

The History Of The Proposed Immigrant-Crime Nexus: A Political And Theoretical Examination

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Abstract

Since its inception, America and Americans have always debated the role that new immigrants play in society. These roles have not remained consistent but have modified themselves as unique groups of immigrants beginning their journey through assimilation into American society. These groups, who differ in geographical and racial terms from one another, are often stigmatized with perceptions as a group for several reasons. One of these perceptions is the association of criminality that is linked to each wave of immigrants as they settle down in America and begin to shed their old culture in exchange for American values and traditions. Our research discusses the historical background of the political and theoretical examination of the immigrant-crime nexus.

Keywords- *crime, immigration, politics, deportation, justice system*

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I. Immigration and Crime: Political History

During the 1980's, the United States began to see an increase in criminal consequences of immigration law violations and deportations of even legal immigrants who were convicted of crimes (Miller, 2003). It was in the 1980's that Congress began to place immigration-related misconduct into the realm of criminal law and the executive branch increased their efforts of criminal enforcement on violations of immigration laws violations (Miller, 2003; Stumpf, 2006). This shift of viewing immigration misconduct through the criminal law lens, as opposed to the immigration lens, had a ripple effect in society. Issues that have existed since the inception of the nation were now viewed by the general public as "new problems" of criminal deviance that required legal action in order to address. It was during this period of criminalizing immigration violations that the public began to perceive current and new waves of immigrants in a more criminal light, reflecting their government's stance on immigration. The immigration wave of the

1980's, as is still the case today, consisted of predominantly Hispanic and Latino immigrant groups, immigrating from all over Latin America with a strong representation of Mexican immigrants.

Contemporarily, not much has changed with regard to how the public and government view immigrants. Immigrants continue to combat the perception of criminality by the public, and thus by proxy, the democratically elected policymakers who seek to represent their constituents' wishes (Robben & Suarez-Orozco, 2000; Suarez-Orozco, 2001). In fact, during President Obama's second and third years in office, deportations rose to nearly 400,000, an increase of about 30% from President Bush's second term. Even as deportations have been on the rise, apprehensions of border crossers by the U.S. Border Patrol have declined by more than 70%—from 1.2 million in 2005 to 340,000 in 2011 (Passel and Cohn, 2010). During the Trump Presidential campaign and during his presidency, the perception of criminality between immigrant populations, particularly those from Latin America, only increased. Once in Office in 2016, President Trump enacted an executive order that connected immigration with public safety and set the foundation for his efforts on immigration enforcement under the guise of public safety (Executive Order No. 13768, 2017). Most notable of these immigration enforcements were the expansion of the range of deportable offenses, the increase in removals of immigrants through arrests (Chouhy & Madero-Hernandez, 2020), and perhaps the most notable in terms of damage done is the act of separating families at the border (Bouza et al, 2018). This increase in deportations and decrease in apprehensions illustrates that while immigration to America is on the decline, the notion that immigrants are individuals who need to be removed from society is on the rise.

Using the General Social Survey from 2000, it was noted that 73% of respondents at the time believed that more immigrants are somewhat or very likely to cause higher crime rates (Alba et al., 2005; Ousey and Kubrin, 2009). As noted by researchers, a primary reason that nonempirical conclusions are drawn from the supposed immigrant-crime nexus is a result of politically motivated journalism and political agendas. Politicians and media representatives have conveyed this message to the public and have helped create the myth of criminality

amongst foreign-born residents (Chiricos et al., 2004). This criminality myth that has been created has crept into the legal world and has given rise to a new term used by some scholars to explain the synthesizing of immigration law and criminal law – “cimmigration”. (Stumpf, 2006). Cimmigration is the result of comparing and equating immigration violations with criminal violations. The result is a perception of immigration law violators being stigmatized as permanently living a life of crime. The term “illegal” immigrant thus implies that a fundamental part of who they are can be identified in the term.

II. Immigration and Crime: Early Theoretical Explanations

Historically, some of the first true empirical associations between immigrants and crime can be seen in the early work of the researchers at the Chicago School nearly a century ago. Social scientists in the Chicago School examined crime in a revolutionary manner by explaining crime in a social context instead of a personal one. Borrowing terminology from the biological sciences, the researchers in the Chicago School developed the term *social ecology* and described cities as undergoing permanent modifications in a constant effort to reach a state of “functional equilibrium” (Burgess, 1925; Park 1936). This modification or reorganization in a city results in groups of individuals relocating by residence and occupation” (Burgess, 1925). Research by Park and Burgess, (1921) carried a belief that as waves of immigrants assimilated into the American lifestyle, their rates of offending would decrease. The presumption by Park and Burgess (1921) would lead some individuals to assume that those unassimilated immigrants living in America are thus more deviant assimilation into society would help to curve this behavior. This theoretical assumption can be seen as the beginning of the presumed immigrant-crime nexus.

A slew of debunked eugenics literature and legislation can be partially attributed to the consensus at the time that immigrants were associated with crime. Empirical studies at the time, however, generally illustrated otherwise. Early work on the subject established early on that natives were linked with higher rates of criminal behavior than immigrants (Gault, 1932), and an increase in immigration to the city of Philadelphia did not bring forth a higher rate of crime (Hobbs, 1943) and almost all groups of foreign-born individuals were lower contributors to the homicide rate when compared to native-born citizens (Lane, 1979). Once the idea of studying crime at the empirical level was introduced, Edwin Sutherland, who is noted as being one of the field’s most prominent criminologists, began researching the proposed relationship between immigrants and crime.

In perhaps his most contributive work towards the field, Sutherland disagreed with the first part of the century’s analysis of crime among immigrants. Instead, Sutherland posited that in fact immigration was not the root of the criminality, but acculturation (Sutherland, 1934). His opinion is grounded in his theory, Differential Association, where he posits that deviance is learned through intimate interactions with others. In this manner, individuals learn the values, attitudes, techniques, and motives for criminal behavior (Sutherland, 1934). Sutherland reported that evidence existed that second-generation immigrants had higher rates of crime than first-generation immigrants. Additionally, when compared to their counterparts who did not immigrate to America, the examined migrant population to America had higher rates than their peers who remained in their original country (Sutherland, 1934). Furthermore, Sutherland also noted that immigrants who came to America as children were imprisoned at higher rates than immigrants who came as adults, indicating that immigrant youth are less likely to offend than non-immigrant youth. The presumption for Sutherland was that as individuals were exposed to American culture and living, they became more criminal than their non-immigrant counterparts. The reason for this, as Sutherland explains, is that as immigrants are exposed to the American lifestyle for longer periods of time, their ability to form significant bonds with more deviant individuals and learn from this behavior increases. Similarly, if children come to America and are raised with American idealism and in American society, they reflect higher rates of delinquency than their adult counterparts as they absorb such traditions.

Using the ecological approach to explaining crime in their book *Juvenile Delinquency and Urban Areas*, Shaw & McKay (1969 [1942]) sought to account for high crime levels in urban neighborhoods. Central to their theoretical argument, Shaw and McKay state that crime results from neighborhood characteristics, which result in their conductivity or propensity to crime and delinquency. Shaw and McKay argued that as a result of changes in the nativity and national composition in urban communities, these communities are unable to exercise effective social control over members of the community. (Shaw & McKay, 1969 [1942]). As a result of immigration, immigrants who identify with other racial, ethnic, and linguistic customs destabilize or disorganize the urban community in which they reside. This theoretical assumption applies to new students who are non-English speakers arriving at the American public school system. They are destabilizing the existing community in these high schools. Therefore, introducing these students and their cultures via immigration produces an influx of individuals who introduce lower socioeconomic levels and demographic heterogeneity into their communities, two elements that Shaw and McKay believe are key factors in the Social Disorganization theory of crime.

Later, Gordon (1964) expounded on this idea by introducing the concept of acculturation, the minority group’s adoption of the “cultural patterns” of the host society in which they reside. This theory directly impacts the study at hand, as Gordon (1964) argues that one of the primary “patterns” of acculturation is the acquisition of the English language. This can coincide with the ideas that Sutherland brought in which the notion of

acculturation is the fundamental variable to be examined, not immigration. While research exists on the more technical aspects of immigrant identifiers, such as nativity and legal status, research also exists on a more cultural identifier of immigrants - acculturation. Acculturation can be fundamentally seen as the process of change in beliefs, attitudes, values, and behaviors as a result of conscious interaction between people belonging to various ethnic groups (Kaplan & Marks, 1990). Acculturation is the modification that can occur when someone and their culture come into contact with another group and begin to take on the language, cultural beliefs, values, attitudes, and cultural behavior of the dominant group (Archuleta, 2012). Unlike with assimilation, where the individual attains memories and attitudes from the dominant culture and, by sharing these experiences and history, are incorporated into the culture (Park & Burgess, 1924), immigrants who become acculturated in America may still feel separate and distinct from it.

III. Conclusion

The history of immigrants and the perceived role they play in this country is deeply rooted in political and theoretical assumptions. Media portrayals and public opinions imply that a significant portion of the American public believes that there exists a correlation between immigrants and criminality (Alba et al., 2005; Morenoff, & Astor, 2006; Chiricos et al., 2004). Contemporary researchers have had contrary findings (Light et al., 2020; Martinez et al., 2010; Lopez & Miller, 2011; Ousey and Kubrin, 2009). Although the empirical data exists to illustrate the negative relationship between immigrant status and criminality scientifically, additional research is necessary to fill the gaps in the literature on the subject of the immigrant-crime nexus and further drive this point toward the general public. Future political leaders must use the existing empirical findings and create advocacy efforts and policies that reflect the facts about immigrants and crime, not the myths.

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