UC Irvine
UC Irvine Previously Published Works

Title
Immigration and crime and the criminalization of immigration

Permalink
https://escholarship.org/uc/item/8hd869zp

ISBN
978-1-138-20882-7

Authors
Rumbaut, Ruben G
Dingeman, Katie
Robles, Anthony

Publication Date
2019

Peer reviewed

IMMIGRATION AND CRIME AND THE CRIMINALIZATION OF IMMIGRATION

Rubén G. Rumbaut, Katie Dingeman, and Anthony Robles *

ABSTRACT

Historically in the United States, periods of large-scale immigration have been accompanied by perceptions of threat and stereotypes of the feared criminality of immigrants. A century ago major commissions investigated the connection of immigration to crime; each found lower levels of criminal involvement among the foreign-born. The present period echoes that past. Over the past quarter century, alarms have been raised about large-scale immigration, and especially about undocumented immigrants from Latin America. But over the same period, violent crime and property crime rates have been cut in half; the decline in crime has been more pronounced in cities with larger shares of immigrants; and foreign-born young men are much less likely to be incarcerated than natives. The evidence demonstrating lower levels of criminal involvement among immigrants is supported by a growing number of contemporary studies. At the same time the period has been marked by the criminalization of immigration itself, and by the confluence of immigration and criminal law and enforcement apparatuses. A series of critical events succeeded by moral panics influenced the passage of hyper-restrictive laws and a massive injection of institutional resources that has built the "crimmigration" enforcement apparatus into the "formidable machinery" underpinning mass deportation today.

*

Rubén G. Rumbaut is Distinguished Professor of Sociology at the University of California, Irvine. Among his publications are *Immigrant America: A Portrait* (with Alejandro Portes), and *Legacies: The Story of the Immigrant Second Generation*, which won the Distinguished Book Award of the American Sociological Association and the Thomas and Znaniecki Award for best book in the immigration field. He is a fellow of the National Academy of Education and the American Academy of Arts and Sciences.

Katie Dingeman is Assistant Professor of Sociology at California State University, Los Angeles. Her areas of research include Central American and Mexican migration, the undocumented experience, criminalization of migration, detention, and deportation. Her research has been funded by the National Science Foundation, UC Berkeley Center for Human Rights, and the Fletcher Jones Foundation. She is working on her first book, *The Great Expulsion: Deportation and the Aftermath of Removal.*

Anthony Robles is a student in the Department of Sociology at California State University, Los Angeles. He was awarded the CSU Board of Trustees Award for Outstanding Academic Achievement, an accolade given to one student from each CSU campus annually. He is a member of Project Rebound, a university support program by and for formerly incarcerated students, and plans to attend law school upon graduation.

In June 2015, Donald Trump launched his presidential candidacy with a speech asserting that "The United States has become a dumping ground for everybody else's problems… When Mexico sends its people, they're not sending their best. They're sending people that have lots of problems. They're bringing drugs. They're bringing crime. They're rapists. And some, I assume, are good people." He repeated similar warnings about immigrant and refugee hordes throughout the campaign. In September 2016 at a rally in North Carolina, he claimed that "Hillary Clinton's plan would bring in 650,000 refugees in her first term alone with no effective way to screen or vet them." By October, at multiple campaign stops in Colorado and New Mexico, he upped that claim a thousandfold to say that if his opponent won the presidency, she could let in 650 *million* new immigrants in one week: "She wants open borders. She wants to let people just pour in. You could have 650 million people pour in and we do nothing about it. Think of it. You triple the size of our country in one week." [The U.S. population is about 325 million.] At his inaugural in January 2017, he continued to decry "the crime, the gangs and the drugs… This American carnage stops right here and stops right now." A month later, at a meeting with sheriffs in the White House, he stated that "The murder rate in our country is the highest it's been in 47 years." [In fact the US homicide rate in 2014, 4.5 per 100,000, was the lowest in 51 years—since 1963 when the rate was 4.6 per 100,000.] All of those assertions were demonstrably false—"zombie ideas"—but their constant drumbeat by a demagogue with populist appeal and a mass media that amplified those assertions, have reinforced public fears about immigration and shaped political outcomes and attendant policies to "police the crisis" (Rumbaut, 2016).

Immigration and Crime: Public Perceptions and Empirical Realities

Historically in the United States, periods of large-scale immigration have been accompanied by nativist alarms, perceptions of threat, and pervasive stereotypes of the newcomers, particularly during economic downturns or national crises and when immigrants have arrived and concentrated in large numbers and differed from the native-born in language, race, religion, and national origin (Dingeman and Rumbaut, 2010; Simes and Waters, 2014). This has been especially true with respect to the feared criminality of immigrants. Such concerns peaked during the era of mass migration from the late 19th to the early 20th centuries, when the bulk of immigrants came from Southern and Eastern Europe. To assess those concerns, three major commissions created by the U.S. Congress three decades apart—the Industrial Commission of 1901, the [Dillingham] Immigration Commission of 1911, and the [Wickersham] National Commission on Law Observance and Enforcement of 1931—each devoted a volume to investigate how immigration led to presumed increases in crime. However, each found lower levels of criminal involvement among the foreign-born and higher levels among their native-born counterparts. As the relevant report of the Dillingham Commission concluded in 1911: "No satisfactory evidence has yet been produced to show that immigration has resulted in an increase in crime disproportionate to the increase in adult population. Such comparable statistics of crime and population as it has been possible to obtain indicate that immigrants are *less* prone to commit crime than are native Americans." Two decades later, the Wickersham Commission provided a historical review of public opinion about "the theory that immigration is responsible for crime," from the colonial period to the Revolution to the Civil War to the "modern period of federal control." It was struck by the enduring character of the stereotype, despite finding that all the available evidence pointed to a lesser criminality on the part of the immigrant group as a whole (Dingeman and Rumbaut, 2010). Remarkably, nearly a century later those stereotypes persist, despite an abundance of empirical evidence which has long proved them wrong.

Consider the crime trends which have marked the most recent period of large-scale immigration to the United States. Between 1990 and 2015, the foreign-born population of the U.S. more than doubled from 19.8 million to 43.3 million immigrants (from 7.9 percent to 13.5 percent of the total population); the number of undocumented immigrants more than tripled from 3.5 million to 11.4 million (peaking in 2007 at 12.2 million, then dropping during the Great Recession) (Zong and Batalova, 2017). During the same period, FBI data indicate that the violent crime rate was cut in half to near historic lows—including falling rates of aggravated assault, robbery, rape, and murder—from 758 per 100,000 in 1991 to 373 per 100,000 in 2015. Likewise, the property crime rate fell nearly as sharply—including declining rates of motor vehicle theft, larceny/robbery, and burglary—from 5,140 per 100,000 in 1991 to 2,500 in 2015. This held true for unreported crimes as well. According to the National Crime Victimization Survey, since 1993 the violent crime rate has declined from 79.8 to 23.2 victimizations per 1,000 people (Rumbaut, 2009; Ewing, Martínez and Rumbaut, 2015).

This decline in crime rates in the face of high levels of new immigration occurred in cities across the country, and especially in cities that have long been "gateways" for immigrants entering the United States, such as New York, Los Angeles, Miami and Chicago, and those along the U.S.-Mexico border from El Paso to San Diego. Sampson (2008) has observed that "cities of concentrated immigration are some of the safest places around" (p. 30). The inverse relationship between immigration and crime is also apparent in "new" immigrant gateways, such as Austin, where rates of both violent crime and serious property crime have declined despite high levels of new immigration (Akins et al., 2009; Stansfield et al., 2014). Some scholars suggest that new immigrants may revitalize dilapidated areas of cities, alleviating violent crime (Sampson, 2008).

That immigrants are less likely than the native-born to be criminals is reflected in the fact that disproportionately fewer prisoners in the United States are immigrants. This disparity in incarceration rates has existed for decades, as evidenced by data from the 1980, 1990, and 2000 decennial censuses (Butcher and Piehl, 2007). In each of those years, the incarceration rates of the native-born were anywhere from 2 to 5 times higher than that of immigrants. Parallel data from the 2010 American Community Survey showed that about 1.6 percent of immigrant males age 18-39 were incarcerated compared to 3.3 percent of the native-born peers (Ewing, Martínez and Rumbaut, 2015). The marked difference in incarceration rates between immigrants and natives also holds in the case of immigrants most likely to be undocumented. An analysis of 2000 census data found that for every ethnic group without exception, incarceration rates among young men 18-39 were lowest for immigrants, even the least educated. This held true *especially* for the less-educated Mexican, Salvadoran, and Guatemalan young men who make up the bulk of the unauthorized population (Rumbaut, 2009). The 3.5 percent incarceration rate for native-born men age 18-39 was five times *higher* than the 0.7 percent rate for young immigrant men as a whole. In particular, only 0.7 percent of foreign-born Mexican men and 0.5 percent of foreign-born Salvadoran and Guatemalan men were in prison. The disparity between immigrants and the native-born was even greater among young male high-school dropouts: 9.8 percent of native-born high-school dropouts were behind bars, compared to only 1.3 percent of immigrants. Moreover, only 0.7 percent of foreign-born Mexican high-school dropouts and 0.6 percent of foreign-born Salvadoran and Guatemalan high-school dropouts were behind bars.

The evidence demonstrating lower rates of criminal involvement among immigrants is strongly supported by a growing number of contemporary studies. Akin to the Commission reports of the early 20th century, an exhaustive review of the literature at the end of the century concluded that "The major finding of a century of research on immigration and crime is that… immigrants nearly always exhibit lower crime rates than native groups" (Martínez and Lee, 2000, p. 496). Of the studies examined was one of homicide rates among Cuban refugees who arrived with the Mariel Boatlift of 1980. Although these *Marielitos* were frequently depicted in the media as prolific criminal offenders, even murderers, they in fact were not overrepresented among either homicide victims or offenders. Moreover, after only a short time in the United States, they were much less likely to commit crimes than Cubans who arrived in Miami before the Mariel Boatlift. As with south Florida in general, Miami experienced a sharp spike in homicides *before* the Mariel Cubans arrived in the city. Homicide rates continued to decline throughout the 1980s despite a steady inflow of Latin American immigrants.

Research on the immigration-crime nexus has grown rapidly over the past decade, with both macro-level and individual-level studies diversifying their methodological and analytical approaches, geographic areas and data sources, yet yielding convergent confirmatory evidence, with some scholars concluding that increased immigration is in fact a major factor associated with *lower* crime rates (Sampson, 2008). For example, Ousey and Kubrin (2009) investigated the longitudinal (1980-2000) macro-level relationship between immigration and violent crime (measured by Uniform Crime Report annual data on homicides, robberies, aggravated assaults and rapes) across 150 U.S. cities, and found not only that immigration lowers violent crime rates, but that it does so by bolstering two-parent family structures. Similarly, Stowell et al. (2009) tested the hypothesis that increased immigration reduces crime, using time-series data for 103 metropolitan areas over the 1994-2004 period, and found that "the broad reductions in violent crime during recent years are partially attributable to increases in immigration."

At the local level, a major study of 180 Chicago neighborhoods from 1995 to 2002 found that Latin American immigrants were less likely than the U.S.-born to commit violent crimes even when they lived in dense communities with high rates of poverty (Sampson, Morenoff and Raudenbush, 2005). The immigrants (foreign-born) were 45% less likely to commit violent crimes than were 3rd+ generation Americans (children of native-born parents), adjusting for family and neighborhood background. The second generation (born in the U.S. to immigrant parents) was 22% less likely to commit violence than the third or higher generations. Similarly, a study of two cohorts near Toronto examined delinquency and violent behavior among Canadian youth, using scores from a delinquency and drug use scale (Hagan, Levi and Dinovitzer, 2008). The investigators separated the first, 1.5, and second generations from third-generation Canadians. Controlling for gender, age, socioeconomic background, ethnic origin, and cohort, they found generational status to be the most significant predictor of youth delinquency. That is, the foreign-born (first- and 1.5-) generations were significantly *less* likely than the native-born to engage in high-risk activities. As generational status increased, the odds of engaging in delinquent behavior also increased. These results, in different cities (and countries) using different methods, echo the broader research literature.

At the individual level, national evidence indicates that immigrants are less likely than the native-born to commit criminal acts. For instance, an analysis of data from the National Epidemiologic Survey on Alcohol and Related Conditions sought to determine how often natives

and immigrants engage in a wide range of violent and nonviolent "antisocial behaviors," from hurting another person on purpose and using a weapon during a fight to shoplifting and lying (Vaughn et al., 2014). The study found that "immigrants to the U.S. are less likely to engage in violent or nonviolent antisocial behaviors than native-born Americans. Notably, native-born Americans were approximately four times more likely to report violent behavior than Asian and African immigrants and three times more likely than immigrants from Latin America" (p. 7). Similar findings come from the National Longitudinal Study of Adolescent Health (Powell, Perreira and Harris, 2010). The study examined delinquency by gender among native and immigrant groups from the onset of adolescence (ages 11-12) to the transition to adulthood (ages 25-26). The authors found that "immigrant youth who enrolled in U.S. middle and high schools in the mid-1990s and who are young adults today had among the lowest delinquency rates of all youth," concluding that "fears that immigration will lead to an escalation of crime and delinquency are unfounded" (p. 497).

That may be the case, based on the record of more than a century of empirical evidence. But the criminalization of immigration, in public stereotype and popular myth as well as in political behavior and public policy, operates on a different logic—and is bred in conditions that precipitate moral panics (Goode and Ben-Yehuda, 1994), fueled by media coverage of singular events, and catalyzed by demagogues seeking political gain by scapegoating vulnerable foreign-born groups. Recent examples include the role of California governor Pete Wilson who won reelection in 1994 by riding the popularity of Proposition 187, Sheriff Joe Arpaio of Maricopa County in Arizona, and Republican presidential candidates from Pat Buchanan to Tom Tancredo to Rick Perry to Newt Gingrich and Fred Thompson, who in 2007—in the wake of a murder in New Jersey attributed to "illegal aliens" which generated national headlines—had this to say in a prominent speech: "Twelve million illegal immigrants later, we are now living in a nation that is beset by people who are suicidal maniacs and want to kill countless innocent men, women, and children around the world" (Sampson, 2008).

Crimmigration and the Immigration Industrial Complex

The criminalization of contemporary immigration is rooted in a long history of racialized immigrant exclusion, containment, and disposal. It traces back to the colonial period but is most clearly manifested in the 1798 Alien & Sedition Acts, the 1882 Chinese Exclusion Act, the 1919-1920 Palmer Raids during the post-World War I Red Scare, the 1924 National Origins Quota Act, the Mexican Repatriation during the Great Depression, the Japanese Internment during World War II, and Operation Wetback in 1954 (Kanstroom, 2007). More recently it is associated with the development of new ideological/legal frameworks and material/institutional structures accelerating since the 1980s (García Hernández, 2015). A series of critical events succeeded by moral panics and a renewed "symbolic crusade" produced stigmatizing definitions of deportable noncitizens as "illegal," "criminal," and "national security threats" (Chávez, 2008; Hagan, Levi and Dinovitzer, 2008). Negative media portrayals and the political demagoguery of "agents of indignation" influenced the passage of hyper-restrictive laws which in turn inspired a massive injection of institutional resources that has built the "crimmigration" enforcement apparatus into a "formidable machinery" underpinning mass deportation today (Meissner, Kerwin, Chishti, and Bergeron, 2013; Ewing, Martínez and Rumbaut, 2015).

Crimmigration—the confluence of immigration and criminal law and enforcement apparatuses—is tied to the punitive turn in crime control (García Hernández, 2015; Stumpf, 2008). The Reagan Administration used free market logics to shrink the safety net for marginalized populations while leading a crusade against crime and drugs. Moral panics made possible the rapid growth of a booming prison industry in an era of mass imprisonment in which the U.S. incarceration rate became the highest of any country in the world. It also emerged during a period of colorblind racism in which the state employed discourses of criminality to legitimate the unequal targeting of Blacks and Latinos for incarceration (Alexander, 2010). The necessary ideological framework and infrastructure to support future moral panics around immigration was established.

A series of laws set crimmigration into motion. In 1986, Congress passed the Immigration Reform & Control Act (IRCA). The bi-partisan compromise regularized the status of 2.7 million undocumented people. It mandated the Attorney General to deport "as expeditiously as possible" any non-citizen convicted of a removable offense. Millions of dollars were also appropriated to expand border enforcement and employers were mandated to verify the status of employees for the first time. Two years later, the Anti-Abuse Act of 1988 codified "aggravated felonies" into law. The category initially included only serious violent offenses, but it expanded several times over the next two decades. Presently any noncitizen convicted of a crime with a maximum sentence of a year or more may be classified as an aggravated felon and subject to removal and a ban on re-entry (Rosenblum and Kandel, 2011).

Law and order advocates, the media, and the enforcement industry helped turned immigrants into a principal target for containment during an intense anti-immigrant backlash in the early 1990s. Latina/o migrants were cast as illegals and criminals who stole citizens' jobs, drained state services, carried drugs and violence, and were orchestrating a re-conquest of the Southwest (Chavez, 2008). These discourses led to the militarization of territorial borders through initiatives like Operation Gatekeeper and Operation Hold the Line. Implemented alongside NAFTA in 1993, Gatekeeper doubled enforcement funding, border agents, and fencing (Nevins, 2010). Intended to secure portions of the southwestern border from unauthorized migration and especially trafficking in drugs, weapons, and persons, they actually made the journey more dangerous and contributed to increased border deaths (Nevins, 2010).

Anti-immigrant hysteria directly led to California's Proposition 187 in 1994, which declared undocumented immigrants living in the state ineligible for public services, and asserted in its opening lines that "the people of California have suffered and are suffering economic hardship [and] personal injury and damage caused by the criminal conduct of illegal aliens in this state." Proposition 187 spawned multiple copycat laws and ordinances in other states and localities, and influenced two hyper-restrictive federal laws passed in 1996 that continue to undergird migrant criminalization. The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) and the Antiterrorism and Effective Death Penalty Act (AEDPA) established 287(g) agreements to fund the training and authorization of criminal law enforcement agencies and its officers to police immigration. Mandatory detention was instituted for "aggravated felons" and others deemed threats to national security. Judicial discretion and review were also limited such that migrants' age at migration, family ties, and contributions were no longer considered in most removal decisions. It also became extraordinarily difficult to appeal cases from abroad, so once criminalized, most migrants effectively lost any remaining rights in the U.S. immigration system.

The attacks of September 11, 2001, and the political and media reaction in the wake of a "war on terror," prompted the next major moral panic; it exacerbated public fears of the foreign-born and conflated "illegal immigration" not only with crime but with potential terrorism, leading to surveillance, monitoring, and targeting of Arab and Muslim migrants. When the Department of Homeland Security (DHS) was formed in 2003, following the passage of the Homeland Security Act of 2002, immigration was considered a national security concern. The National Security Entry-Exit Registration (NSEERS) program, established in 2002 under the DOJ, was transferred to DHS, through which thousands of non-citizens of Arab and Muslim descent were required to register and regularly check in with immigration officials. DHS also rolled out Operation Endgame (2003-2012), a multi-year initiative to deport all removable immigrants and suspected terrorists living in the U.S. within ten years. The Secure Borders Initiative (SBI, 2006-2011) supported Endgame through the appropriation of billions of dollars to corporations like Boeing to construct a virtual fence and implement other advanced surveillance and enforcement technologies along the Southern border.

In December 2005, the U.S. House of Representatives passed The Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005 (H.R. 4437), which would have criminalized all twelve million undocumented immigrants estimated to reside in the country as well as those who would assist them; the Senate did not act, so it never became law, but it showed how a population in the millions could so readily be made into felons. It represented the most draconian anti-illegal immigration bill in nearly a century, but also catalyzed mass protests by millions of people across all major cities in the US in early 2006.

During this period the state also de-formalized removal procedures to facilitate expedited criminalization and removal. Operation Streamline (2005-present) summarily prosecutes people in mass trials of up to 80 people, typically along the Southern border. Migrants processed through the initiative are routinely denied legal assistance, coerced to plead guilty to criminalized immigration offenses, and deported without a full understanding of their rights. In 2008, DHS covertly piloted Streamline as an interior enforcement tactic through a workplace raid at a meatpacking plant in Postville, Iowa. 389 undocumented laborers were arrested, denied counsel, prosecuted, and deported. It took years for litigation to emerge against the company, but hundreds of migrants were criminalized and deported and many more were vicariously affected. The city "lost 40% of its pre-raid population, the economy was in shambles, [and] the city government teetered on the brink of financial collapse" (Camayd-Freixas, 2013).

Costly initiatives such as Endgame and SBI failed to reduce the overall size of the undocumented population. To advance more cost-effective and efficient border enforcement, the state expanded risk-based, deterrent, and de-formalized strategies like Operation Streamline. In 2011, the Consequence Delivery System (CDS) began "to uniquely evaluate each subject and identify the ideal consequences to deliver to impede and deter further illegal activity." The Alien Transfer and Exit Program (ATEP) criminalizes migrants then "delivers" them to different regions from where they entered. Deportation typically occurs after separation from family. Migrants are also dropped into dangerous areas in the middle of the night alone, with little more than the clothes on their backs (Slack, Martínez, Whiteford, and Peiffer, 2015).

The Postville model was eventually deemed a public relations nightmare and abandoned. Under the Obama Administration, ICE came to rely on the criminal justice system to identify

deportable migrants on the interior. The Secure Communities program (2009-present) uses biometric statistics to locate deportable immigrants in participating local and state jails. It also permits the issuance of immigration detainers, which authorize the transfer of deportable migrants into ICE custody. These programs are supplemented by operations like Operation Community Shield and the Fugitive Alien Program which claim to target drug traffickers, gang members, and fugitives but routinely ensnare undocumented migrants without criminal histories and transform such persons into criminals through the application of immigration-related convictions. Failure to appear in court, for instance, is grounds to treat a migrant as fugitive.

The Obama Administration was lauded for its later attempts at immigration reform. In the absence of Congressional movement on the DREAM Act, Obama executed the Deferred Action for Childhood Arrivals (DACA) program, which granted 800,000 undocumented child migrants social security numbers, work authorization, and temporary relief from removal. Obama also claimed to target "felons, not families" such that criminal aliens would be the primary target for removal, particularly from the interior. Obama nonetheless deported 3.1 million persons during his tenure, more than any other administration in U.S. history. Moreover, most persons deported under his administration were removed for immigration violations and minor nonviolent offenses (Thompson and Cohen, 2014). In FY 2014, 414,481 persons were removed; 60% of these people were deported without a criminal conviction. Only 7% of total removals were linked to serious crimes like assault, burglary, sexual assault, and weapons offenses. Unlawful re-entry and traffic violations constituted the largest increases in criminal removals from the previous year.

By 2016, 94% of all removals and returns could be classified within "priority one" categories established under in 2014 (ICE, 2016). This includes persons classified as "national security interests," "border security," "street gangs," "felonies," and "aggravated felonies." Yet, as should be now clear, sweeping categories obscure the ongoing expansion of deportable offenses and criminalization of immigration. It is telling that, of the 240,255 removals initiated by ICE in FY 2016, less than 1% of total removals were classified as suspected or confirmed gang members (ICE, 2016). During the same year, DHS had classified Central American women and children fleeing gendered violence and street crime in their countries-of-origin as "national security threats" who met "priority one" classifications. De facto refugees were mandatorily detained, denied attorneys and credible fear hearings, criminalized, and summarily deported to unknown conditions with formal bans on re-entry to the U.S.

This campaign of mass criminalization, detention, and deportation is decisively bolstered by a massive industrial complex constituted by media, military, technology, surveillance, and prison industries. Since at least the 1990s, lobbyists representing corporate interests and "dark money" invested billions of dollars annually to sustain and grow the immigration industrial complex (Douglas and Saenz, 2013). The budgets for ICE and CBP have continuously grown and are now larger than all other law enforcement agencies combined (Meissner et al., 2013). The private detention industry has been particularly influential. Rates of detention have grown exponentially in recent decades. Before the 1980s, around 30 people were held in immigration detention per day. By 1998, when crimmigration began to ramp up, this number reached 16,000. In 2014, 34,000 persons were congressionally mandated to be detained in immigration detention on any given day (Pringle, 2013).

Marketed as a cost-cutting measure in the Reagan era, the government increasingly relied on private facilities to detain citizens and noncitizens alike. The two largest for-profit prison companies in the United States—GEO and Corrections Corporation of America—and their associates "have funneled more than $10 million to candidates since 1989 and have spent nearly $25 million in lobbying efforts. Meanwhile, these private companies have seen their revenue and market share soar. They now rake in a combined $3.3 billion in annual revenue" (Cohen, 2015). GEO Group and CCA own 8 of the 10 largest immigrant detention centers and manage 72 percent of privately held ICE detention center beds (Carson and Diaz, 2015). Insomuch as they consider migrants a "growth market," their lobbying has informed the passage of numerous anti-immigrant acts, including Arizona's infamous Senate Bill 1070 and the DHS Appropriations Act of 2012, which established the bed quota (Greene and Patel, 2009; Hodai, 2010; Pringle, 2013). Indeed, on the day after Trump's election in 2016, the biggest winner in the stock market was CCA, whose stock soared more than 49% by early afternoon, while GEO Group's stock surged more than 21%. Together, those gains added more than $1 billion to the market values of the private prison companies.

The immigration industrial complex is now firmly lodged in U.S. society. With the largest detention infrastructure in the world, the U.S. maintains a network of over 250 county jails and for-profit prisons. Whole communities heavily rely on detention for economic sustenance (Doty and Wheatley, 2013). The system, with its powerful interests, worldviews, material resources, and associated legal apparatus, thus discourages fundamental reform (Doty and Wheatley, 2013). The long term trend is likely to be sustained, accompanied at least in the near term by heightened migrant criminalization, detention, and deportation (see also Sharpless, 2016).

CONCLUSION

From the moment he launched his presidential campaign in 2015, Donald Trump tapped into an authoritarian populist appeal by propagating an intensified xenophobic moral panic with racist language and scapegoating of immigrants. He appealed particularly to a rising nationalist fervor among predominately white working class Americans who believed they were on the wrong side of globalism. Latino and Muslim immigrants and asylum seekers were cast under Trump's nationalist moral crusade as the ultimate threat to national sovereignty and security. Trump promised to institute a Muslim ban forbidding entry to veritable refugees, build a wall between the U.S. and Mexico, and create a "deportation force" that would remove all eleven million undocumented immigrants living in the country in ways reminiscent of the 1930s Mexican Repatriation and Operation Wetback in 1954.

The Trump Administration has yet to build the border wall but instituted a Muslim refugee ban and rescinded the DACA program. It expanded surveillance of migrants and instituted ideological screening at airports, ports, and during regularization and adjustment of status. Trump also increased border and interior enforcement, created a weekly list of violations committed by immigrants, and established a hotline intended for victims of immigrant crime. DHS has also expanded its use of raids, targeting of people in public spaces, shopping centers, outside schools and courthouses, and inside hospitals. In one such case, a 10-year-old girl who migrated from Mexico at three months old and suffered from cerebral palsy was stopped by a CBP checkpoint in

Texas on her way to receive emergency surgery. Immediately after surgery, she was transferred to immigration custody to be processed for removal (Alden, 2017).

In recent decades, political actors in the U.S. have capitalized on rhetoric conflating immigrants, particularly male undocumented laborers from Latin America and asylum seekers and refugees from Central America and the Middle East, with criminality. To be sure, "some immigrants do commit serious crimes. But that is because they are like all other human beings," not due to any inherent proclivity for violence and lawlessness (Camacho, 2017). Regardless of these cases, there no empirically strong positive relationship between immigration and crime rates in the U.S. As a whole, immigrants commit crime and are incarcerated at lower rates than non-immigrants. This pattern holds true across national origin groups, citizenship statuses, and types of criminal offenses. Immigrants, especially when their communities are supported, appear mostly to revitalize rather than threaten communities.

Criminality may be less associated with coming to America than the process of becoming American. The immigrant-crime paradox may be explained by several interlocking factors, including: positive immigrant selectivity, fear of detention and deportation may lead to lower rates of offenses and lower reporting of crimes in immigrant communities, and the disproportionate criminalization and policing of native-born minority populations. The proliferation of waves of moral panics around immigration has helped bolster the criminalization of immigrants, particularly of racialized poor men from Latin American and Caribbean countries. This artificial production of criminality is tied to the broader rise of the carceral state, a natural outgrowth of the Wars on Drugs and Crime (García Hernández, 2015). It is bolstered by massive and tremendously lucrative prison, surveillance/technology, and military industries. The lobbying power of these industries in turn maintains mass criminalization, detention, and deportation.

Crimmigration is a relatively new phenomenon now rapidly expanding to migrant-receiving countries throughout the world (Guia, van de Woude, and van der Leun, 2013). In some cases, like in El Salvador, the U.S. government has actively exported policing practices abroad (Zilberg, 2011). The criminalization of migration has transnational blowback effects, including separation of families, diminished mental health, education, and economic outcomes among migrants and deportees, and the spread of crime across international borders. The ideological and material components of crimmigration thus contribute to the growth of the problems they were intended to reduce. The immigrant rights movement has stayed abreast of these consequences, pushing back at every turn. Faced with the forces of industry and the Trump Administration, however, they are likely to face considerable headwinds into the future.

REFERENCES

Akins, S. Rumbaut, RG. and Stansfield, R. (2009) Immigration, Economic Disadvantage and Homicide. *Homicide Studies* 13(3), pp. 307–14.

Alden, E. (2017). The Big Lie: Does DHS Really Have to Deport a Ten-Year-Old with Cerebral Palsy? *Council on Foreign Relations*, [online]. Available at: https://www.cfr.org/blog/big-lie-does-dhs-really-have-deport-ten-year-old-cerebral-palsy [Accessed 30 Oct. 2017].

Alexander, M. (2010). *The new Jim Crow: Mass incarceration in the era of colorblindness*. New York: The New Press.

Butcher, KF. and Piehl, AM. (2007) Why Are Immigrants' Incarceration Rates So Low? Evidence on Selective Immigration, Deterrence, and Deportation. *Working Paper 2005-19*. Chicago: Federal Reserve Bank of Chicago.

Camacho, D. (2017). Trump's Weekly List of Immigrant Crimes is as Sinister as it Sounds. *The Guardian*, [online]. Available at: https://www.theguardian.com/commentisfree/2017/mar/22/trumps-weekly-list-immigrant-crimes-sinister-deportation [Accessed 22 March. 2017]

Camayd-Freixas, E. (2013). *US immigration reform and its global impact: Lessons from the Postville raid*. New York: Palgrave Macmillan.

Carson, B. and Díaz, B. (2015). Payoff: How Congress Ensures Private Prison Profit with an Immigrant Detention Quota. *Grassroots Leadership*, pp. 1-24.

Chávez, L. (2008). *The Latino threat: Constructing immigrants, citizens, and the nation*. Palo Alto: Stanford University Press.

Cohen, M. (2015). How For-Profit Prisons Have Become the Biggest Lobby No One is Talking About. The Washington Post, [online] Available at: https://www.washingtonpost.com/posteverything/wp/2015/04/28/how-for-profit-prisons-have-become-the-biggest-lobby-no-one-is-talking-about/.

Dingeman, K. and Rumbaut, RG. (2010). The Immigration-Crime Nexus and Post-Deportation Experiences. *University of La Verne Law Review*. 31(2), pp. 363-402.

Doty, R. and Wheatley, E. (2013). Private Detention and the Immigration Industrial Complex. *International Political Sociology*. 7(4), pp.426-443.

Douglas, K. and Saenz, R. (2013). The Criminalization of Immigrants and the Immigration Industrial Complex. *Daedalus*. 142, pp. 199-227.

Ewing, W., Martínez, DE, Rumbaut, RG. (2015). *The criminalization of immigration in the United States*. American Immigration Council, [online]. Available at: https://www.americanimmigrationcouncil.org/sites/default/files/research/the_criminalization_of_immigration_in_the_united_states.pdf.

García Hernández, C. (2015). *Crimmigration Law*. American Bar Association.

Goode, E. and Ben-Yehuda, N. (1994) *Moral panics: The social construction of deviance.* Blackwell Publishing.

Greene, J. and Patel, S. (2009). The Immigrant Gold Rush: The Profit Motive Behind Immigration Detention. Report to the U.N. Special Rapporteur on the Rights of Migrants. Available at: https://www.aclu.org/sites/default/files/pdfs/humanrights/detention_deportation_briefing.pdf

Guia, J., van de Woude, M. and van der Leun, J. (2013). S*ocial control and justice: Crimmigration in the age of fear.* The Hague: Eleven International Publishing.

Hagan, J., Levi, R. and Dinovitzer, R. (2008). The Symbolic Violence of the Crime-Immigration Nexus: Migrant Mythologies in the Americas. *Criminology and Public Policy.* 7(1), pp. 95-112.

Hodai, B. (2010). Ties that Bind: Arizona Politicians and the Private Prison Industry. *In These Times*, [online]. Available at: http://inthesetimes.com/article/6085/ties_that_bind_arizona_politicians_and_the_private_prison_industry [Accessed 15 August. 2017].

Immigration and Customs Enforcement. (2016). *FY 2016 Immigration Removals*. Department of Homeland Security: Washington D.C.

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

Martinez, R., Lee, M. (20002) On Immigration and Crime. In: LaFree, G., et al., eds. *Criminal Justice 2000*. Washington DC: U.S. Department of Justice. pp. 485-524.

Meissner, D., Kerwin, D., Chishti, M. and Bergeron, C. (2013). *Immigration Enforcement in the United States: The Rise of a Formidable Machinery*. Washington DC: Migration Policy Institute.

Nevins, J. (2010). *Operation gatekeeper: The war on "illegals" and the remaking of the U.S.-Mexico boundary*. 2nd Edition. New York, NY: Routledge.

Ousey, GC. and Kubrin, CE. (2009) Exploring the Connections Between Immigration and Violent Crime Rates in U.S. Cities, 1980-2000. *Social Problems*. 56(3), pp. 447-473.

Powell, D., Perreira, K. and Harris, KM. (2010) Trajectories of Delinquency from Adolescence to Adulthood. *Youth & Society*. 41 (4), pp. 475-502.

Pringle, A. (2013). The Winners in Immigration Control: Private Prisons. *The Atlantic*, [online]. Available at: http://www.theatlantic.com/national/archive/2013/08/the-winners-in-immigration-control-private-prisons/279128/ [Accessed 8 January. 2013].

Rosenblum, M. and Kandel, W. (2011). *Interior Immigration Enforcement: Programs Targeting Immigration Enforcement*. Washington, DC: Congressional Research Service.

Rumbaut, RG. (2009) Undocumented immigration and rates of crime and imprisonment. In: A. Khashu, ed. *The role of local police: Striking a balance between immigration enforcement and civil liberties.* Washington DC: Police Foundation. pp. 119-139.

Rumbaut, RG. (2016) Zombie Ideas and Moral Panics: Framing Immigrants as Criminal and Cultural Threats. *Russell Sage Foundation Blog Series* [online]. Available at: https://www.russellsage.org/zombie-ideas-and-moral-panics-framing-immigrants-criminal-and-cultural-threats [Accessed 4 November. 2016].

Sampson, R. (2008) Rethinking Crime and Immigration. *Contexts*. 7(1), pp. 28-33.

Sampson, R., Morenoff, J. and Raudenbush, S. (2005) Social Anatomy of Race and Ethnic Disparities in Violence. *American Journal of Public Health.* 95(2), pp. 224-232.

Sharpless, R. (2016) "Immigrants Are Not Criminals": Respectability, Immigration Reform, and Hyperincarceration. *Houston Law Review,* 53, pp. 691-765.

Simes, JT. and Waters, MC. (2014) The politics of immigration and crime. In: S. Bucerius and M. Tonry, eds. *The Oxford Handbook of Ethnicity, Crime, and Immigration*. New York: Oxford University Press. pp. 457-483.

Slack, J., Martínez, DE, Whiteford, S. and Peiffer, E. (2015). In Harm's Way: Family Separation, Immigration Enforcement Programs, and Security on the US-Mexico Border. *Journal on Migration and Human Security*, 3(2), pp. 109-128.

Stansfield, R., Akins, S., Rumbaut, RG. and Hammer, R. (2014) Assessing the Effects of Recent Immigration on Serious Property Crime in Austin, Texas. *Sociological Perspectives.* 56(4), pp. 647-672.

Stowell, J., Messner, S., Mcgeever, K. and Raffalovich, L. (2009) Immigration and the Recent Violent Crime Drop in the United States: A Pooled, Cross-Sectional Time-Series Analysis of Metropolitan Areas. *Criminology.* 47(3), pp. 889–928.

Stumpf, J. (2008). The Crimmigration Crisis: Immigrants, Crime, and Sovereign Power. *American University Law Review*. 56(2), pp. 367-419.

Thompson, G. and Cohen, S. (2014). More Deportations Follow Minor Crimes, Records Show. *New York Times*, [online]. Available at: http://www.nytimes.com/2014/04/07/us/more-deportations-follow-minor-crimes-data-shows.html [Accessed 15 August. 2014].

Vaughn, M. Salas-Wright, C., DeLisi, M. and Maynard, B. (2014) The immigrant paradox: immigrants are less antisocial than native-born Americans. *Social Psychiatry and Psychiatric Epidemiology.* 49(7), pp. 1129-1137.

Zilberg, E. (2011). *Space of detention: The making of a transnational gang crisis between Los Angeles and San Salvador*. Durham: Duke University Press.

Zong, J. and Batalova, J. (2017) Frequently Requested Statistics on Immigrants and Immigration in the United States. *Migration Information Source*, [online]. Available at: https://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states