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EDITORIAL:
New Directions in Research on
Immigration, Crime, Law, and Justice

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Introduction

The current political zeitgeist and public sentiment reveal increasing hostility toward immigrants both in the United States and beyond (Davidov and Semyonov, 2017; Sohoni, 2017). In the United States, the election of President Donald Trump gave antipathy toward immigrants a new voice with policy-changing implications. Similarly, Brexit in the United Kingdom, seen by many as at least partly anti-immigrant, may be provincialism run amok (Johnston, 2017). While Trump's election and Brexit stem from many issues in the two countries, they also reflect deeply held cultural and social animosity about immigration, generally, and immigrants, particularly those of color, specifically.

For some time, negative attitudes toward immigrants have been underscored by an image of the criminal immigrant (Rumbaut and Ewing, 2007:3). Today, in the United States, this is best represented in the form of murder and gang violence among the undocumented. In President Trump's first year in office, for example, he decried that gang members, "take a young, beautiful girl, 16, 15 and others and they slice them and dice them with a knife because they want them to go through excruciating pain before they die" (Lanktree, 2017).

Although exceptions exist, these images do not hold up to empirical scrutiny. In the U.S., a recent National Academies report finds that immigrants are much less likely to commit crime than are native-born Americans and areas with larger shares of immigrants have lower crime rates (Waters and Pineau, 2015:327). One extensive review of the literature concluded: "…the major finding of a

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century of research on immigration and crime is that immigrants . . . nearly always exhibit lower crime rates than native groups" (Martinez and Lee, 2000:496). And, findings from a recent meta-analysis of more than 50 U.S.-based studies published between 1994 and 2014 conclude that overall, the immigration-crime association is negative—but weak (Ousey and Kubrin, 2018). Thus, the evidence shows that in U.S. neighborhoods, cities, and metropolitan areas, increases in immigration do not increase crime and may actually reduce it.

To help bring public perception more in-line with what is empirically known about the immigration-crime relationship, the co-editors of this special issue—who have published extensively on this topic—recently co-authored an editorial, "Immigration and Crime: What Does the Research Say," in *The Conversation* (https://theconversation.com/immigration-and-crime-what-does-the-research-say-72176). It received widespread attention and served as a launching point for development of this special issue on "Immigration and Crime." Yet the work contained in this special issue goes beyond a simple examination of the immigration-crime link, engaging various important issues on immigration, immigrants, perceptions of threat, stigma, and the law, among others.

Crime and Arrest Trends

From the early twentieth century onward, research has found little to no support for a positive association between immigration and crime (Hayford, 1911). In fact, much available research finds the opposite; more immigration leads to less crime. While the scholarly community has largely debunked as myth the idea that more immigrants lead to more crime, there remain many questions about the nature of the relationship between immigration and crime. Three articles in this special issue take up these more nuanced questions.

One unanswered question not fully addressed by extant research is whether the effect of immigration may differ by immigrant density and the rate of growth in the immigrant population. In other words, the impact of immigration on crime and arrests may be different in so-called "new destinations" than in established "immigrant gateways." Feldmeyer and his colleagues examine this possibility by comparing patterns of violent crime between places that have experienced rapid immigrant growth and places that have experienced little change in their immigrant population. They analyze three decades of violent crime data, disaggregated by race and ethnicity, from California counties between 1980 and 2012. Their findings are consistent with prior research. After stable, but elevated, crime rates in the 1980s, violent crime in California fell through the post-1990 era, just as immigration increased dramatically. Feldmeyer et al.'s important contribution is that this finding holds equally for counties with large immigrant populations and with small immigrant

populations. Thus, contrary to the common narrative that new destinations bear the brunt of immigrant-driven crime, Feldmeyer and colleagues document that "areas of both high and low immigration appear to have been subject to the same set of social forces that have driven down serious violence throughout the late 20ᵗʰ and early 21ˢᵗ centuries."

Joyner also takes a longitudinal perspective, but zeroes in on factors that drive changes in immigrant arrest patterns over time. While concerns highlighted in the popular press often are focused on immigrants entering the United States, the country has recently expelled more immigrants than at any point in its history (DHS, 2015). Joyner examines factors driving these expulsions through two related analyses that examine the impact of unemployment on rates of immigrant removals (1) across the entire United States by Immigration and Customs Enforcement and (2) along the Canadian and Mexican borders by the United States Border Patrol. She assesses whether increases in unemployment lead to more immigrant arrests as policy-makers react to fears that native-born workers are negatively impacted by immigration or if more unemployment leads to fewer arrests as fewer immigrants enter the United States due to depressed job opportunities. Her findings that increased unemployment is positively associated with increased immigrant arrests supports the idea that enforcement practices change, often rapidly, in response to broader sociopolitical factors. Arrests of immigrants are not driven by transparent and evenly applied criteria, but instead are largely discretionary and shift in response to public sentiment.

In the third paper on patterns of immigrant crime and arrests, Bersani and colleagues examine the association between undocumented immigration and crime among youthful offenders. In doing so, they take on a common trope in popular culture, that undocumented immigrants commit crime at a greater rate than the native-born. Bersani et al.'s analysis fills an important void in the literature by distinguishing offending patterns of immigrants categorized by legal residency status. Using data on male, first-time juvenile offenders from southern California, Bersani et al. find that not only do undocumented immigrants have lower self-reported offending prevalence than documented immigrants and the native-born, but after a first arrest their offending rates decline over time at a greater rate than all other groups. Despite having lower rates of self-reported offending, however, Bersani and her colleagues discover that undocumented immigrants are more likely to be re-arrested than their native-born and documented counterparts. Although they cannot tease out the mechanisms causing the divergence between offending and arrests over time for undocumented juvenile offenders, their findings uncover an important area for further research.

Stigma Narratives

Media representations are important to study because they constitute a central part of the overall climate toward population subgroups. Immigrants receive much coverage in both the United States and Western Europe. Some of that coverage stigmatizes immigrants – especially undocumented immigrants – treating them as dangerous and as threats to society. Stigma is also created by the ways in which population subgroups are criminalized by authorities. Again, undocumented immigrants are at heightened risk of being stigmatized as "illegal," "unwanted" and less deserving of humanitarian protections than are native-born citizens and legal immigrants across a number of countries. Two articles in this special issue explore the stigmatization of immigrants in great detail.

Caviedes explores the coverage of migrants and crime in the European press, analyzing nearly 1,500 articles from conservative newspapers in France (*Le Figaro*), Germany (*Die Welt*), and the United Kingdom (*The Daily Telegraph*) from 2007 to 2016. This thorough comparative work allows for insights into the mechanisms of stigma and threat. For example, Caviedes finds that in all three newspapers, among the stories about immigration and crime, trafficking (followed by fraud) receives the most coverage. Caviedes moves beyond simple counting exercises and searches for underlying meaning, highlighting the consequences of media reporting: "This association [between immigration and crime] services narratives that cast doubt upon the ability of administrative systems to manage migration and border security, and it inflates the perception that public coffers are susceptible to fraud." Thus, in Europe and beyond, scholars must attend to the ways in which media represent immigrants, especially as that coverage relates to matters of crime.

In the second study, Sarabia uses a variety of data types to analyze the stigma associated with "criminal aliens" focusing on a Mexican border town. Using 1,500 hours of data from participant observation in a migrant center along with survey data, Sarabia examines how the deportation of Mexican men (none were women) from the United States creates long-term criminalization status, generating associated stigma in both countries: "these men … [become] impossible subjects… banned from becoming full legal subjects transnationally in both the U.S. and Mexico." In essence, stigma follows them no matter their location. The result is the creation of a vulnerable population that faces violence and the concomitant threats associated with their prisoner and illegal statuses. Without more research attention, the invisibility of these men (and women) will mark them as easy targets lacking in institutionalized protections.

Deportation and Policy

Policies developed to manage immigration provide an important window into how immigration and immigrants are perceived or problematized in a society.

Although recent discussions about immigration policy have focused primarily on laws and actions designed to control the flow of foreign-born individuals into the United States, immigration policy encompasses more than that. Immigration-related policy may exist in a wide array of social institutions and have quite differing aims. While some immigration policy enhances inclusion and integration by extending civil rights and other protections, other policy creates exclusion by seeking to limit the rights and protections afforded to non-citizens. Research that addresses the creation and implementation of these policies over time provides an especially insightful lens.

The articles by King and Obinna and by Pierotte, Xie, and Baumer are excellent examples because they effectively document the scope, nature, and trends in immigration policy and its implementation, while also exploring social forces that may affect policy changes over time. King and Obinna utilize a long time-series (1908-1986) of national-level data to describe and explain deportation patterns of non-citizens in the United States. Pierotte, Xie and Baumer use state-level data from a more recent period (2005-2014) to understand types of, and trends in, immigration-related legislative activity in the United States. These articles reveal the variety of immigration policies that exist, the kinds of policy changes that have occurred over time, and they highlight key social factors that have contributed to immigration policy at both the national and state levels.

King and Obinna make several important contributions to the literature on deportation and crimmigration, or the intersection of criminal and civil laws in the immigration arena (Stumpf, 2006). With data spanning more than three-quarters of the 20th century, King and Obinna explore longitudinal trends in two major categories of deportation: (1) deportation due to dispositional defect or threatening behavior (e.g., crime); and (2) administrative reasons (undocumented entry). They show that, in general, reasons for deportation shifted notably toward the latter category after the passage of legislation that facilitated better checking of immigration documentation. Yet, the time-series for both categories of deportations vary notably over time raising a key question: What explains the variation in deportations? Noting that economic factors have received the most attention in prior research, King and Obinna extend the literature by considering whether violent crime rates influence the deportation of non-citizens. They develop and test the argument that high and increasing violent crime rates may put upward pressure on both deportation categories. After controlling for economic and political conditions, the analyses support their argument: Both categories of deportation rise along with homicide rates, but in period-specific ways. The effect of homicide on deportations for dispositional defects and threatening behavior is significant in the pre-1940 period, but not afterward. In contrast, the effect of homicide on administrative deportations is significant only in the period after 1940. King and Obinna point to present day implications of their findings, especially in the

context of the Trump administration's unfavorable views of immigration and recent evidence of an uptick in homicide rates.

Although immigration policy has historically been the purview of the federal government, Pierotte, Xie and Baumer point out that states are increasingly involved in immigration policy and control in post-9/11 America. The scope and nature of the states' movement into immigration policy has remained unclear, however. Pierotte and colleagues fill that gap in several ways. First, they describe and assess changes in the number of immigration bills and resolutions enacted by U.S. states between 2005 and 2014. Second, they examine between-state variation in both the volume of immigration policy activity and the nature of the legislation; that is, whether a bill or resolution is restrictive, permissive, or neutral in affording rights and benefits to immigrants. Third, they explore the particular domains to which bills or resolutions are directed (e.g., immigration law enforcement, criminal justice, human trafficking, health care, public benefits) and they classify, within these domains, whether the bills and resolutions are restrictive, permissive, or neutral with regard to immigrants' rights. Finally, they investigate whether the restrictiveness of states' immigration policies differ by several factors that may shape sentiment toward immigrants, including U.S. region, adjacency to a national border, recent immigrant population growth, and state politics. Their results suggest that state-level immigration policy activity ramped up markedly in both the total number of policies and share of states participating after 2006, and there is great between-state variation in the ideological direction of immigration-related bills. While some states enacted policies that were primarily restrictive toward immigrants (e.g., Tennessee, Georgia, South Carolina, Texas) other states enacted more permissive policies (e.g., California, Washington, Illinois). Restrictive policies were more likely in "new immigration" states and states with legislatures controlled by the Republican Party. While these findings are suggestive, Pierotte et al. caution that state-level immigration policy is too complex to be simply characterized because states restrictive in one policy domain (e.g., criminal justice) may be permissive in others (e.g., education). Subsequent efforts must grapple with this complexity to advance our understanding of the nature and causes of change in state-level policies on immigration and immigrants.

Targeted Dehumanization

Crimmigration strategies, which reflect a range of policies, practices, and rhetoric, have serious implications when it comes to the lived experience of immigrants, who include undocumented and lawful permanent residents caught up in the criminal justice system, along with their families, friends, and neighbors. The constant precariousness that these policies and practices generate can severely circumscribe immigrants' integration into public life.

These consequences of crimmigration policies and practices constitute the focus of the final two studies in the special issue.

In the first study, Leyro and Stageman examine the consequences associated with crimmigration policies and practices for immigrants with a range of legal statuses. They build upon their prior work, which found that vulnerability to deportation had intense negative psychological effects on immigrants—specifically, feelings of isolation and being unwanted—and further develop the concept of "punishment marketplace," wherein immigration policies and practices are deployed entrepreneurially in support of the economic interests of employers, consumers, and others in a position to profit from the exploitation of deportable noncitizen immigrants. Through in-depth interviews and focus groups with immigrants living in New York, Leyro and Stageman describe the mechanics through which immigrants internalize and respond to, in particular, the fear of deportation. Leyro and Stageman detail how fear ultimately causes immigrants to refuse to use public services, to endure labor exploitation, and to avoid public spaces, resulting in social exclusion and what they describe as "interrupted integration," with consequences for society as a whole.

In the second study, Cervantes and her colleagues also consider the implications of harsh immigration policies and practices in the lives of immigrants. But they focus more squarely on how immigration law coupled with media depictions impact immigrants and non-immigrants alike—in different ways. Set against an historical backdrop of crimmigration laws culminating in the recent executive orders signed under President Donald Trump, the authors ask: How does the long-trend of criminalizing certain immigrants through law affect the perceptions and experiences of residents (immigrants and non-immigrants alike) in a rural community in the heartland?

Through 18 months of ethnographic fieldwork, Cervantes et al. explore the effects of the political nativist buildup to the 2017 Executive Orders on a rural community composed of Guatemalan immigrants as well as Anglo-white residents. Their findings reveal each groups' perceptions of the other are impacted. In the case of the Guatemalan immigrants, many residents live in fear, and are afraid of the police and of the possibility of deportation in their everyday lives. Cervantes and her colleagues also find that these fears are transmitted to their children, many of whom are U.S.-born citizens. In the end, immigrant families distrust the police and other institutions, creating challenges associated with their social integration—a finding consistent with Leyro and Stageman. For the town's Anglo-white residents, Cervantes and her colleagues discover the presence of the Guatemalans represents a problem: they are perceived as requiring extra resources, especially for language translation, from various town institutions, such as the schools and the police. At the same time, perceptions about the Guatemalan immigrants as criminals are mixed. These perceptions, of course, shape relations between the two groups.

Conclusion

The research presented in this special issue contributes new findings and perspectives on immigration, crime, law, and justice. The analyses range from studies of the relationship between undocumented immigration and crime among youthful offenders to studies of newspaper coverage of immigration and crime in Europe. Moreover, the questions addressed are informed by a productive mixture of quantitative and qualitative empirical evidence from the present and the past. As we look to the future, we encourage scholars to build from the work presented herein and to seek diverse data to build a better understanding of the complex ways that immigration, crime, law, and justice are interconnected.

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