Immigration, Crime, and Victimization: Rhetoric and Reality

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Abstract
Contrary to popular perceptions that immigration increases crime, the research literature demonstrates that immigration generally serves a protective function, reducing crime. This review takes as its starting point the contradiction between the rhetoric and the reality of immigration and crime in the United States. We begin by exploring the conditions under which immigration reduces crime and those under which it has less or no effect, with particular attention to traditional and new destination sites. We then demonstrate how the moral panic about immigration has contributed to unprecedented levels of new legislation and intensified enforcement practices. These new laws and policies, we suggest, are making immigrants and their communities less safe. We consider some of the ways in which immigrants have become more vulnerable and how that vulnerability is patterned and nuanced. We close by examining recent research in other parts of the world, finding some similarities but also differences in the relationships among immigration, crime, and victimization.
INTRODUCTION

Immigration laws and policies in the United States have historically been couched in a rhetoric of race and crime. From the Chinese Exclusion Act of 1882 through the quota laws of 1921 and 1924 to Arizona’s SB 1070, skin color, language, national origin, and religion have been entangled with assumptions about crime and criminality (Calavita 1984, 2000, 2007; Gardner 2005; Hagan et al. 2008; Martínez & Valenzuela 2006; Mears 2001; Newton 2008; Ngai 2004). This linking of immigration and crime provides an effective rallying cry for politicians and pundits, allowing them to demonize immigrants and reinforce racialized anxieties without ever explicitly invoking race (Chavez 2008, Kubrin et al. 2012, Provine & Doty 2011). The resulting “moral panic” (Cohen 1972, Goode & Ben-Yehuda 1994) has been further exacerbated by post-9/11 fears (Altheide 2006; Fink 2008; Fleury-Steiner & Longazel 2010; Provine et al. 2012; Welch 2003, 2012), contributing to an unprecedented number of state and local laws seeking to restrict immigration and punish immigrants (Johnston & Morse 2011, Meyer et al. 2011, Varsanyi 2010b) and, we suggest, ultimately leaving some of the most vulnerable members of US society at even greater risk of victimization and exploitation.¹

The relevance of race in this powerful mythology cannot be ignored. As Mears (2001, p. 13) reminds us, “Insight into the immigration-crime nexus has direct implications for understanding the relationship between race/ethnicity and crime, and vice versa.” Similarly, Provine & Doty (2011, p. 265) speak to “the mutually reinforcing relationship between racialization and criminalization.” Demonizing Latinos as criminals is not new in the Southwest (Gómez 2007, Mirandé 1987), where fears of violence at the hands of Mexican immigrants—whether based in reality or not—play into what Chavez (2008) has called the Latino threat narrative. This narrative, Chavez notes, is “part of a grand tradition of alarmist discourse about immigrants and their perceived negative impacts on society” (p. 3).

In contrast to the prevailing moral panic about the dangers posed by immigrants, dozens of studies have demonstrated that increased immigration serves a protective function, revitalizing communities and reducing crime rates for both immigrant and nonimmigrant groups (e.g., Desmond & Kubrin 2009, Hagan et al. 2008, Hagan & Palloni 1999, Kubrin & Ousey 2009, Lee 2003, Lee & Martínez 2009, Martínez & Lee 2000, Ousey & Kubrin 2009, Sampson 2008, Stowell 2007, Vélez & Lyons 2012). Indeed, Sampson (2008) and others have argued that immigration may be the most important factor explaining the decrease in US violent crime rates in recent years.

This review takes as its starting point the contradiction between the rhetoric and the reality of immigration and crime in the United States. We begin by exploring the conditions under which immigration reduces crime and those under which it has less or no effect. We then highlight the contemporary legislative response to the perceived threat posed by immigration and immigrants and some of the ramifications of this legislation. Rather than immigration making neighborhoods less safe, we suggest that the moral panic about immigration and crime—and the resulting plethora of anti-immigrant laws and policies—have made immigrants and their communities less safe. More law, in this case, is making matters worse: reinforcing and reconstructing racial difference and exclusion, making immigrants more vulnerable to violence and exploitation, and thwarting efforts by police departments to partner with communities. Further, these vulnerabilities appear to be patterned, with women and the poorest, least-skilled immigrants at greatest risk of victimization. To help us better understand these patterns and nuances, we examine recent research in other parts of the world,

¹We are not suggesting that the moral panic about immigration and crime is the only factor contributing to the surge of anti-immigration legislation. Claims about the fiscal impact of immigration on health care, education, and social services and of loss of low-paying jobs to immigrants, for example, also fuel the panic.
finding some similarities but also differences in the relationships among immigration, crime, and victimization. We close by discussing some of the most important unanswered questions and outline areas for future research.

Throughout, we draw from but do not repeat excellent reviews of the interweavings of immigration, law, race, and identity by Calavita (2007); global restructuring, immigration, and the rights of noncitizens by Coutin (2011); illegality and deportability as experienced in everyday life by De Genova (2002); and immigration and crime by Lee & Martínez (2009) and Martínez & Lee (2000). In addition to these comprehensive review essays, we refer readers to recent collections on immigration, crime, and victimization edited by Martínez & Valenzuela (2006), McDonald (2009b), and Kubrin et al. (2012). Individually and as a set, these essays and edited volumes examine the connections among immigration, race, crime, global restructuring, law, and the state.

IMMIGRATION AND CRIME


Moreover, the null or negative effects of immigration on crime rates hold (a) in cross-sectional research and studies conducted at multiple points in time, (b) at the national and neighborhood levels, and (c) whether the analysis focuses on crime rates or incarceration rates. Accordingly, the general sense among scholars is that “the link drawn between immigration and crime is misleading, to the extent of constituting a mythology” (Hagan & Palloni 1999, p. 630).

That said, there are some interesting nuances to the patterns found, and attention to the conditions under which immigration significantly reduces crime and those under which it has less of a protective effect should help us to better understand crime and victimization patterns and, perhaps, why the moral panic about immigration and crime is louder in some locales than in others. In particular, new research within the United States points to the importance of whether a city is a traditional gateway for immigrants or a new receiving site (Veláz & Lyons 2012). This question is further complicated because a number of studies consider immigrant concentration rather than type of destination site, although the two concepts are interrelated (e.g., Desmond & Kubrin 2009, Kubrin & Ousey 2009, Stowell et al. 2009).

In addition, a few studies attempt to tease out possible variation in the protective effects of immigration across forms of violent offending.

Traditional and New Destination Sites

Historically, California, Florida, Illinois, New Jersey, New York, and Texas have been the primary destination sites for new immigrants. Although these states remain major gateways, there have been some shifts in recent years. Most notably, the number of new unauthorized immigrants in California has decreased, whereas the presence of immigrants from Mexico and Central America has increased markedly in southeastern states that previously had seen few Latino immigrants, such as...
Georgia, North Carolina, Virginia, and Alabama, as well as in parts of the Midwest, the Northeast, and western states including Arizona, Nevada, and Utah (Massey 2008, Passell & Cohn 2009, Zúñiga & Hernández-León 2005).

Not surprisingly, much of the prior research on immigration and crime was conducted in Los Angeles, Miami, Chicago, New York, Houston, and other traditional gateways (see Lee & Martínez 2009 for a review). Immigrants to these cities found support in ethnic enclaves where jobs, housing, and other forms of assistance were readily available. In turn, the new immigrants helped to keep the culture, religious practices, and mores of their homelands vibrant in those communities. In contrast, as Varsanyi (2010a, p. 10) notes, the new settlement patterns have “brought the phenomenon of immigration—particularly undocumented immigration—to cities and states that have never before grappled to any significant extent with the challenges and costs—both real and perceived—of large-scale immigrant settlement.” Some new research asks whether the protective effects of immigration on crime found in traditional destination sites are also apparent in these new locales or whether the weaker economic, cultural, and social supports for immigrants in these settings erode the positive aspects of immigration on community life.

Vélez & Lyons (2012) analyze data from 6,926 neighborhoods in 69 US cities during the period 1999–2001 to assess whether the relationship between immigration and violent crime is constant across traditional and new destination sites. Having previously found a negative relationship between immigration and homicide in economically disadvantaged neighborhoods but not in more affluent Chicago neighborhoods (Vélez 2009), they also examine whether neighborhood disadvantage conditions the effects of immigration. They find that the protective effect of immigration on violent crime is greater in economically disadvantaged neighborhoods than in wealthier neighborhoods, perhaps due, at least in part, to the higher concentrations of recent immigrants in poorer neighborhoods. These new immigrants, they suggest, “reinvigorate local communities by developing strong ‘fictive’ ties to fellow immigrants (both recent and long-term) as well as to non-kin persons like clergy, social service providers, and school officials. Such ties and the trust they generate likely lead to an infusion of social control and reductions in crime” (Vélez & Lyons 2012, p. 172). In contrast, the small number of immigrants in wealthier neighborhoods may make immigrants more isolated from the cultural and social support systems that reduce crime.

Moreover, Vélez & Lyons (2012) conclude that the neighborhood revitalization that protects immigrant communities from crime is strongest in traditional gateway cities. In new destinations, the significant negative relationship between crime and immigration is no longer found, although neither does immigration increase crime in those neighborhoods—it simply does not have any effect. As the authors suggest, it may well be that new settlement sites simply do not have a sufficient concentration of immigrants to create an infrastructure of ethnic enclaves and immigrant-serving institutions such as churches or schools offering bilingual education. This finding is also consistent with results from Kubrin & Ousey’s (2009) study of immigration and homicide rates in 206 cities across the United States. They find that cities with the greatest concentrations of immigrants have lower homicide rates, again speaking to the protective effect of immigration. Although Kubrin & Ousey do not distinguish between traditional and recent destination sites, it is probably reasonable to assume that the largest concentrations of immigrants will be in cities that have served traditionally as destination sites.

Likewise, Ousey & Kubrin (2009) examine the longitudinal, macrolevel impact of immigration on violent crime from 1980 through 2000 for 159 US cities, observing that cities experiencing increases in immigration are characterized by decreasing violent crime rates. This relationship was “not explained by demographic transition, economic deprivation,
drug market, or formal social control arguments”; rather, the authors argue, the negative association between immigration and crime is due to strong family ties associated with immigrants (p. 466).

Looking specifically at the effects of immigrant concentration on adolescent violence, Desmond & Kubrin (2009) utilize the National Longitudinal Study of Adolescent Health (Add Health) school-based surveys from 1995 and 1996, finding that immigrant concentration reduces adolescent violence. Again, though, we can only surmise that the cities with large concentrations of immigrants are traditional settlement sites, and this assumption may become less accurate over time as new destinations draw larger numbers of immigrants.

Finally, Stowell (2007) suggests the importance of examining whether poverty, unemployment, and other structural factors limit the protective effects of immigration (see also Lee & Martínez 2009). Such structural factors may also be related to whether the community is a traditional or new destination site, particularly because the ethnic enclaves found in traditional receiving communities may offer potential employment opportunities for newcomers, even in the poorest neighborhoods.

**Types of Violent Crime**

Another question raised by some scholars is whether the protective effect of immigration holds across all types of violent crime. Kubrin & Ousey (2009) examine the relationship between immigration and different forms of homicide, finding that immigration significantly reduces total homicides, felony homicides, and homicides resulting from altercations. However, immigration’s effect on drug-related homicides is negative but not significant, and there is a positive relationship between immigration and gang-related homicides. Whether this is a real effect or due to the police being “more likely to impute gangs as cause of homicide in cities with high concentrations of immigrants and pervasive stereotypes linking gangs with immigration” (Kubrin & Ousey 2009, p. 30) is, however, unclear. Stowell and colleagues’ (2009) longitudinal, multivariate analysis of immigration and violent crime from 1994 to 2004 links changes in immigrant concentration with changes in levels of violent offending. They find that the protective effects of immigration on rates of robbery, especially, as well as on aggravated assault and the overall violent crime index, were greatest in areas with high concentrations of immigrants. Stowell et al. conclude that these findings may be attributable to the less violent character of recent immigrants, greater levels of community efficacy in immigrant communities, revitalization of communities through increased immigration, or some combination of these and other factors.

**THE LEGISLATIVE RESPONSE**

Regardless of the strong empirical evidence that immigration reduces crime for immigrants and nonimmigrants alike in neighborhoods with large concentrations of immigrants (Sampson 2008), politicians and the media continue to fuel a moral panic, inciting fears about dangerous racialized others. This moral panic, in turn, has contributed to a substantial increase in restrictive immigration policies (Newton 2008, Sinema 2012, Varsanyi 2010b). At the federal level, this get-tough approach to immigrants and immigration led to passage of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, which heightened border enforcement; increased penalties for transporting undocumented immigrants into the United States; provided that noncitizen immigrants, including legal permanent residents, could be detained or deported for a variety of crimes; implemented restrictions for employing illegal immigrants; and reduced the eligibility of immigrants for federal welfare benefits. The IIRIRA, in combination with the Antiterrorism and Effective Death Penalty Act of 1996, also gave local and state police authority to enforce civil immigration laws.

Not satisfied with the federal response to immigration, state and local governments have passed unprecedented numbers of immigration-related laws and ordinances. As documented by the National Conference...
of State Legislatures, in 2005 a total of 300 immigration-related bills were introduced, of which 39 were enacted into law. Two years later, this tally had increased to more than 1,500 bills presented, 228 of which were signed into law. The high numbers have held relatively steady ever since, with a record high of 1,607 bills and resolutions introduced in 2011, 306 of which were enacted (a slight decrease from a high of 346 laws enacted in 2010) (Johnston & Morse 2011, Meyer et al. 2011).

This flood of legislation and associated ballot initiatives were designed to reduce the numbers of immigrants in the United States, either through harsh criminal law and expanded law enforcement powers or by denying services and opportunities to undocumented persons for jobs, health care, in-state residency for college tuition, and other services.

**Economic Opportunity, Racial Threat, and Anti-Immigration Legislation**

New research on anti-immigration policies at the state and local levels suggests that the greatest legislative activity and harshest laws and ordinances may be in new destination sites, such as Alabama, Georgia, and other southeastern states, and in places such as Arizona and Utah, which had previously been home to some new immigrants but where those numbers have now swelled. In the Southeast and Midwest, the growth of meat-processing plants and other new industries creates economic opportunities that attract relatively large numbers of immigrants. This benefits the local business communities, but the rapid influx of Latino immigrants alters the demographics of small towns and suburbs, creating tensions over language and cultural differences; generating competition with the local population for jobs in informal sectors such as construction, landscaping, and housekeeping; and increasing the demand on the public sector (Fleury-Steiner & Longazel 2010, Furuseth & Smith 2010, Varsanyi 2010a). Similar economic and political contradictions can be found in places such as Phoenix, Arizona, where the business community aspires to make the city a global gateway for commerce. At the same time, increased immigration has fueled conflicts over low-paying jobs, and an underlying racial threat appears to underscore some of the toughest new laws and policing practices (Provine 2010, Sinema 2012).

Arizona passed one of the nation’s harshest anti-immigration laws, SB 1070, in 2010. This was followed in 2011 by Alabama’s HB 56. Although the courts have since blocked parts of both laws, SB 1070 became a symbol for public and state-level frustration over immigration, authorizing local police to determine immigration status during any lawful stop, requiring people to carry alien registration documents, and permitting warrantless arrests if the offense would make the person removable from the United States. Alabama followed suit with an even more punitive law requiring, among other provisions, that police detain anyone who cannot produce proper documentation when stopped for any reason if the police suspect the person of being in the United States illegally, and restricting undocumented immigrants from accessing public benefits. In both Arizona and Alabama, critics have argued that the laws cannot be enforced without racial profiling, that they will deprive US citizen children of educational and health benefits to which they are entitled, and that they will separate families and lead to the departure of many Latino workers. As we argue in the next section, these and other new laws passed during the recent legislative surge have also made immigrants, and their communities, less safe.

**THE FLIP SIDE OF CRIME: VICTIMIZATION OF IMMIGRANTS**

Immigrants, and especially undocumented immigrants, are highly vulnerable to violence,
abuse, and exploitation. Ironically, it appears that the laws and policies enacted in response to the faulty fears that immigrants are dangerous contribute to their victimization by making immigrants, and other members of their communities, afraid to call on the police or otherwise draw attention to themselves. This lack of protection from the criminal justice system makes immigrants particularly attractive targets for victimization.

Kittrie (2006) reminds us of Justice Brennan’s statement, in Plyler v. Doe (1982, pp. 218–19 and n.18), that illegal migrants constitute a “shadow population”...whose presence is tolerated, whose employment is perhaps even welcomed, but who are virtually defenseless against any abuse, exploitation, or callous neglect.” Extrapolating from estimates of violent crime and estimated numbers of undocumented immigrant adults in the United States, Kittrie (2006) concludes that undocumented immigrants are the victims of at least 200,000 violent crimes and 1,000,000 property crimes each year. Thus, three decades after Plyler, undocumented immigrants’ status as deportable aliens continues to leave them “vulnerable to abuse and exploitation by spouses, common criminals, corrupt government officials, border vigilantes, unscrupulous employers, and others” (Kittrie 2006, p. 1461).

We suggest that this vulnerability is exacerbated by the political response to racialized anxiety and fear of immigrants. We focus here on three areas of vulnerability that we believe are intensified by aggressive anti-immigrant laws and enforcement practices: entering the country, working as day laborers and domestic workers, and violence in the home and community safety. These forms of victimization are by no means exhaustive and serve simply to highlight the dangers faced by immigrants and to help us consider whether and how the wave of anti-immigrant legislation has made immigrants and their communities even more vulnerable. And, as we discuss later, neither the anti-immigration legislation nor the vulnerability of immigrants to exploitation, abuse, and violence is unique to the United States.

**Entering the Country: Border Deaths, Human Trafficking, Violence, and Exploitation**

Law enforcement practices and border control policies designed to reduce the flow of immigrants into the United States have forced migrants to cross the border in remote areas where they are more likely to become lost and where the risk of death from dehydration, heat stroke, hypothermia, and drowning is heightened (Andreas 2000, Bejarano 2007, Chavez 2008, Cornelius 2001, Fan 2008, GAO 2006, Guerette 2007, Guerette & Clarke 2005, Kil & Menjivar 2006, Massey et al. 2002, Nevins 2008, Weber & Pickering 2011). One indicator of increasingly dangerous border crossings is the ratio of deaths relative to US Border Patrol apprehensions. This ratio rose steadily from 1999 to 2009 on the US border with Mexico, except for a brief dip in 2004. In fiscal year (FY) 1999, the Border Patrol reported 1.6 deaths per 10,000 apprehensions. This figure increased to 7.6 deaths per 10,000 apprehensions in FY 2009, indicating that “even as apparently fewer individuals have been entering the country illegally over the past few years, the border crossing has become increasingly dangerous for those that do attempt to cross into the United States illegally” (Haddal 2010, p. 27). The ratio of migrant deaths to apprehensions is even more striking in the Border Patrol’s Tucson, Arizona, sector, where 8.8 deaths were reported per 10,000 apprehensions in FY 2009 (McCombs 2009). These figures probably understate the actual number of border deaths because they include only those immigrants whose bodies were recovered and not skeletal remains, victims of car accidents near the border, or bodies found by local law enforcement agencies (Haddal 2010, p. 27).

Not trusting the federal government to enforce the border, civilian vigilante groups have taken up arms along the border as well (Doty 2009, Fan 2008). Kil & Menjivar (2006) and Chavez (2008) analyze aggressive enforcement of the border in terms of an invasion metaphor. Although subtly different from the
moral panic linking immigration and crime, this metaphor feeds on the same racial threat posed by Latino immigrants “invading” US society and culture. Kil & Menjivar (2006, p. 169) observe, “The war metaphor acts as a fear-provoking signal, naturalizing racism and justifying war strategies by creating an image of the nation as an innocent victim and an image of undocumented immigrants as an enemy.”

In response to the greater risks associated with enhanced border enforcement strategies (Chacon 2010, Guerette & Clarke 2005), the business of transporting persons across the border has transformed from small-scale smuggling operations to organized trafficking schemes. Kidnappings, indentured servitude to repay escalating costs en route, and other forms of violence and exploitation have become relatively routine elements of this trafficking. Human trafficking networks differ fundamentally from human smuggling practices in which a smuggler or coyote would bring perhaps a dozen people at a time across the border. In such cases, the person being smuggled has a financial and consensual agreement with the coyote, and their relationship lasts only as long as the journey. In contrast, human trafficking involves “the exploitation of an alien who is being transported by force, coercion or deception and for purposes of forced labor or prostitution” (DiSanto 2007, p. 30). It is characterized by operations in which large numbers of immigrants are crowded into vehicles and kept in squalid conditions in drop houses, either along the route to sites throughout the United States or at those final destinations. In some cases, what begins as smuggling may turn into trafficking when migrants are held against their will and threatened with physical violence or forced into indentured servitude or prostitution while money is extorted from family members in return for their safe release (Chacon 2010, Kil et al. 2009, Maricopa Cty. Atty.’s Off. 2008).

In response to limitations of existing law and new enforcement strategies that have, perhaps inadvertently, promoted trafficking, the Trafficking Victims Protection Act (TVPA) of 2000 and reauthorizations in 2003, 2005, and 2008 were established to prevent trafficking in persons, identify methods of prosecuting traffickers, assist victims, and monitor other nations’ responses to human trafficking. The TVPA created a special T visa for victims of human trafficking who assist law enforcement with investigation and prosecution of trafficking cases (Chacon 2010). There is a cap of 5,000 T visas allocated per year for individuals, not including visas for the recipients’ immediate family members. Yet for the five-year period 2005–2009, a total of only 1,168 T visas were approved for individuals and another 925 for family members (USCIS 2010a). Although the true extent of human trafficking remains unknown, largely because individuals can be trafficked after entering the United States and because victims are afraid to come forward (Logan et al. 2009), this is clearly a smaller number than the 5,000 visas annually that had been anticipated when the law was passed.

Fear of deportation, distrust of law enforcement officials, worry for one’s family, lack of knowledge about alternatives, and physical and psychological confinement and isolation are some of the factors that keep people entrapped in human trafficking (Logan et al. 2009). These fears are compounded by prosecutorial practices such as those in Maricopa County, Arizona, where a 2005 state law against human smuggling was interpreted as giving county attorneys license to prosecute illegal immigrants “as conspirators to human smuggling after they were discovered in a pair of furniture trucks” (DiSanto 2007, p. 37). The use of the conspiracy statute to arrest and prosecute illegal immigrants, rather than their smugglers, may be an unintended consequence of the new law. Nevertheless, it was vigorously enforced by the Maricopa County Sheriff’s Office, and the County Attorney’s Office reported a 90% conviction rate for defendants charged under these statutes (DiSanto 2007).

**Violence Against and Exploitation of Day Laborers and Domestic Workers**

Another example of the specific vulnerability of undocumented immigrants concerns the
victimization of day laborers. Valenzuela et al. (2006) found that 49% of day laborers they surveyed reported wage theft by employers and that 18% had been victimized by violent employers, often in the context of confrontations over payment for work completed.

In addition to assaults, wage theft, and other forms of exploitation by employers, day laborers are subject to violence and theft from smugglers and traffickers transporting them across the border, US citizens who see them as taking away jobs, and other immigrants with whom they are competing for work. The risks of both violent assaults and theft are even greater for day laborers with limited English language skills and immigrants working in isolated conditions (Cepeda et al. 2012, Fussell 2011, Guerette 2006, Valenzuela 2006, Walter et al. 2002). As Cepeda et al. (2012) conclude from their study of Latino immigrant day laborers in post-Katrina New Orleans, these risks are also racialized, with clashes between displaced African Americans and Latino day laborers erupting into violence at times. Conflicts also arise among the immigrant populations, with Central Americans distrusting their Mexican coworkers due to violence and theft they may have encountered on their journey through Mexico. These dangers appear to be especially great for immigrants in new destination sites, where the social supports typical of traditional destinations are limited or nonexistent. Vulnerability to abuse is further aggravated when immigrants are correctly perceived to be unlikely to report any victimization due to fears of the police and of deportation (Bauer 2009, Fussell 2011).

Like day laborers, janitors (Cranford 2005), gardeners and landscapers (Ramirez & Hondagneu-Sotelo 2009), nannies, maids, and caregivers (Chang 2000; Ehrenreich & Hochschild 2002; Hondagneu-Sotelo 1994, 2001), and others working in informal sector jobs have few resources and can be easily exploited and abused. Due to their precarious status, they often have to put in long hours; work at a fast pace; accept late, partial, and meager payments; endure harassment; and tolerate violations of labor laws. For women working behind the closed doors of others’ homes, the risks are even greater because they are also vulnerable to sexual assaults by their employers.

**Violence in the Home and Community Safety**

One of the most serious underreported forms of victimization among immigrants, and particularly undocumented immigrants, is intimate partner violence (Erez et al. 2009, Erez & Globokar 2009, Erez & Hartley 2003, Gillis et al. 2006, Menjívar & Bejarano 2004, Menjívar & Salcido 2002, Salcido & Adelman 2004, Vidales 2010). Many factors converge to explain this underreporting, including lack of knowledge about battering laws and available resources, fear of arrest and deportation, loss of individual or familial economic support from the abusive partner, isolation, pressure from other family members not to report the abuse, fear of retribution, and language difficulties.

A number of studies involving immigrants from Latin America, Asia, and other parts of the world have found that when the abuser is a citizen or legal resident and his partner is not, the batterer will use the victim’s immigration status against her, threatening to call immigration authorities or withdraw petitions for citizenship if she calls the police (Erez & Globokar 2009, Menjívar & Salcido 2002, Morash et al. 2007). In states with dual arrest policies for domestic violence, the risks of deportation are exacerbated under the 1996 immigration laws. This is especially horrifying for women whose children are US citizens because the violent partner may be granted sole custody of the children if she is deported, thus potentially putting the children at risk and permanently separating the victim of abuse from her children. For these women, the dual vulnerabilities of being undocumented and being abused interact in powerful and scary ways.

The Violence Against Women Act II of 2000 created a special category of visa, the U visa, for undocumented immigrants who have suffered substantial physical or mental abuse as a result of being the victim of certain specified...
crimes and who have assisted authorities in investigating and prosecuting the crimes. Yet it was not until 2008 that U visas were approved, and only in FY 2010 did the US Citizenship and Immigration Service allocate the full 10,000 U visas permitted annually (USCIS 2010b). Thus, similar to the T visa for victims of human trafficking, the reality is that few women and children are in a position where they can benefit from these visas.

More generally, laws and policies involving local police in immigration enforcement have thwarted community policing and other efforts to cultivate improved relations with communities that include significant numbers of immigrants. Language and cultural barriers, distrust and misunderstandings of the US criminal justice system, fear of deportation, and concern over losing custody of children all exacerbate the problem of nonreporting (Davis et al. 2001, Davis & Henderson 2003, Provine et al. 2012, Skogan 2009). Davis & Henderson (2003) draw on Sampson and colleagues’ (1997) studies of community efficacy to shed additional light on patterns of underreporting of crime by immigrants. They find that “underreporting was especially acute in ethnic communities that were poorly organized and disenfranchised from the local power structure” (Davis & Henderson 2003, p. 568), suggesting that crime rates decrease when immigrant communities have more power and are better integrated into the local political structure. In contrast, when residents do not believe that police will help them, they are less likely to cooperate with or call upon authorities for assistance.

Although recent studies have begun looking at factors that may modify the protective effects of immigration on crime, with particular attention to whether the study site is a new or traditional gateway for immigrants, few victimization studies have explicitly addressed this issue. In new destination sites where ethnic enclaves have not been fully developed, where institutional support for immigrants is weak, and where the criminal justice system has had limited interactions with immigrants, then victims’ reluctance to report domestic abuse, or any crime, may be intensified. A recent study by Sokoloff & Pearce (2011) supports this expectation. They examine awareness of intimate partner violence in the new gateway city of Baltimore, Maryland, finding that immigrants (who may or may not have been victims of abuse themselves) expressed a preference for informal support systems (e.g., family, friends) as a first line of outreach in cases of abuse. Sokoloff & Pearce suggest that this may be indicative of “the investment of trust that new immigrants in particular may place in co-ethnics in contrast to a new public system” (p. 261). Similarly, a study conducted by Wright & Benson (2010) highlights the impact that immigrant concentration may have on victimization. They examine the relationship between immigration and intimate partner violence, finding that neighborhoods with large immigrant populations have lower levels of violence between partners, perhaps because the women are less isolated.

Research on day laborers in New Orleans by Cepeda et al. (2012), discussed above, provides insights into the many reasons why Central American immigrants do not trust that the police will come to their aid when they are victimized, including the lack of support they receive from local law enforcement and their experiences with police in their home countries. These fears are compounded by racial antagonisms and a lack of institutional supports for immigrants, both of which further contribute to violent victimization and exploitation. These studies suggest the importance of the type of destination site to experiences of victimization, but additional research is needed to tease out the potential mechanisms through which the type of destination site affects victimization; the role of local police and the extent to which they enforce—or are perceived to enforce—immigration law; and the effects of local, state, and federal laws and policies on risks of victimization.

GLOBAL PATTERNS AND DISCONTINUITIES

The patterns discussed above have been documented most extensively in the United
States. Although there is a large literature on immigration and globalization, unauthorized immigration has only emerged as a serious concern among European and other wealthy nations in the past two or three decades (Calavita 2005; Sassen 1998, 1999). Thus, it is not surprising that studies from other parts of the world suggest some similarities and some discontinuities when compared with the United States. As De Genova (2002, p. 424) observes, “The recent proliferation and acceleration of transnational migration has involved the global emergence of a variety of sociohistorically distinct undocumented migrations as well as a concomitant variety of sociohistorically particular configurations of migrant ‘illegality.’”

For our purposes, Spain and Italy are particularly interesting given their recent transition from sending countries for poor emigrants in search of work to major destination points for new immigrants from Africa, eastern and central Europe, Latin America, and Asia (Bonifazi et al. 2009, Calavita 2005, Melossi et al. 2009, Reher & Requena 2009). Both countries passed their first comprehensive immigration laws in the mid-1980s—Spain in 1985 and Italy in 1986. Calavita (1998) draws attention to the paradoxical role of law in Spain’s immigration policy, arguing that although Spanish law has symbolically incorporated immigrants, its numerous regulations marginalize immigrants and cause them to fall in and out of regular status. She suggests that the dynamics of racialization and exclusion, and the economic role played by immigrants, are very similar in the United States, Spain, and Italy, despite differences in their history and political structures.

Two differences in the relationship between immigration and crime in these southern European nations, compared with the United States, become immediately apparent, however. First, immigrants are far more likely to be incarcerated in Europe than in the United States. In the United States, the incarceration rate for native-born men aged 18–39 in 2000 was five times higher than the incarceration rate for foreign-born men in the same age bracket; and among Hispanic men, those born in the United States were almost seven times more likely to be incarcerated than foreign-born men (Rumbaut & Ewing 2007, p. 6). In contrast, Melossi et al. (2009, p. 49) report, “Whereas the percentage of ‘noncitizens’ in prison in the United States . . . is generally less than the number of noncitizens in the general population, in Europe the overrepresentation of non-EU citizens in prison is between 4 and 15 times their share of the general population.” Similarly, Calavita (2005, p. 139) finds that in Spain the proportion of the prison population that is foreign is more than 25 times the proportion of immigrants in the country. Further, she reports that 25% of the Italian prison population and 50% of detained minors in Italy are immigrants (Calavita 2005, p. 99).

Barbagli & Colombo (2009, p. 70) note, “In the last 20 years in Italy, the proportion of all foreigners charged with crime increased by factors of three to six times for six offenses.” Most of the immigrants charged with criminal activity, they observe, are from Romania, Albania, and Morocco and primarily victimize other immigrants. Barbagli & Colombo also observe that “irregular” (i.e., unauthorized) immigrants are especially likely to be charged with instrumental crimes such as pickpocketing, car theft, burglary, purse snatching, and robbery, and they are somewhat more likely than “regular” immigrants to be involved with violent offenses (p. 72). The positive correlation between immigration and crime has also been reported in recent years in Switzerland, where Killias (2009) states that the negative correlation between immigration and crime reversed in the 1980s, and immigration became associated with increased rates of violent crime.

Yet Calavita (2005, p. 139) urges caution in reading some of the European crime statistics, as many of those incarcerated in Spain, for example, are detained for administrative violations such as not having a residence permit. And she notes that in the late 1990s, immigration rates increased while crime rates decreased significantly in Italy, and to a lesser extent in Spain, similar to the pattern in the United States. Thus, she calls for a more
nuanced explanation for the high incarceration rates of immigrants, one in which the symbolic politics of lawmaking, the dynamics of racialization and exclusion, and the contradictions of capitalist development under conditions of neoliberalism are better understood.

Another discontinuity between the United States and Europe is seen in the relationship between crime and second-generation immigrants. In the United States, the protective effect of immigration appears to wear off for the immigrants’ children and grandchildren, as second- and third-generation immigrants have crime rates quite similar to those of other youth living in economically disadvantaged areas (Martínez & Valenzuela 2006, Rumbaut & Ewing 2007, Stowell 2007). In contrast, Melossi et al. (2009) suggest that in Europe, and particularly in southern Europe, the second generation is less at risk than first-generation immigrants. Canada’s experience is also instructive. Toronto, Canada, has long been a destination site for immigrants, but it is only in recent years that immigration from Asia, Africa, and other non-European countries has grown substantially. Perhaps that is why Dinovitzer et al. (2009) find that first- and second-generation immigrant youth engaged in fewer delinquent acts than native youth and also that they engaged in fewer acts of illegality than did their predecessors 20 years earlier.

Several factors might explain these differences. First, recalling Vélez & Lyons’s (2012) finding that the protective effect of immigration in the United States is greatest in traditional destination sites and less strong or null in newer destination sites, southern Europe is a relatively new destination site. Accordingly, there is likely little infrastructure to support immigrants, such as established ethnic enclaves that provide jobs, churches and mosques, and so forth. The reasons for emigrating, whether single workers or the entire family migrate, and the extent to which racial and religious antagonisms arise in the destination site are also factors that may well differentiate immigrants’ experiences of crime and victimization.

Second, as Calavita (1998, 2005) points out, a multitude of new laws and regulations has meant that immigrants to Italy and Spain move in and out of irregular status, and this likely affects the economic opportunities available to them. Additionally, Italy has a sizable informal economy that attracts large numbers of unauthorized immigrants but that also may create an environment conducive to crime (Barbagli & Colombo 2009).

Third, immigration, crime, and race have become intertwined in many parts of the world. In the United States, it is African Americans who have historically been a criminalized and racialized underclass, and their high rates of incarceration are one reflection of this history. Although immigrants to the United States are feared and criminalized, their incarceration rates do not approach those of African Americans. In Spain and Italy, however, the criminalization and racialization of immigrants in many ways mirror those of African Americans in the United States, and the incarceration rates of these immigrants reflect this pattern. As Calavita (2005, p. 138–39) observes in both Spain and Italy, “Crime and public safety are prominent themes, and are often transparently racialized. Photographs of a North African lurking behind a doorway holding a long knife, or bedraggled sub-Saharan Africans standing beside their ‘patera’ in handcuffs, are ominous images to people already predisposed to fear immigrants as criminal.”

In Australia (Makkai & Taylor 2009), as in the United States (McDonald 2009a), there is also substantial concern that conflating immigration and crime has created a climate in which racially motivated hate crime can flourish. Australia has also experienced a moral panic about immigration, and immigrants report higher levels of fear of crime than do native Australians and are more likely than natives to view their victimization as racially

The moral panic about immigration and crime in Australia, however, focuses on asylum seekers (Pickering 2001, 2005), whereas in the United States the criminalization-racialization nexus emphasizes the threat posed by Mexican laborers and their families. Yet the vulnerability of immigrants manifests in similar ways in both countries. For example, entering the country has become far more dangerous for immigrants reaching Australia by sea, as recent border enforcement practices have forced immigrants to make the crossing and come ashore in more treacherous areas (Weber & Pickering 2011). And, as is the case in the United States, immigrant women in Australia are afraid to call on the police, thus increasing their vulnerability to intimate partner violence (Weber 2012).

Finally, and again similar to what is seen in the United States, the European Union’s Agency for Fundamental Rights reports gender- and race-based discrimination, exploitation, and violence against irregular (i.e., undocumented) day laborers and domestic workers (EU FRA 2011). Based on interviews with immigrants and persons working in civil society organizations and trade unions in 10 member states, they document violations of fair working conditions including fair rates of pay, withholding pay, health issues and sick leave, compensation for work accidents, the right to rest periods, and lodging for live-in workers; unjustified dismissals; lack of access to courts and other means of redressing grievances; and sexual and physical abuse by employers. Instances of nonpayment of irregular workers occurred in all 10 countries studied, and, as in the United States, those victimized tended not to report violations to authorities due to fear of expulsion (EU FRA 2011).

CONCLUSIONS

The demonization and racialization of immigrants have historically been central elements in the rhetoric surrounding US immigration policy. Undocumented Latino immigrants are portrayed as especially dangerous—as sneaking into the country, committing crimes, and stealing jobs. The reality, however, as demonstrated in scores of studies, is that immigration serves a protective function, decreasing neighborhood crime rates. Regardless of this reality, the moral panic that has resulted from conflating immigration and crime finds its solution in unprecedented levels of federal, state, and local anti-immigrant legislation and in intensified enforcement, both at the border and within the interior of the country. We take the argument a step further, suggesting that the anti-immigrant fervor and harsh new laws are making immigrants and their communities less safe.

To better understand these linkages, we have explored some of the nuances suggested by recent studies of crime and victimization in traditional and new destination sites. Research is beginning to suggest that the protective effects of immigration on crime, and especially violent crime, are greatest in traditional receiving communities with large concentrations of immigrants. In such sites, ethnic enclaves and institutionalized support systems can help newcomers become established, and the new arrivals replenish and revitalize cultural and social ties. We have also drawn attention to the multiple ways in which recent immigration laws have made immigrants more vulnerable to exploitation and violence and have reinforced and reconstructed racial difference and exclusion. Further, these vulnerabilities appear to be patterned, with women and the poorest, least-skilled immigrants at greatest risk of victimization. Here, too, there is a growing consensus that the risks of victimization are greatest in new destination sites, where there are fewer supports for immigrants and immigrants may be more isolated. Finally, we have considered some of the available literature on immigration, crime, and victimization in other parts of the world to see if the patterns we have identified in the United States hold in other nations as well.

Like Calavita (2005, 2007), Kubrin et al. (2012), Ngai (2004), Provine & Doty (2011), Weber & Pickering (2011), and others, we have argued that law is deeply implicated
in the racialization, economic marginalization, and demonization of immigrants. And, we would add, law and legality are also implicated in the greater vulnerability of immigrants to violence and exploitation. Consistent with Coutin’s (2011) and De Genova’s (2002) analyses of the everyday makings of migrant illegality, we have suggested that there is an everyday nature to immigrants’ susceptibility to the excesses of law and to the enforcement practices that make them particularly vulnerable.

Our brief consideration of the relationships among immigration, crime, and victimization outside of the United States has raised as many questions as answers. Why are incarceration rates—and in at least some studies, crime rates—for the foreign-born higher in southern Europe with increased immigration, contrary to findings in the United States? Is it because these nations have only recently become destination sites for immigrants? Or is it an artifact of the broader range of reasons for detention in these countries compared with the United States, or of the widespread opportunities for crime offered by the informal economy? Alternatively, does the criminalization and racialization of immigrants in Spain and Italy more closely mirror that of African Americans than immigrants in the United States? How do other nations compare?

Future research should examine possible racialized and gendered ramifications of new laws that deny bail to immigrants, require local police to enforce immigration laws, and mandate that landlords, health professionals, and educators verify citizenship status prior to providing services. Additional research is also needed to assess whether the new enforcement practices that are making entry by sea into Spain, Italy, Greece, and Australia more difficult and dangerous are also increasing human trafficking practices in those sites, as we have seen in the United States. Finally, we urge further research on whether traditional destination sites serve as a buffer, protecting immigrants from victimization as well as reducing crime, and whether the harshest immigration laws are found in new destination sites, where the racial threat may be greatest.

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