently a high potential for this movement to force the European Union to adopt more restrictive policies toward refugees, asylum seekers, and irregular migrants—a move that would likely exacerbate issues of criminal victimization plaguing refugee camps in Greece (Ben Farhat et al., 2018), as well as creating further issues with the highly dangerous human smuggling routes across the Mediterranean from North Africa to Southern Europe (International Organization for Migration, 2019).

Immigrants in the Middle East

The gap between perception of immigrant populations and their realities is particularly pronounced in the fast-growing economies of the Arabian Peninsula: chiefly Saudi Arabia, The United Arab Emirates, and Qatar. Immigrant populations in many of these countries exceed the native-born (International Organization for Migration, 2015), with the United Arab Emirates featuring the most extreme disproportion at nearly 85% of its population consisting of immigrants. Given the comparatively vast privileges accorded citizens of each of these oil-based economies, the resulting dynamic is one of a deeply segmented society: citizens acting with impunity at the top; European and other professional class or moneyed migrants of the global elite occupying a sort of legal "limbo" below them, where severe legal consequences for minor (but culturally proscribed) transgressions are a constant possibility even within the context of privilege accorded the citizenry of military allies and trading partners; and at the bottom, contract laborers from India, Pakistan, Nepal, the Philippines, and other labor-exporting nations suffering constant exploitation and an almost complete lack of recourse to the legal system under Kafala (Gardner, 2010). Research on the involvement of immigrants in crime and criminal activity in these societies is therefore limited by this dynamic, with a meaningful proportion of reported crimes consisting of vague or trumped-up charges of moral turpitude (Nordland, 2017), and conviction rates skewed by the almost total lack of legal rights accorded to the immigrant accused (Murray, 2012). Public perception of immigrant criminality in these countries appears to be driven by a handful of high-profile cases (Gutierrez, 2019), some of which concluded in obvious and disturbing miscarriages of justice, in countries where decapitation and amputation still stand as commonly applied, legally sanctioned punishments for non-capital crimes. If the story of immigrant othering and attributions of criminality is one inextricably linked to labor exploitation, curtailment of human and civil rights, and political suppression, then the Kafala system and the situation of immigrants

in the countries of the Arabian peninsula is emblematic of the extremes to which a ruling class and regime will go in order to ensure a steady supply of cheap labor, and the maintenance of low-cost goods and services for the privileged few.

Immigrants in Sub-Saharan Africa

Immigration to the nations of Sub-Saharan Africa is primarily internal to the continent, with the important exception of South Africa, which continues to attract significant migratory flows from the United Kingdom and South Asia. Much of the internal migration between Sub-Saharan African countries is driven by internal crises of governance, natural disaster, or war; significant recent outmigration from Zimbabwe, the Congo, South Sudan, and Chad falls into this category, with refugees into neighboring countries fleeing privation driven by sectarian conflict, famine, government corruption, and political repression. These refugees commonly face xenophobia in their destination countries, driven in large part by fear of crime and perceptions of immigrant criminality. South Africa, in particular, follows the pattern set in U.S. political discourse of conflating undocumented status with criminality (Crush & Peberdy, 2018). Despite a long-term post-apartheid crime drop paralleling that seen in Europe and the United States, a recent uptick in violent crime rates has given South Africa an international reputation as a dangerous travel destination (Lehohla, 2015; Perry & Potgieter, 2013). This image bears little resemblance to reality, and in any case, there is no evidence to suggest that recent increases in street crime in the country are associated with immigration.

Immigrants in East Asia

China and the surrounding nations of East Asia have experienced significant economic growth in the 21st century coupled with falling birth rates, a dynamic similar to that which has driven much of the labor migration to North America and Europe beginning since the latter half of the 20th century. A range of factors including government policy, geography, and culture has historically limited labor migration to countries like Japan and China, however, to small-scale and intermittent regional immigration patterns until the current century, when increased international engagement (particularly on the part of China) and accelerating demographic change have given rise to novel immigrant communities like Africans in Guangzhou and Brazilians in Japan. In both cases, public perception, political discourse, and media coverage surrounding these communities focuses on compounded attributions of criminality: a generalized suspicion of immigrants rooted in the long-standing traditions of a closed society, and recently popularized Western stereotypes of African and Latin American peoples as disproportionately criminogenic (Friman, 2001; Lan, 2015). There is little indication in the research literature that these attributions of criminality match the reality of criminal participation rates for these or more traditional intraregional populations of labor migrants such as Filipinos; however, not unlike the American case, undocumented status is not clearly differentiated from other forms of criminal participation in policy or public discourse relating to these communities (Jimenez, 2015). Japan, for example, imposes harsh criminal penalties for overstaying visas—a civil offense in the American context. As the scale of labor migration to the re-

gion increases with China's imminent emergence as the world's largest economy—and facilitated by major transport infrastructure projects under China's "One Belt, One Road" initiative—an American-style dynamic of "punitive inclusion" seems likely to develop (Cheliotis, 2017).

Immigrants in South and Southeast Asia

The nations of South and Southeast Asia are traditionally source countries for large-scale labor migration to many other regions, as discussed (see sections "IMMIGRANTS IN THE UNITED KINGDOM" and "IMMIGRANTS IN THE MIDDLE EAST"). Intraregional migration over the course of the 20th and 21st centuries has been punctuated by mass movements of refugees in response to a series of sectarian conflicts and realignments, beginning with the partition of British India into the Hindu nation of India and the Muslim nation of Pakistan, and most recently with the mass migration of Rohingya Muslims into Bangladesh from predominantly Buddhist Myanmar (Ghosh, 2016). Not unusually, this latest movement began with a series of community-level conflicts incited by crimes of violence: retaliatory beatings, mass rapes, arsons, and massacres between neighboring Rohingya and Rakhine Buddhist communities in the country's Northwest. Myanmar's Buddhist government, however, largely eschewed a meaningful resolution of these events through criminal justice system mechanisms in favor of military retaliation and inflaming public sentiment against the Rohingya minority. This decision set in motion an ethnic cleansing campaign to eliminate a minority community now designated as "illegal immigrants" by the government of Myanmar, despite the Rohingya's long-standing, multigenerational residence in the region (Office of the High Commissioner for Human Rights, 2017). As refugees now primarily residing in Bangladesh, there is no data to indicate that Rohingya forced migrants to participate in criminal activity at differing rates from native-born residents in their host countries, though they are considered to be at high risk for victimization through human trafficking, forced labor, and forced prostitution. Similar dynamics face other refugees and stateless populations in the region, such as ethnic Vietnamese residents in Cambodia (Mauk, 2018). As in other regions in the world, it appears to be consistently the case that attributions and accusations of criminality leveled against immigrants in political discourse cause measurably more social harm than actual criminal participation by immigrants.

Immigrants in Australia

Over a quarter of Australia's population is overseas born, with nearly half of Australians identifying as a first- or second-generation immigrant. The country's immigrant population is extremely diverse, with no single source country accounting for a majority or even a plurality of the country's immigrants. Very little of this population is undocumented or unauthorized according to the U.S. understanding of the concepts; due largely to Australia's remoteness and lack of land borders, most unauthorized immigrants in Australia are visa overstayers, a group representing approximately .02% of the country's population in 2010.

Immigrants and Crime

Recent research (Sydes, 2017) drawing upon official census and crime incident data examined the effect of immigration on violent crime across several hundred neighborhoods in Sydney and Brisbane. The results were consistent with the research consensus on immigrants and crime in the United States, showing that immigration is negatively associated with crime in Australia as well. In terms of social disorganization, however, there is some evidence that significant linguistic diversity within neighborhoods was positively associated with violent crime, suggesting that extreme linguistic diversity could lead in some circumstances (such as the absence of effective social services) to breakdowns in informal social control.

Regardless of this evidence, attributions of criminality to immigrants in Australian political discourse have contributed to the country's development of one of the most harshly restrictive immigration control regimes in the world (Welch, 2014). Rooted in the criminological theories of *rational choice* and *deterrence*, the system mandates that refugees, asylum seekers, and attempted unauthorized migrants be detained indefinitely outside Australia's borders, primarily (until its closure in 2017) at the infamous Manus Regional Processing Centre in Papua New Guinea, and at other detention centers located in that country in the years since. The stated rationale for this policy is to deter future asylum seekers from attempting the journey to Australia—a justification rooted in the supposed deterrent effect of criminal justice system incarceration, which this form of immigrant detention closely resembles. These facilities are privately managed by for-profit corrections companies, further blurring the line between detained migrants and incarcerated criminals and indicating the serious consequences that crimmigration policies can have for attempted migrants across the globe.

Overview of the Evidence on Immigrant Participation in Select Crime Categories

Crime as a conceptual category encompasses a wide variety of culturally proscribed deviant or transgressive activities. Breaking down the larger concept of crime into particularly salient subcategories and examining the variance in immigrant participation between them is essential to a comprehensive understanding of the relationship between immigration and crime in a global context.

Immigrants and Terrorism

Acts of terror committed by immigrants tend to receive more coverage (and are more commonly defined as terrorism) than functionally similar incidents involving their native-born counterparts. This is likely in part a lingering effect of the global attention focused on the World Trade Center attacks of September 11, 2001, along with the series of high-profile, high-casualty attacks carried out by immigrants and foreign nationals in major European cities in the years since. As a result, however, similar attacks carried out by native-born perpetrators—whether to advance ideologies of racism, white supremacy, traditional gender relations, misogyny, or other causes—are rarely labeled as terrorism in the

mainstream press, despite being placed in the same category by scholars and researchers (Powell, 2011). This disproportionate attention—both in terms of the number of incidents and the overall number of casualties (with the exception of the 9/11 attacks themselves)—contributes to a strain of discourse in many developed nations that posits Muslim immigrants in particular as an existential threat to the safety and culture of the nations receiving them.

It is clear, in the wake of the "Muslim Ban" executive order by U.S. President Donald Trump, Brexit in the United Kingdom, debate over the "Refugee Crisis" in Europe, and the brutal suppression of Muslim Uighurs in Western China, that the discourse surrounding immigrants and terrorism has led to significant negative consequences for Muslim immigrants and religious minorities around the globe. The distance between public perception and reality on this topic (as on so many of the others under discussion in this article) is vast. While the definition of terrorism can be fluid, the generally accepted definition involves the use of violence in pursuit of political aims; nearly 20 years of the "War on Terror" has led to an increasing reluctance on the part of national media or the popular imagination to ascribe such aims to domestic assailants; instead, attacks by domestic ideologues are increasingly classified as "hate crimes" or ascribed to racial animus, whether or not they are intended to influence politics or achieve political aims. The term "terrorism" is thus assumed to apply to an act of war by a foreign power—most commonly identified as Islam itself rather than a foreign nation—of which immigrant assailants are assumed to be representatives.

Scholars, however, tend to cleave more closely to the accepted definition in comparative analyses of terrorist acts, and as such, their findings are consistent: with few exceptions, a significant majority of terrorist attacks in a given nation-state are committed by native-born individuals in support of the political aims of domestic groups, and the majority of terrorist casualties are caused by these acts (National Consortium for the Study of Terrorism and Responses to Terrorism, 2019). This is not to discount the handful of horrifying, high-casualty attacks that have been carried out in Europe and elsewhere by Islamists, many of whom were first- and second-generation immigrants or foreign nationals.

Incidents of terror—whether committed by foreign nationals, immigrants, or native-born individuals—extract an effectively incalculable human cost reflected in the loss of life and severity of injury resulting from their commission. Recent global research, however, finds no correlation between the number of migrants in a country with either the number or severity of terrorist attacks occurring there (Forrester, Powell, Nowrasteh, & Landgrave, 2019). This finding suggests that a primary policy goal frequently cited in anti-immigrant rhetoric—decreased risk of terrorism—rests on a false premise. Research suggests that reducing immigration to a given country—even narrow restrictions on immigrants from Islamic majority countries, who anti-immigrant groups in the United States and Europe frequently portray as presenting a higher risk of terrorism to destination countries—will have no predictable effect on either the number or the severity of future terrorist attacks.

Immigrants and Transnational Crime

Transnational crime presents a unique case in the involvement of immigrants in crime and criminal activity, because the definition of the phenomenon means that it intrinsically relies on individuals with access to multinational social and/or economic networks for its existence. In practical terms, this means that transnational crime on its largest scale requires the initiation, or at least participation, of major multinational corporations for which such networks are a matter of day-to-day business operations; recent cases such as HSBC's laundering of nearly $1 billion for Mexican and Colombian drug cartels (Saviano, 2016; United States of America against HSBC Holdings PLC, 2018; White, 2017) show the importance of corporate complicity in ensuring the continued profitability of such enterprises, and maintaining their significance and integration into the "legitimate" global economy.

By the same token, however, the drug cartels for which HSBC laundered funds rely significantly on immigrant labor for many of the criminal activities that produced the income in question. In addition to their utilization of social networks in both the source and destination countries for black market products such as drugs and trafficked individuals, immigrants often possess the linguistic abilities necessary to communicate and translate business arrangements between networks in source and destination countries, as well as legitimate cause for international travel that can serve as an important cover for smuggling and other clandestine transportation activities (Furman et al., 2016; Pickering & Ham, 2015).

Human trafficking—sex trafficking in particular—provides a particularly stark example of the potential for the roles of crime victim and criminal offender to overlap, as well as the complicated role played by the criminalization of status offenses in exacerbating rather than mitigating the social harm caused by criminal activity. In many cases, legal prohibitions against prostitution criminalize sex workers, who may themselves be trafficked individuals laboring under the threat of violence or other kinds of coercion. In other cases, trafficked individuals may participate in or otherwise facilitate the trafficking of others, whether due to coercion or evolving social integration into a transnational criminal network. The use of "madams" for the purpose of grooming newly trafficked individuals into the local culture and traditions of sex work in destination countries has long been observed in sex trafficking operations worldwide. These madams are commonly themselves former trafficking victims whose position within the transnational criminal networks that originally trafficked them has changed and evolved over time (Meshkovska, Siegel, Stutterheim, & Bos, 2015). In cases such as these, survival and personal advancement trump individual trauma and collective solidarity with fellow victims.

Policy Implications

A critical criminological perspective on the relationship between immigration and crime requires the examination of social harms resulting not only from the criminal actions of

individuals, but also from state efforts to control these two phenomena. Immigrant detention and deportation, in particular, are patterned after the punitive incarceration employed by criminal justice systems across the globe. The social harms arising from approaches to immigration control rooted in punitive criminal justice system practices are thus comparable.

Detention and Deportation as Social Harms and Causes of Crime

Deportation policies pursued since the 1980s by the United States have planted the seeds for future domestic and transnational crime and criminality in many of the source countries to which deportees have historically been returned. A prime case involves El Salvador (along with, more recently, the other countries of Central America's Northern Triangle, Honduras and Guatemala) and the MS-13 and Calle 18 street gangs. Named for streets in the areas of Los Angeles where the gangs were originally formed in the 1980s, American deportation policies sent many members of these gangs back to their native El Salvador following felony convictions. There, faced with extremely limited opportunities and minimal social ties to a society many of them had not lived in since infancy or early childhood, these gang members re-established their previous associations and modes of existence, at first with their fellow deportees, eventually gaining a foothold among the general populace as well (Dingeman, 2018; Kalsi, 2018). Now, in the absence of functional governments in the Northern Triangle, these gangs are the most significant organized authority in many communities throughout the region, including major urban areas, where they have effectively usurped the state's monopoly on violence. Their use of violence as a first-order governance tactic and economic strategy is largely responsible for the three Northern Triangle countries featuring some of the highest rates of homicide and other violent crimes in the world. These violent crimes are themselves now widely understood to be the major driver of migration from the Northern Triangle countries to the United States (Swanson & Torres, 2016), especially the subsequent waves of unaccompanied minors and families with children who made up the bulk of the migrant "caravans" that the Trump administration attempted to turn into a major moral panic during the run-up to the 2018 midterm elections in the United States. The MS-13 case is just one example of many in the historical ways that the colonial adventures and subsequent policy initiatives (both foreign and domestic) of destination countries in turn influenced conditions that contributed to outmigration in source countries (i.e., push factors).

The approach to immigration control and enforcement popularized in the United States and being adopted incrementally in other destination countries around the globe relies heavily on a crimmigration model borrowed from the criminal justice system: a program of apprehensions rooted in the procedures of law enforcement; a complex of detention facilities that borrow heavily from penological architecture and practices, as well as oftentimes relying directly on existing correctional infrastructure; a judicial process lacking the protections (such as presumption of innocence) that guide criminal court proceedings; and finally deportation, which is intended to discharge the state's responsibilities to the human and civil rights of the immigrant as surely as execution does for the convicted criminal.[13] A rapidly building scholarly consensus holds that the social harms caused by

this system—including (but not limited to) reduced crime reporting rates and police cooperation, family separation, psychological trauma, loss of social capital, and public health consequences for immigrant communities—far exceed any potential benefits to receiving nations in terms of crime reduction, the rationale most commonly used to justify the investment of public monies in immigration control (Leyro, 2017; Leyro & Stageman, 2018). Scholars in fact theorize that crimmigration-based enforcement and control strategies could have the opposite effect, reducing or eliminating the protective factors that contribute to the relatively low rates of criminal participation found in immigrant communities.

There are, however, some important potential benefits that crimmigration policies present to the native-born—in particular, to dominant racial, ethnic, and cultural groups—in destination countries: namely, deepening the vulnerability and exploitability of immigrant laborers and providing flexible mechanisms through which to extract financial profit and other benefits from the immigrants in their midst. The dehumanization and othering justified by attributions of criminality is reinforced in the public consciousness by the criminal justice-based systems and structures of crimmigration that ostensibly address violations of civil conduct in migration decisions, further reinforcing public beliefs that unauthorized and undocumented migration are intrinsically criminal acts. Dehumanized communities and individuals are uniquely vulnerable to exploitation and abuse at the hands of bad actors, as demonstrated by the countless examples across regions and cultures discussed throughout this article. Further, their exploited labor has long underpinned economic dynamics in receiving countries that are not otherwise sustainable and arguably destructive, reliant as they are on the cheap and widely available consumer goods and services that immigrant labor so often provides. The belief that immigrants are inherently criminogenic contributes to the global sense that economic systems of this nature are fundamentally just in their punitive nature; the fact that they are not suggests that these economic systems should be reconsidered and reformed in tandem with the inhumane immigration policies that sustain them.

Digital Resources

Cato Institute. ***Topics: International Economics, Development & Immigration***.

International Organization for Migration. ***World Migration Report 2018***.

Migration Policy Institute. ***International Migration Statistics***.

Pew Research Center. ***Topic: Immigration***.

Tonry, M. (2014). **Why crime rates are falling throughout the Western World**. *Crime and Justice*, *43*(1), 1–63.

Further Reading

Carens, J. (2013). *The ethics of immigration*. Oxford, UK: Oxford University Press.

References

Alami, A. (2018, August 13). Between hate, hope, and help: Haitians in the Dominican Republic. ***The New York Review of Books***.

Altman, H., & Small, M. (2019, February 11). **Immigration detention and the DHS spending negotiations—An explainer**.

Anti-Defamation League. (2018, November). ***Mainstreaming hate: The anti-immigrant movement in the U.S.***(Report from the Center on Extremism). New York, NY: Anti-Defamation League.

Arriaga, F. (2016). Understanding crimmigration: Implications for racial and ethnic minorities within the United States. *Sociology Compass*, *10*(9), 805–812.

Arriaga, F. (2017). Relationships between the public and crimmigration entities in North Carolina: A 287(g) program focus. *Sociology of Race and Ethnicity*, *3*(3), 417–431.

Astor, A. (2009). Unauthorized immigration, securitization and the making of Operation Wetback. *Latino Studies*, *7*(1), 5–29.

Beck, R. (1996). *The case against immigration: The moral, economic, social, and environmental reasons for reducing U.S. immigration back to traditional levels*. New York, NY: W. W. Norton.

Bell, B., Fasani, F., & Machin, S. (2013). Crime and immigration: Evidence from large immigrant waves. *The Review of Economics and Statistics*, *95*(4), 1278–1290.

Ben Farhat, J., Blanchet, K., Juul Bjertrup, P., Veizis, A., Perrin, C., Coulborn, R. M., . . . Cohuet, S. (2018). Syrian refugees in Greece: Experience with violence, mental health status, and access to information during the journey and while in Greece. *BMC Medicine*, *16*(1), 40.

Berry, M., Garcia-Blanco, I., & Moore, K. (2015). *Press coverage of the refugee and migrant crisis in the EU: A content analysis of five European countries* (Project report). Geneva, Switzerland: United Nations High Commissioner for Refugees.

Bersani, B. E. (2014). A game of catch-up? The offending experience of second-generation immigrants. *Crime & Delinquency*, *60*(1), 60–84.

Bircan, T., & Hooghe, M. (2011). Immigration, diversity and crime: An analysis of Belgian national crime statistics, 2001–2006. *European Journal of Criminology*, *8*(3), 198–212.

Bleichmar, J. (1999). Deportation as punishment: A historical analysis of the British practice of banishment and its impact on modern constitutional law. *Georgetown Immigration Law Journal*, *14*, 115–163.

Bosma, U., Lucassen, J., & Oostindie, G. (2012). *Postcolonial migrants and identity politics: Europe, Russia, Japan and the United States in comparison*. New York, NY: Berghahn Books.

Brown, J. A. (2016). Running on fear: Immigration, race and crime framings in contemporary GOP presidential debate discourse. *Critical Criminology*, *24*(3), 315–331.

Carens, J. H. (2013). *The Ethics of Immigration*. New York: Oxford University Press.

Carrington, K., Hogg, R., & Sozzo, M. (2016). Southern criminology. *British Journal of Criminology*, *56*(1), 1–20.

Castles, S., & Miller, M. J. (2009). **Migration in the Asia-Pacific region**. Washington, DC: Migration Information Source.

Cheliotis, L. K. (2017). Punitive inclusion: The political economy of irregular migration in the margins of Europe. *European Journal of Criminology*, *14*(1), 78–99.

Chishti, M., & Hipsman, F. (2015). **In historic shift, new migration flows from Mexico fall below those from China and India**. Washington, DC: Migration Information Source.

Chishti, M., Pierce, S., & Capps, R. (2019, February 28). **Executive power showdown: Congress and White House quarrel over immigration spending** Washington, DC: Migration Policy Institute.

Crush, J., & Peberdy, S. (2018). **Criminal tendencies: Immigrants and illegality in South Africa** (Migration Policy Brief No. 10). Southern African Migration Programme (SAMP).

De Giorgi, A. (2010). Immigration control, post-Fordism, and less eligibility: A materialist critique of the criminalization of immigration across Europe. *Punishment & Society*, *12*(2), 147–167.

Department of Commerce et al. v. New York et al., 588 U.S. __ (2019).

Dingeman, K. (2018). Segmented re/integration: Divergent post-deportation trajectories in El Salvador. *Social Problems*, *65*(1), 116–134.

Disha, I. (2019). Different paths: The role of immigrant assimilation on neighborhood crime. *Social Science Quarterly, 100*(4), 1129–1153.

Ekirch, A. R. (1990). *Bound for America: The transportation of British convicts to the colonies, 1718–1775*. New York, NY: Clarendon Press.

Engelbrecht, C. (2018, June 3). **Fewer immigrants are reporting domestic abuse. Police blame fear of deportation**. *The New York Times*.

Epps, D., & Furman, R. (2016). The "alien other": A culture of dehumanizing immigrants in the United States. *Social Work & Society*, *14*(2), 1–14.

Erez, E. (2000). Immigration, culture conflict and domestic violence/woman battering. *Crime Prevention and Community Safety*, *2*, 27–36.

Faiola, A., & Lopes, M. (2018, August 30). **Overwhelmed: Venezuela's migrant crisis is reshaping Latin America**. *The Washington Post*.

Fargues, P. (2009). Work, refuge, transit: An emerging pattern of irregular immigration South and East of the Mediterranean. *International Migration Review*, *43*(3), 544–577.

Fiddian-Qasmiyeh, E. (2016). On the threshold of statelessness: Palestinian narratives of loss and erasure. *Ethnic and Racial Studies*, *39*(2), 301–321.

Flynn, M., & Cannon, C. (2009, September). ***The privatization of immigration detention: Towards a global view***. Geneva, Switzerland: Global Detention Project.

Forrester, A. C., Powell, B., Nowrasteh, A., & Landgrave, M. (2019, January 15). ***Do immigrants import terrorism?*** (CATO Working Paper No. 56). Washington, DC: Cato Institute

Freilich, J. D., Newman, G., Shoham, S. G., & Addad, M. (Eds.). (2018). *Migration, culture conflict and crime*. New York, NY: Routledge.

Friman, H. R. (2001). Informal economies, immigrant entrepreneurship and drug crime in Japan. *Journal of Ethnic and Migration Studies*, *27*(2), 313–333.

Furman, R., Epps, D., & Lamphear, G. (Eds.). (2016). *Detaining the immigrant other: Global and transnational issues*. Oxford, UK: Oxford University Press.

Gardner, A. M. (2010). Engulfed: Indian guest workers, Bahraini citizens and the structural violence of the Kafala system. In N. De Genova & N. M. Peutz (Eds.), *The deportation regime: Sovereignty, space, and the freedom of movement* (pp. 196–223). Durham, NC: Duke University Press.

Ghosh, P. S. (2016). *Migrants, refugees, and the stateless in South Asia*. New Delhi, India: SAGE India.

Golec de Zavala, A., Guerra, R., & Simao, C. (2017, November 27). **The relationship between the Brexit vote and individual predictors of prejudice: Collective narcissism, right wing authoritarianism, social dominance orientation**. *Frontiers in Psychology*, *8*(2023).

Grajzl, P., Eastwood, J., & Dimitrova-Grajzl, V. (2018). Should immigrants culturally assimilate or preserve their own culture? Host-society natives' beliefs and the longevity of national identity. *Social Science Research*, *75*, 96–116.

Gutierrez, J. (2019, January 31). **Saudis executed maid from Philippines despite protests, officials say**. *The New York Times*.

Haberman, C. (2018, October 1). For private prisons, detaining immigrants is big business. *The New York Times*.

Hansen, R. (2003). Migration to Europe since 1945: Its history and its lessons. *The Political Quarterly*, *74*(S1), 25–38.

Henne, K., & Troshynski, E. (2013). Mapping the margins of intersectionality: Criminological possibilities in a transnational world. *Theoretical Criminology*, *17*(4), 455–473.

Human Rights First. (2019, December). *Human rights fiasco: The Trump administration's dangerous asylum returns continue*.

International Organization for Migration. (2015). *2015 Situation report on international migration: Migration, displacement and development in a changing Arab region*. Beirut, Lebanon: United Nations Economic and Social Commission for Western Asia.

International Organization for Migration. (2018, July). **Migration trends in the Americas: Bolivarian Republic of Venezuela**

International Organization for Migration. (2019, February 12). **Missing migrants 2017: Tracking deaths along migratory routes**.

Jaitman, L., & Machin, S. (2013). Crime and immigration: New evidence from England and Wales. *IZA Journal of Development and Migration*, *2*(19), 1–23.

Jimenez, J. R. (2015, March 25). *Generation of "illegality" through mutual acts of Japanese society and Filipino immigrants* (Unpublished doctoral dissertation). Osaka University, Japan.

Jones, B. (2018, April 30). Stripped of citizenship: The Dominican Republic's deportation of Haitian descendants. *MSU College of Law: International Law Review*.

Kalsi, P. (2018). The impact of U.S. deportation of criminals on gang development and education in El Salvador. *Journal of Development Economics*, *135*, 433–448.

Kanstroom, D. (2007). *Deportation nation: Outsiders in American history*. Cambridge, MA: Harvard University Press.

Lan, S. (2015). State regulation of undocumented African migrants in China: A multi-scalar analysis. *Journal of Asian and African Studies*, *50*(3), 289–304.

Lehohla, P. (2015). *Crime statistics series volume II: Public perceptions about crime prevention and the criminal justice system* (Report No. 03-40-03). Pretoria, South Africa: Statistics South Africa.

Leyro, S. P. (2017, February). ***The fear factor: Exploring the impact of the vulnerability to deportation on immigrants' lives*** (Unpublished doctoral dissertation). CUNY Graduate Center, New York City.

Leyro, S. P., & Stageman, D. L. (2018). Crimmigration, deportability and the social exclusion of noncitizen immigrants. *Migration Letters*, *15*(2), 255–265.

Loyd, J. M., & Mountz, A. (2018). *Boats, borders, and bases: Race, the Cold War, and the rise of migration detention in the United States*. Oakland: University of California Press.

Mainwaring, C., & Cook, M. L. (2018). **Immigration detention: An Anglo model** *Migration Studies*, *7*(4), 455–476.

Mancini, M. J. (1996). *One dies, get another: Convict leasing in the American South, 1866–1928*. Columbia: University of South Carolina Press.

Martinez, R., & Lee, M. T. (2000). On immigration and crime. *Criminal Justice*, *1*(1), 486–524.

Martinez, Y. (2018, May 20). **Sending even more immigrants to prison**.

Massey, D. S., Durand, J., & Malone, N. J. (2003). *Beyond smoke and mirrors: Mexican immigration in an era of economic integration*. New York, NY: Russell Sage Foundation.

Massey, D. S., & Sanchez, M. R. (2010). *Brokered boundaries: Creating immigrant identity in anti-immigrant times*. New York, NY: Russell Sage Foundation.

Matsueda, R. L. (2001). Differential association theory. In C. D. Bryant (Ed.), *Encyclopedia of criminology and deviant behavior* (pp. 125–130). Philadelphia, PA: Brunner-Routledge.

Mauk, B. (2018, March 28). **A people in limbo, many living entirely on the water**. *The New York Times Magazine*.

McPhillips, D. (2017, July 10). UAE no paradise for migrant workers. *US News and World Report*.

Mears, D. P. (2001). The immigration-crime nexus: Toward an analytic framework for assessing and guiding theory, research, and policy. *Sociological Perspectives*, *44*(1), 1–19.

Medina, J. (2017). **Too Scared to Report Sexual Abuse. The Fear: Deportation**. New York Times.

Menjivar, C. (2014). Immigration law beyond borders: Externalizing and internalizing border controls in an era of securitization. *Annual Review of Law and Social Science*, *10*, 353–369.

Meshkovska, B., Siegel, M., Stutterheim, S. E., & Bos, A. E. R. (2015). Female sex trafficking: Conceptual issues, current debates, and future directions. *Journal of Sex Research*, *52*(4), 380–395.

Mudde, C. (2012). *The relationship between immigration and nativism in Europe and North America*. Washington, DC: Migration Policy Institute.

Murray, H. E. (2012). Hope for reform springs eternal: How the sponsorship system, domestic laws and traditional customs fail to protect migrant domestic workers in GCC countries. *Cornell International Law Journal*, *45*(2), 461–485.

Nakamura, D., & Witte, G. (2018, June 20). "**The good times for illegals are over": Trump finds allies in Europe's anti-immigration movement**. *The Washington Post*.

National Consortium for the Study of Terrorism and Responses to Terrorism. (2019, February 12). ***Global terrorism database***. College Park: University of Maryland.

New York et al. v. U.S. Department of Commerce et al., No. 1:18-cv-02921-JMF (S.D.N.Y. 2018).

Nordland, R. (2017, November 11). **Holding hands, drinking wine and other ways to go to jail in Dubai**. *The New York Times*.

Nunziata, L. (2015). Immigration and crime: Evidence from victimization data. *Journal of Population Economics*, *28*(3), 697–736.

Office of the High Commissioner for Human Rights, United Nations. (2017, September 13–24). ***Mission report of OHCHR rapid response mission to Cox's Bazar, Bangladesh***.

Ousey, G. C., & Kubrin, C. E. (2018). Immigration and crime: Assessing a contentious issue. *Annual Review of Criminology*, *1*, 63–84.

Outhwaite, W. (2018, September). **Migration crisis and "Brexit**." In C. Menjivar, M. Ruiz, & I. Ness (Eds.), *The Oxford handbook of migration crises* (pp. 93–110). New York, NY: Oxford University Press.

Patel, T. G. (2016). *Race and society*. London, UK: SAGE.

Patterson, O. (1985). *Slavery and social death: A comparative study*. Cambridge, MA: Harvard University Press.

Perry, E. C., & Potgieter, C. (2013). Crime and tourism in South Africa. *Journal of Human Ecology*, *43*(1), 101–111.

Persell, C. H. (1981). Genetic and cultural deficit theories: Two sides of the same racist coin. *Journal of Black Studies*, *12*(1), 19–37.

Petrova, D. (2003). The Roma: Between a myth and the future. *Social Research: An International Quarterly*, *70*(1), 111–161.

Pickering, S., & Ham, J. (Eds.). (2015). *The Routledge handbook on crime and international migration*. New York, NY: Routledge.

Portes, A., & Zhou, M. (1993). The new second generation: Segmented assimilation and its variants. *The Annals of the American Academy of Political and Social Science*, *530*(1), 74–96.

Powell, K. A. (2011). Framing Islam: An analysis of U.S. media coverage of terrorism since 9/11. *Communication Studies*, *62*(1), 90–112.

Prieto, G. (2018). *Immigrants under threat: Risk and resistance in deportation nation*. New York: New York University Press.

Queally, J. (2017, October 9).**Fearing deportation, many domestic violence victims are steering clear of police and courts**. *The Los Angeles Times*.

Redgrave, H. (2018, July 20). ***What's happening to crime in the UK?*** London, UK: The Tony Blair Institute for Global Change.

Rumbaut, R. G. (1994). The crucible within: Ethnic identity, self-esteem, and segmented assimilation among children of immigrants. *International Migration Review*, *28*(4), 748–794.

Safi, M. (2009). Immigrants' life satisfaction in Europe: Between assimilation and discrimination. *European Sociological Review*, *26*(2), 159–176.

Sampson, R. J. (2008). Rethinking crime and immigration. *Contexts*, *7*(1), 28–33.

Saviano, R. (2016). *ZeroZeroZero: Look at cocaine and all you see is powder. Look through cocaine and you see the world*. Translated by V. Jewiss. New York, NY: Penguin Books.

Schonteich, M. (2013). Exploring the applicability of group threat theory in respect of majority group support for punitive criminal justice policy in the context of large-scale immigration in the United States and Germany. In D. C. Brotherton, D. L. Stageman, & S. P. Leyro (Eds.), *Outside justice: Immigration and the criminalizing impact of changing policy and practice* (pp. 201–222). New York, NY: Springer-Verlag.

Segal, U. A., Elliott, D., & Mayadas, N. S. (Eds.). (2010). *Immigration worldwide: Policies, practices and trends*. New York, NY: Oxford University Press.

Selee, A. (2018, December 12). ***Transnational organized crime groups, immigration, and border security: Connections, distinctions, and proposals for effective policy***. Washington, DC: Migration Policy Institute.

Shaw, C. R., & McKay, H. D. (1942). *Juvenile delinquency and urban areas*. Chicago, IL: University of Chicago Press.

Silverman, S. J., & Massa, E. (2012). Why immigration detention is unique. *Population, Space and Place*, *18*(6), 677–686.

Snider, W. G. (1998). Banishment: The history of its use and a proposal for its abolition under the first amendment. *New England Journal on Criminal and Civil Confinement*, *24*, 455–509.

Stageman, D. L. (2019). The punishment marketplace: Competing for capitalized power in locally controlled immigration enforcement. *Theoretical Criminology*, *23*(3), 394–414.

Stansfield, R. (2016). Reevaluating the effect of recent immigration on crime: Estimating the impact of change in discrete migration flows to the United Kingdom following EU accession. *Crime and Delinquency*, *62*(11), 1426–1447.

Stillman, S. (2018, January 8). **When deportation is a death sentence**. *The New Yorker*.

Stockemer, D. (2016). Structural data on immigration or immigration perceptions? What accounts for the electoral success of the radical right in Europe? *Journal of Common Market Studies*, *54*(4), 999–1016.

Stumpf, J. (2006). The Crimmigration crisis: Immigrants, crime, and sovereign power. *American University Law Review*, *56*(2), 367–419.

Sung, H.-E., Delgado, S., Pena, D., & Paladino, A. (2013). Tyrannizing strangers for profit: Wage theft, cross-border migrant workers, and the politics of exclusion in an era of global economic integration. In D. C. Brotherton, D. L. Stageman, & S. P. Leyro (Eds.), *Outside justice: Immigration and the criminalizing impact of changing policy and practice* (pp. 247–267). New York, NY: Springer.

Swanson, K., & Torres, R. M. (2016). Child migration and transnationalized violence in Central and North America. *Journal of Latin American Geography*, *15*(3), 23–48.

Sydes, M. (2017). Revitalized or disorganized? Unpacking the immigration-crime link in a multiethnic setting. *Journal of Research in Crime and Delinquency*, *54*(5), 680–714.

Tonry, M. (1997). Ethnicity, crime, and immigration. *Crime & Justice*, *21*(1), 1–29.

Tonry, M. (2014). Race, ethnicity, crime, and immigration. In S. M. Bucerius & M. Tonry (Eds.), *The Oxford handbook of ethnicity, crime, and immigration* (pp. 1–20). Oxford, UK: Oxford University Press.

Trucios-Haynes, E. (1997). The legacy of racially restrictive immigration laws and policies and the construction of the American national identity. *Oregon Law Review*, *76*, 369–424.

Trujillo-Pagan, N. (2014). Emphasizing the "complex" in the "immigration industrial complex." *Critical Sociology*, *40*(1), 29–46.

Tseloni, A., Mailley, J., Farrell, G., & Tilley, N. (2010). Exploring the international decline in crime rates. *European Journal of Criminology*, *7*(5), 375–394.

U.N. Department of Economic and Social Affairs. (2015). **Data set for the 2015 revision**.

U.S. Department of Commerce et al. v. New York et al., No. 18-966, 588 U.S. __ (2019).

United States of America against HSBC Holdings PLC, 1:18-cr-00030-LDH (E.D.N.Y. January 18, 2018).

Waldinger, R., & Feliciano, C. (2004). Will the new second generation experience "downward assimilation?" Segmented assimilation re-assessed. *Ethnic and Racial Studies*, *27*(3), 376–402.

Welch, M. (2014). Economic man and diffused sovereignty: A critique of Australia's asylum regime. *Crime, Law, and Social Change*, *61*(1), 81–107.

White, L. (2017, December 11). **HSBC draws line under Mexican cartel case after five years on probation**. *Reuters*.

Wolff, K. T., Intravia, J., Baglivio, M. T., & Piquero, A. R. (2018). The protective impact of immigrant concentration on juvenile recidivism: A multilevel examination of potential mechanisms. *Crime & Delinquency*, *64*(10), 1271–1305.

Wortley, S. (2009). Introduction. The immigration-crime connection: Competing theoretical perspectives. *Journal of International Migration & Integration*, *10*(4), 349–358.

Xie, M., & Baumer, E. P. (2018). Reassessing the breadth of the protective benefit of immigrant neighborhoods: A multilevel analysis of violence risk by race, ethnicity, and labor market stratification. *Criminology*, *56*(2), 302–332.

Yar, M. (2012). Critical criminology, critical theory and social harm. In S. Hall & S. Winslow (Eds.), *New directions in criminological theory* (pp. 52–65). New York, NY: Routledge.

Young, J. (2007). *The vertigo of late modernity*. London, UK: SAGE.

Zatz, M. S., & Smith, H. (2012). Immigration, crime, and victimization: Rhetoric and reality. *Annual Review of Law and Social Science*, *8*, 141–159.

Notes:

(1.) The official dismantling of the European colonial project in the decades following World War II was accompanied by a range of "soft power" systems and structures intended to maintain economic and diplomatic influence over the new nation-states carved out of former colonial territories. In many cases, these structures facilitated labor migration from the former colonies to their former European colonizers, as part of a formal effort to address labor shortages resulting from the massive militarization, destruction of infrastructure, and loss of life that were the war's lasting legacy. In many cases (e.g., from the Anglophone Caribbean to the UK, from Algeria to France, from Suriname to Holland,

etc.), official sanction and the availability of work permits combined with language ability and the more prosaic pull factors of enhanced wages and quality of life to produce lasting migration flows and significant, long-term resident minority populations (see, e.g., Bosma, Lucassen, & Oostindie, 2012; Hansen, 2003).

(2.) Yar (2012) defines social harm as "the manifold forms of harm that emerge from dominant patterns of social, economic, technological, and cultural practices" (p. 56), where harm is broadly defined as the "foreclos[ure] and limit[ation of] humans' possibilities for being" (p. 54). The conceptual or ontological framing of this definition does not exclude easily recognizable harms such as material deprivation, psychological trauma, physical injury, or death; indeed, there is no more comprehensive foreclosure of a human's possibility for being than death. Thus, the concept of social harm can and does encompass traditional definitions of crime but may favor the examination of the social structures and systems that surround these crimes over individual-level explanations.

(3.) This literature is voluminous and encompasses most of the works cited in the "References." The recent meta-analysis of Ousey and Kubrin (2018) assesses 51 representative studies of the immigration-crime relationship undertaken between 1994 and 2014. As such, it provides an excellent entry point into the field and serves as a valuable guide to the relative merits of the studies under discussion.

(4.) Now thoroughly discredited in academic literature, until the 1970s cultural deficit theory was commonly used to explain the supposed higher incidence of criminality among African Americans, as well as racial differences in educational attainment, employment, wealth accumulation, etc. Despite a broad and long-established consensus among scholars that the tenets of this theory are fundamentally racist (Persell, 1981), it continues to feature in contemporary media and political discourse.

(5.) Reports commissioned by American anti-immigration and anti-immigrant advocacy organizations return repeatedly to this logic and other discredited hypotheses in order to contest the scholarly consensus that immigrants exhibit lower crime rates than native-born residents. These reports are often presented in a manner intended to allow lay readers to mistake them for empirical research.

(6.) Numerous instances of this phenomenon have occurred in the United States following the election of President Donald Trump and the resulting expansion of immigration enforcement under his administration. In particular, the fear of deportation and related immigration consequences has driven down reporting rates for domestic violence and sexual victimization among Latino communities with a significant population of undocumented/unauthorized immigrants. See, e.g., Medina (2017) and Engelbrecht (2018).

(7.) See, e.g., Brown (2016), who frames the issue as a political appeal in the mode of the Nixonian "Southern Strategy," or coded racial appeals to white voters intended to communicate that the candidate deploying them will favor whites over minorities in his policy choices.

(8.) As the term "nationality" implies, the contemporary concept of citizenship is structured by the global partition of space into modern *nation-states*; a nation-state's citizens are not simply the individuals who reside within its borders but only those residents who can establish a legal claim to its associated patrimony. While the rationale for this legal claim varies from one nation-state to another, citizenship status effectively establishes the relationship between state power and the rights of the individual citizen. Without the set of individual rights conferred by citizenship, stateless individuals are unable to establish legal standing in their country of residence, regardless of social ties. Like undocumented immigrants in the United States or laborers under the Kafala system, they are entirely at the mercy of state power and consistently under threat of removal or other consequences should they come into conflict with it. See Carens (2013).

(9.) Latin legal terminology for "law of blood," meaning German citizenship was originally conferred on the basis of German descent and ethnicity. This is in contrast to the American *jus solis*, or "law of soil," which confers citizenship (with very few exceptions) to any individual born within the territorial borders of the United States.

(10.) And in fact was recognized as such by the U.S. Supreme Court in its June 27, 2019, decision on the matter (Department of Commerce et al. v. New York et al., 2019).

(11.) The regional subheadings included in this section are organized into significant destination regions that feature similar source countries and patterns of migration. World Migration Report 2018.

(12.) See, e.g., Martinez (2018) for more information on the high proportion of federal incarceration driven by criminal prosecutions of immigration offenses.

(13.) Per Snider (1998), deportation bears unavoidable practical and theoretical similarities to the pre-modern criminal punishment of *banishment*, which was commonly meted out by monarchies as a way to effectively sentence offenders to death (via starvation in unsettled wilderness, for instance) while simultaneously showcasing "the King's mercy." The parallels to contemporary insistence that "deportation is not a punishment" are hard to ignore, as this contention allows modern governments to claim the punitive functions of deportation (i.e., both specific and general deterrence of future instance of unauthorized migration) without taking ethical responsibility for collateral consequences that are often severe, up to and including the otherwise avoidable death of the deportee (Stillman, 2018).

Daniel L. Stageman

Office for the Advancement of Research, John Jay College of Criminal Justice