



LAW ENFORCEMENT IMMIGRATION TASK FORCE

A Path to Public Safety: Fact Sheet: Immigrants and Crime

Introduction

The issue of public safety and immigration is of keen interest to law enforcement officials. Recent public discourse has raised questions: Are immigrants, particularly undocumented immigrants, more prone to commit crime? Will public safety will be improved through tougher immigration enforcement?

This brief provides an overview of crimes related to immigration. It also reviews the data related to crime and immigrants as well as research studies examining these questions including studies of cities with large immigrant populations.

Crime and Immigration Violations

Many violations of immigration law, such as unlawful presence or overstaying one's visa, are not criminal offenses, [but civil offenses](#) with immigration consequences including removal and [being barred from reentry](#) for a period of three years, ten years or longer.

A handful of immigration offenses, such as illegal entry and illegal reentry after removal, are criminal offenses. Illegal entry is [a misdemeanor](#) punishable by a fine or imprisonment of up to six months on the first instance. Illegal reentry after removal [is a felony](#) punishable by a fine or imprisonment for up to two years. While these immigration offenses are criminal offenses, individuals convicted of these offenses rarely pose a threat to public safety as the data discussed in this paper show.

Increase in Criminal Prosecution of Immigration Violations

Criminal prosecutions for illegal entry or reentry were relatively [rare until the mid-2000s](#), when the Department of Homeland Security (DHS) instituted a program called "[Operation Streamline](#)" that prosecuted migrants crossing the border illegally for illegal entry or re-entry. Attorney General Jeff Sessions has [issued recent guidance](#) further prioritizing criminal prosecution of immigration offenses, directing prosecutors to, among other things, "consider prosecution . . . for each illegal entrant" and to "consider for felony prosecution" for individuals with multiple prior unlawful entry convictions.

The increased use of criminal prosecution for these immigration offenses has helped create the misperception that immigrants are more prone to criminality than the general population.

The federal government has [dramatically increased](#) criminal immigration prosecutions over the past two decades, with prosecution for immigration violations [making up more than half](#) (52 percent) of *all* federal criminal prosecutions in FY 2016. The increased use of criminal prosecution for these immigration offenses has helped create the misperception that immigrants are more prone to criminality than the general population.

And as the federal government has increased its criminal prosecutions of unlawful entry and reentry offenses, the proportion of non-citizens serving federal prison sentences has correspondingly increased. According to a [2014 analysis by the Pew Research Center](#), 22 percent of offenders sentenced in federal courts were non-citizens in 1992, which increased to 46 percent in 2012. The increase was driven not by growing criminality of migrants, but by the shift in federal policy as prosecutors increasingly sought criminal charges for entry and reentry offenses. Between 1992 and 2012, the percentage of federal offenders sentenced for unlawful reentry increased from 2 percent of all offenders to 26 percent. In FY 2016, 41.7 percent of convicted federal offenders were non-citizens, but two-thirds of the non-citizen offenders were sentenced [for immigration-related offenses](#), the vast majority of which (91 percent), were sentenced for “unlawful entering or remaining in the United States.”

Other Crimes Linked to Immigration Status

While most criminal offenses committed by immigrants are related to illegal entry, there are other crimes that are related to immigration status or motivated by lack of immigration status. A significant number of undocumented immigrants must drive to get to their job, yet [only twelve states](#) allow undocumented immigrants to obtain drivers licenses. Accordingly, a disproportionate number of undocumented immigrants are convicted of [driving without a license](#), which is illegal in all states and can be subject to misdemeanor or felony charges.

Similarly, undocumented immigrants are disproportionately likely to be convicted of using a false Social Security Number (SSN). It is a [felony](#) to use someone else’s SSN, or to present a false one. Because a SSN is required for most employment and undocumented immigrants are not eligible for SSNs, [some undocumented workers obtain an SSN through other means](#) or just make up numbers. In most instances, the improper use of a false SSN is [not an attempt to profit from identity theft](#) or steal numbers from unsuspecting members of the public. In many cases, willing fraudsters willingly “[rent out](#)” their own SSNs for a fee.

Immigrants Are Less Prone to Commit Crimes Unrelated to Immigration Status

According to the [results](#) of [decades](#) of [research](#), immigrants are [less prone to commit crimes](#) than are the native born, and they are [less likely to be incarcerated](#).

Research suggests that, on the aggregate, [cities and communities with high levels of immigration](#) tend to [have stable or declining crime rates](#) and [low levels of violent crime](#), that immigrant youth have among the [lowest delinquency rates](#) of all youth, and that [increases in the immigrant population](#) may even be partly [responsible for a drop in violent crime](#). Similarly, research suggests that [higher refugee populations are associated with lower crime](#).

It is unclear *why* immigration would be associated with lower crime, but sociologists and demographers have noted that immigrant communities tend to have [stronger families and cultural and religious beliefs](#) that [tend to be buffers against crime](#). Another explanation can be inferred from the motivation most immigrants come to the United States – to work and create a better life for their children. Getting into trouble with the law risks all of that hard work.

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Looking at the percentage of prisoners in local, state and federal prisons, non-citizens overall are incarcerated at a lower rate than their percentage in the U.S. population. In 2014, non-citizens made up 11.2 percent of the federal prison population, while they made up [just 3.5 percent of the state and local prison population](#). Overall, 4.6 percent of prisoners in federal, state, and local prisons were non-citizens. This represents a lower percentage than the percentage of non-citizens in the U.S. population in 2014 – approximately 7 percent.

Conclusion

When the distinction is made between immigration violations and violent crimes that impact public safety, existing evidence shows that immigrants do not represent a threat to public safety any more than every other segment of the population. Decades of research has demonstrated that immigrants are less prone to criminal behavior than the native-born. Some research even provides evidence that immigrants may be responsible for a *reduction* in crime in some places.