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Committee on the Judiciary  
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Hearing on Comprehensive Immigration Reform:  
Impact of Immigration on States and Localities

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## The Connection between Immigration and Crime

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Thank you, Chairwoman Lofgren and Ranking Member King, for the opportunity to appear before the Subcommittee. My name is Anne Morrison Piehl. I am an associate professor in the Department of Economics and a member of the Program in Criminal Justice at Rutgers University. I have been actively engaged in research on criminal justice topics, including the relationship between immigration and crime, for over 10 years.

Today I am pleased to testify about the academic literature on the relationship between immigration and crime. To summarize, the empirical research does not suggest that immigrants pose a particular crime threat. In contrast, the evidence points to immigrants having lower involvement in crime than native-born Americans.

## ***Theory***

The addition of immigrants to the population, if immigrants commit any crimes at all, by definition will increase the total number of crimes in the United States. Academics have generally posed the relevant question as: do immigrants add to the crime risk in the population? The answer to this question would be “yes” if immigrants are more likely to commit criminal acts or if immigration causes the native born to increase their criminal behavior.

It would be reasonable to expect immigrants to have higher levels of criminal activity compared to natives because immigrants have traditionally rated high on factors that have been strongly correlated with crime, including poverty, living in urban centers, and generally arriving as young adults (Martinez and Lee 2000). In addition, the adjustment to U.S. norms and laws might also lead to elevated immigrant crime rates (Sellin 1938). Others have argued that immigration might increase the criminal activity of the native born by displacing natives from work and promoting urbanization (Sutherland 1924, Butcher and Piehl 1998a).

The current policy environment provides several mechanisms that are likely to reduce the criminal activity of immigrants. Legal immigrants are screened with regard to their criminal backgrounds. In addition, all noncitizens, whether or not they are legally in the country, are subject to increased punishment of deportation if convicted of a serious criminal offense. And those in the country illegally have the additional incentive to avoid contact with law enforcement for even minor offenses, as such contact is likely to increase the likelihood that their illegal status is revealed.

## ***Evidence***

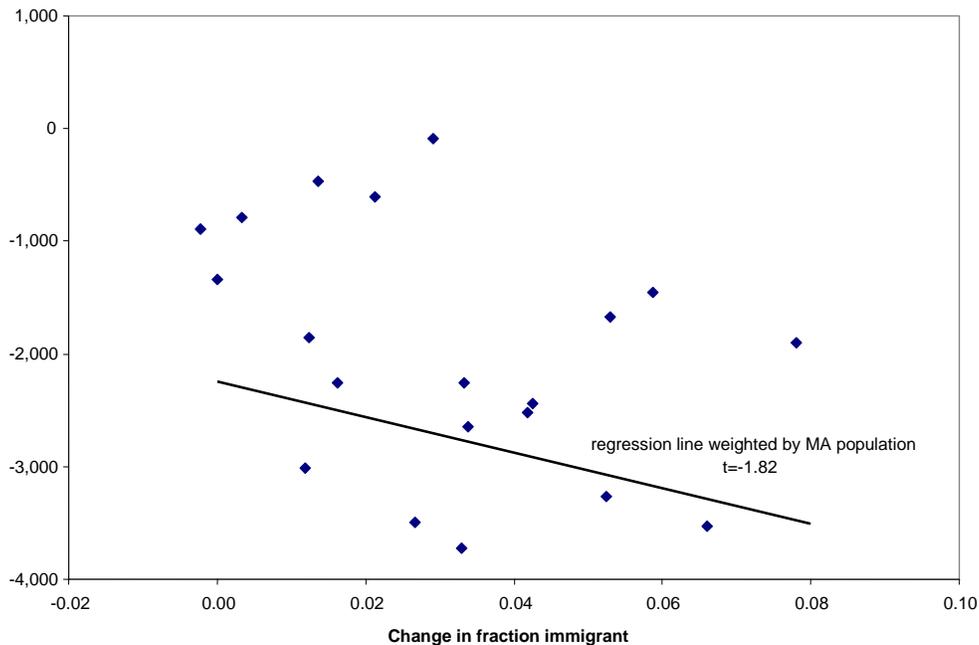
Several important studies have estimated the empirical magnitudes of these theorized connections. The small number of such studies reflects the fact that systematic and reliable research on this topic is difficult because the necessary data are not routinely collected. For example, no broadly representative data sources contain information about the immigration status of the respondents, so the research cannot distinguish those who are legal residents from those who are not, or between those temporarily in the country from those here for the long run. Because of these data limitations, some studies of “immigration and crime” analyze the outcomes of those born outside the U.S., while other studies analyze the group “noncitizens,” a subset of the foreign-born population.

## Crime Rates

Several studies have looked at whether city crime rates vary with immigration. This type of analysis aims to identify the total effect of immigration on crime, regardless of whether immigrants or natives are committing the crimes.

Butcher and Piehl (1998a) present an analysis of immigration and crime rates in the largest U.S. cities. They found that in 1980 and 1990, cities with the largest immigrant populations had higher crime rates than cities with lower levels of immigration. However, many factors distinguished those cities with the largest immigrant populations, including large population size, gateway city status, high population density, etc. These other factors might lead to a positive correlation between immigration and crime even without a causal impact of immigration on crime. Butcher and Piehl argued that a better measure of the causal relationship is to compare cities with a large share of new immigrants to cities with fewer new immigrants. In that analysis, there is no statistically significant relationship between immigration and crime. More recent research confirms that this non-relationship continues to hold for the 1990-2000 period, as shown in Figure 1 (Butcher and Piehl 2006).

Figure 1. Changes in Metropolitan Area (MA) Crime Rates  
by Changes in Fraction Immigrant  
1990 to 2000



Comparisons of border to non-border cities reveal that border cities (with larger immigrant populations) do not have higher crime rates (Hagan and Palloni 1999). Analyses of neighborhoods in Miami, El Paso, and San Diego have shown that, controlling for other influences, immigration is not associated with higher levels of homicide among Latinos and African Americans (Martinez and Rosenfeld 2001). These studies support the basic inference in Butcher and Piehl, that immigration is not associated with increasing crime in a locality. A

review of the literature notes that the published academic literature does not contain counter claims (Mears 2002).

### **Incarceration Rates**

Further evidence can be found in two other studies by Butcher and Piehl (1998b and 2006), which analyzed the institutionalization rates of immigrants compared to those of natives.<sup>1</sup> Using U.S. Censuses of 1980, 1990, and 2000, Butcher and Piehl found that immigrants have much lower institutionalization rates than the native born -- on the order of one-fifth the rate of natives. More recently arrived immigrants have the lowest relative institutionalization rates, and the gap with natives increased from 1980 to 2000.

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**Table 1. Fraction of the Population Institutionalized, by Nativity**  
(Standard Errors in Parentheses; Sample Size in Square Brackets)

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| 1980               |                   | 1990               |                   | 2000               |                   |
|--------------------|-------------------|--------------------|-------------------|--------------------|-------------------|
| <i>Native born</i> | <i>Immigrants</i> | <i>Native born</i> | <i>Immigrants</i> | <i>Native born</i> | <i>Immigrants</i> |
| 0.0135             | 0.0042            | 0.0217             | 0.0107            | 0.0345             | 0.0068            |
| (0.00008)          | (0.00018)         | (0.00010)          | (0.00022)         | (0.00013)          | (0.00014)         |
| [1,900,111]        | [127,392]         | [1,984,069]        | [209,878]         | [1,875,961]        | [352,534]         |

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In order to make a fair comparison between immigrants and the native born, one should consider that some immigrants have not been in the United States very long, and therefore had little opportunity to commit crimes, be convicted, and incarcerated. The paper contains more detailed analyses that control for age of the individual and the time he has been “exposed” to the criminal justice environment in the United States. In these analyses, it is clear that the gap between the foreign and native born expanded over the past 20 years.

To understand what drives these results, Butcher and Piehl (2006) consider the possibility that the under-representation of immigrants in institutions is the result of deportation of criminal aliens which would give the false appearance of low levels of involvement in crime. With a series of judiciously chosen comparisons, they rule out that deportation mechanically drives the under-representation. Rather, Butcher and Piehl conclude that the process of migration selects individuals who are more responsive to deterrent effects than the average native. (It is plausible that the threat of deportation contributes to the deterrence effect.) Immigrants who were already in the country reduced their relative institutionalization probability over the decades. Furthermore, the newly arrived immigrants in the 1980s and 1990s seem to be particularly unlikely to be involved in criminal activity.

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<sup>1</sup> The data source used, the U.S. Census, provides information on whether a respondent is in an institution, but not whether that institution is a correctional one. Butcher and Piehl (1998b) documents that for men aged 18-40, the vast majority are in correctional institutions so that for this demographic group institutionalization approximates incarceration.

## **Criminal Activity**

Differences in criminality have also been studied at the individual level using survey data about crime commission. In Chicago, researchers found that self-reported violent offending among those aged 8 to 25 is comparatively low for immigrants. The odds of violence for first generation Americans are approximately half those of third generation; the odds for second generation members are about three-fourths of those of the third generation (Sampson, Morenoff, and Raudenbush 2005). Butcher and Piehl (1998a), using a nationally representative sample, also found immigrants less likely to be criminally active, using a measure that included property crime.

## **Enforcement Costs**

Even if immigrants have lower criminal activity than native-born citizens, the costs of law enforcement borne by state and local governments on behalf of immigrants can be substantial. The high levels of immigration and its uneven distribution across geography mean that a handful of states are responsible for the majority of the incarcerated foreign born.

Note that the data in this section refer to those immigrants who have not become citizens. Table 2 reports the number of noncitizens, by jurisdiction, for the federal prison system and the states with the largest noncitizen inmate populations. It is routinely reported that a large fraction of federal prisoners are noncitizens. While true, this fact is misleading in two regards. First, immigration offenses are violations of federal law. Second, federal prisoners account for a relatively small fraction of the incarcerated population.<sup>2</sup> Bureau of Justice Statistics figures show that, as of June 2005, 19% of all prisoners in federal custody were noncitizens. But, of all state and federal prisoners, just 6.4% were noncitizens.

Noncitizens make up 10% of California's state prison inmates, and even larger shares of inmates in New York, Arizona, and Nevada. But the large size of California's correctional system means that fully 30% of all noncitizen inmates in state prisons across the country are in California. Thus, the costs of law enforcement are geographically concentrated.

Legal provisions designed to improve the processing of noncitizens whose crimes make them deportable have myriad effects that have not been well documented. Some jurisdictions have "fast track" programs that allow for alternate disposition of some cases involving noncitizens. But for those cases that proceed through the state courts, a deportation order may mean increased costs for a state, as the usual mechanisms of population control such as discretionary release or community placement may be prohibited. One study conducted several years ago found that those slated for deportation served longer prison terms than comparable inmates, imposing substantial corrections costs on the state government (Butcher and Piehl 2000). To my knowledge, there are no recent studies of whether enforcement of immigration provisions continues to impose costs of this form on states.

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<sup>2</sup> Of the 2,186,230 total inmates in the United States as of June 30, 2005, 175,954 (8%) were in federal prisons, 1,255,514 (57%) in state prisons, and the remainder were in local jails (Harrison and Beck 2006).

**Table 2. Noncitizens in Prison, midyear 2005**

|                | Number | Percent Noncitizen<br>(of all inmates in<br>the jurisdiction) | State's Share<br>of Noncitizen<br>Inmates in<br>State Prisons |
|----------------|--------|---|---|
| Federal        | 35,285 | 19%   | --  |
| California     | 16,613 | 10%   | 30%   |
| Texas          | 9,346  | 6%  | 17%   |
| New York*      | 7,444  | 12%   | 13%   |
| Florida        | 4,772  | 6%  | 9%  |
| Arizona        | 4,179  | 13%   | 7%  |
| Nevada         | 1,402  | 13%   | 3%  |
| North Carolina | 1,182  | 3%  | 2%  |
| Illinois       | 1,065  | 4%  | 2%  |
| Colorado*      | 1,026  | 5%  | 2%  |
| Total          | 91,117 | 6%  |   |

Source: Harrison and Beck (2006), p. 5.

\* reports foreign born, rather than noncitizens.

## **Conclusion**

In conclusion, there is no empirical evidence that immigrants pose a particular crime threat. In contrast, the evidence points to immigrants having lower involvement in crime than natives. The direct evidence on crime rates shows that localities that receive large numbers of immigrants do not experience increases in relative crime rates. There is no reason to think that immigration in general presents a particular crime threat.

Despite these findings, the geographic concentration of immigration may nonetheless impose substantial costs on state and local governments. Provisions in immigration law may have unintended consequences on these governments that may represent genuine hardship. These potential impacts require additional study to determine their magnitudes.

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