Most scholarly research on immigration and crime has focused on a subset of questions: Are immigrants more crime-prone? Do areas where immigrants reside experience higher crime rates? What are the larger connections between immigration and crime in the United States and abroad? For the most part, these questions have been satisfactorily addressed. Contrary to public opinion, it is now well-established in the scholarly literature that, in fact, immigrants commit less crime, particularly less violent crime, than the native-born and that their presence in communities is not associated with higher crime rates. Consequently, scholars are eager to move beyond the question: “Does a connection exist?”

This edited volume does just that by broadening the focus to encompass issues relevant to law and society, immigration and refugee policy, and victimization, as well as crime. There has been relatively little research on victimization among immigrants, and even fewer studies analyze legal issues of concern to immigrants and the communities in which they reside. Clearly, though, the three are interdependent and researchers must begin to consider
how each intersects with the others to shape immigrants’ experiences and realities.

Within the larger context of immigration and crime, law, and victimization, the edited volume focuses on two critical areas: First, chapters uncover and identify the unanticipated and hidden consequences of immigration policies and practices here and abroad at a time when immigration to the United States is near an all-time high. In the United States, these collateral consequences include harms to individuals (e.g., victimization by unscrupulous employers, human traffickers, etc.) and to communities (a result of reduced crime reporting, reduced efficacy of public health and school systems, etc., when immigrants are fearful of interacting with public institutions and authorities). In other contexts, these state-created vulnerabilities may include, for example, forced relocations and displacement, rape and other assaults, and ethnic cleansing. We expand the analysis to also consider the ramifications of deportation for individuals who grew up in the United States but who are forcibly removed and must adapt to new laws and social norms in a nation of origin which is not “home” to them.

Second, chapters in this volume illuminate the nuanced and layered realities of immigrants’ lives and describe the varying complexities surrounding immigration and crime, law, and victimization. These nuanced realities and complexities include, most especially, the racialized and gendered overlays. For example, many state-created vulnerabilities have patterned outcomes, with some immigrants particularly vulnerable to victimization as well as deportation (e.g., women may be at greater risk of intimate partner violence and less able to protect themselves when their immigration status is tied to that of their husband; immigrants from some countries can claim refugee status more readily than others; linguistic and cultural differences make some groups more readily identifiable as immigrants than others; day laborers may experience special vulnerabilities, and so on). Moreover, immigrant status may intersect with schooling, labor market, and other institutional structures to differentially affect employment opportunities and these patterns may, in turn, vary across nations and regions.

We situate these themes—the hidden consequences of immigration policies and practices and the nuanced and layered realities of immigrants’ lives—within the larger context of immigration and social control, particularly new modes of control in a post-9/11 era.

In essence, this edited volume focuses on the hidden consequences, nuanced realities, and complexities that emerge when we delve beyond the immigration-crime nexus to consider multiple forms of victimization,
the impacts of socio-legal policies and practices on communities, and the responses of individual immigrants and immigrant communities to their victimization. Throughout, the chapters interweave U.S. and global patterns, concerns, and reactions to the movement of people and labor across borders. Equally important, they do so from explicitly interdisciplinary perspectives, with contributions from scholars, politicians, and practitioners trained in anthropology, criminology, geography, law, political science, social work, and sociology. By drawing on multiple locations and cross-cutting themes, the collection expands our understanding of the multifaceted, complex linkages among immigration policy, crime, law, and victimization, and points legal and social science research on immigration in these new directions.

Change and Continuity in Immigrant Flows

Worldwide, close to 190 million people, representing 3 percent of the world’s population, lived outside their country of origin in 2005. The United States and Western Europe have seen the greatest increases of immigrant and refugee flows, with marked increases also evident in Canada, Australia, and Russia, among other sites. In contrast, emigration has been greatest from Mexico, Central America, China, India, and parts of Africa, Eastern Europe, and Central Asia (New York Times 2007). While much of the migration flow reflects the movement of labor, as individuals and families seek better employment opportunities, the movement of political refugees is also an important and growing component. In 2007, 338,000 new asylum applications were made in European and non-European industrialized nations. Half of the asylum-seekers were from Asia, and another 21 percent from Africa. The United States, France, and the United Kingdom received the greatest share of asylum requests, with significant numbers also appealing to Sweden, Canada, Germany, Australia, and New Zealand (UNHCR 2008).

Considering just the United States, the Pew Hispanic Center estimates that roughly 12 percent of the U.S. population in 2010, or 40 million persons, were born outside of its borders (Passel and Cohn 2011). Of these, most are naturalized citizens or legal permanent residents, students and temporary workers on temporary visas, and refugees, with about 28 percent estimated to be undocumented (2011: 10). About half of the undocumented residents (58 percent) are from Mexico and another 23 percent are from other Latin American countries, with one-fifth (18 percent) coming to the United States from other parts of the world (Passel and Cohn 2011).
These statistics remind us that the stream of immigrants currently reshaping the United States, unlike at the turn of the last century, is no longer primarily of European origin. The racial/ethnic/immigrant composition of many communities and cities has grown increasingly diverse, and while most newcomers are from Latin America, others are born in Asian and European countries. Still, the U.S.-Mexican border has supplanted Ellis Island as the most prominent entry point into the nation, and many politicians and pundits are concerned about the potential of chaos and disruption in border communities (Rodríguez, Saenz, and Menjívar 2008). This concern is linked, in part, to the burgeoning Latino (Hispanic) population in the United States and projections that these numbers will continue to grow (ibid.). While Latinos and Asians are still concentrated in the west and southwest, immigrants also have settled in other regions of the country and are working in diverse sectors of the economy. Newcomers are now moving into cities with older immigrant populations that have long served as traditional settlement points in the northeast and midwest regions. Others have moved into rural areas where few immigrants historically resided, contributing to residents’ concerns about their growth, hardening residents’ attitudes toward the newcomers, and generating angst over the perceived political, economic, and criminal threat of Latino and other immigrants.

Immigrant growth, legality aside, has implications for the nation. Stereotypes regarding newcomers dominate public discourse in the United States and paint immigrants as dangerous threats to the nation (Chavez 2008; Nevins 2002; Ngai 2005). Immigration policy now reflects, in part, local concerns about economic competition, racialized political threat, and fear of crime, even in the absence of systematic evidence revealing a connection between immigration and crime (Johnson 2007; Martínez and Valenzuela 2006; Newton 2008). Moreover, policy mandates for controlling the American border and “illegals,” who are primarily of Mexican origin, are encouraged by politicians and commentators for the sake of enhancing “national security” and preventing crime. Such mandates include demanding proof of citizenship, deploying the National Guard, building a fence on the border between Mexico and the United States, encouraging the growth of self-styled “militias,” and labeling “undocumented” immigrants as criminal aliens (Doty 2009). Taking this one step further based on arguments that the federal government is not doing enough to curb immigration, states and local governments across the country are enacting laws and approving ballot referendums designed to “get tough” on immigration. Most notably, in April 2010, the governor of Arizona signed into law Senate Bill 1070, which makes
it a crime to be undocumented and threatens law enforcement officials perceived to be lax in enforcing immigration law with lawsuits.

New Modes of Social Control

These numerous and varied immigration policies, we argue, constitute new and expanding modes of social control in the United States. The first set of chapters in this volume outlines new modes of control by discussing recent laws and policies designed to control immigrants and immigration more generally. What emerges from this collection of policies and practices, as described in the chapters, is a nationwide re-visioning of immigration enforcement driven by federal law and policy, as well as by politics at the local level. These enhanced control strategies, as we come to find out, are not unique to the United States but can be found elsewhere, including in Europe and Australia.

In the first chapter of this section, Panic, Risk, Control: Conceptualizing Threats in a Post-9/11 Society, Michael Welch argues that part of the recent concern over immigrants is linked to fear of terrorism, which rose after the attack on the World Trade Center in 1993 and, later, on 9/11. States like Florida, Texas, and California denied basic education, health, and social services to immigrants—actions that were eventually seen as the first step in controlling newcomers. Further steps have included giving federal agencies “unprecedented authority” to target immigrants and deport newcomers under the guise that they constituted threats to national security. The chapter by Welch contributes to our understanding of the overlap of criminal and administrative laws post-9/11 and documents how subsequent attempts to control immigration have contributed to the growth of an industry benefiting from the overlapping wars on crime, “illegal” immigration and, of course, terrorism. Drawing from literature on moral panics and risk societies, Welch demonstrates how our thinking about immigration and terrorism has escalated from panic to a more permanent state of feeling at risk, thus making concern about growth of immigration and the need for enhanced control more understandable in the larger context of the potent social and political forces shaping control strategies. Welch compares trends in the United States with trends in Australia, providing a comparative approach for understanding linkages among panic, risk, and control of immigrant populations.

Within the United States, concern about the growth in immigration has also led to legislation flourishing at the city, county, and state levels, measures which are viewed by many as anti-Latino or anti-immigrant. Yet research on the possible mechanisms that give rise to such sentiment across collectivities
is underdeveloped. Moreover, little is known about the ways in which social processes contribute to this sentiment or anti-immigrant reactions. In their chapter, Growing Tensions between Civic Membership and Enforcement in the Devolution of Immigration Control, Doris Marie Provine, Monica Varsanyi, Paul Lewis, and Scott Decker address these issues, focusing specifically on Latinos. They first remind us that while much of the Latino growth has been in traditional settlement areas in the southwestern United States, there is substantial movement to places that are new destinations or where few Latinos resided in previous decades (Rodríguez et al. 2008). The emergence of anti-immigrant laws or ordinances has proliferated in these new destination points. They have been aimed at preventing “illegals” from securing housing, punishing business owners for employing the undocumented, and allowing local police to search for “illegals” or ask about legality status, the latter historically left for the federal domain (Varsanyi 2010). Many communities now encourage local police to engage in federal immigration activities and enforce immigration laws through the investigation, apprehension, and detention of undocumented immigrants, part of what is known as the 287(g) program, a clause in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Khashul 2009). This agreement also allows local police officers to use federal databases to check the immigration status of individuals and to process them for deportation hearings when necessary.

Most police departments and local governments have not rushed to assume federal responsibility, but some are actively enforcing immigrant-status violations (see Decker et al. 2009) including policing internal immigration enforcement through the so-called Secure Communities initiatives, as discussed by Provine and her colleagues in their chapter. Other draconian anti-immigrant initiatives are apparent in new destination points such as Hazleton, Pennsylvania. According to the 2000 Census, Hazleton had about 23,000 residents, 5 percent of whom were Latino. In 2006, local officials passed the Illegal Immigration Relief Act, a measure that would have resulted in racial profiling, discrimination, and denial of benefits to legal immigrants. This ordinance imposed fines of up to $1,000 to landlords who rented to “illegal” immigrants, denied business permits to corporations who employed undocumented immigrants, and made English the official language of the village (Rodríguez et al. 2008). The consequences of anti-immigrant/Latino initiatives are that all immigrants and Latinos are singled out by politicians, the media, and authorities and, thus, presumed illegal (ibid.).

If this is going to happen anywhere, perhaps it is most likely to occur in states such as Arizona, which have enacted some of the harshest anti-immigration laws on the books. Consider Senate Bill 1070, mentioned earlier,
which makes it a crime to be undocumented and threatens legal action against law enforcement officials perceived to be lax in enforcing immigration law. Critics of SB 1070 argue it is the broadest and strictest anti-immigration measure in decades. They further claim it encourages racial profiling. Where did this law come from and how did it emerge so quickly? As Arizona state senator Kyrsten Sinema demonstrates in her chapter, No Surprises: The Evolution of Anti-Immigration Legislation in Arizona, such legislation does not materialize overnight. Rather, momentum builds until the political climate normalizes what previously had seemed unreasonable. Sinema takes readers on a legislative journey by tracing the development of anti-immigrant legislation in Arizona, highlighting the steady, organized movement from the initial introduction of such legislation to the passage of SB 1070 and beyond. Her analysis demonstrates that Arizona’s legislative journey was, in fact, carefully crafted and executed by a coalition of state elected officials and national activists, with the intent to utilize Arizona as a model for other states. Importantly, Sinema’s chapter evaluates the impact of Arizona’s laws on other states and looks ahead to the movement’s next steps in Arizona and beyond.

Consequences for Individuals and Communities

One of the lessons prior research has demonstrated repeatedly is that laws and policies are political, and often symbolic, responses to larger social problems. As such, they frequently result in both anticipated and unanticipated consequences (see, for example, Beckett and Herbert 2008; Chambliss and Zatz 1993; Clear 2007; Fine 2006; Ganapati and Frank 2008; Simon 2007). Immigration law is no exception; indeed, symbolic politics with unintended “collateral” consequences may be the norm when it comes to immigration legislation.

Immigration policy is inherently contradictory as it tries to balance a variety of strains within and among nations. For instance, political and economic relations have created lopsided labor markets and economic opportunities in the global North and South. Looking just within the United States, immigration policies and practices have sought to respond to a number of conflicting needs. These include, for example, religious and ethical demands regarding the place of immigrants in our society and understandings of what constitutes citizenship, the desire for cheap labor on the part of some business sectors (e.g., agribusiness, the hospitality industry, and the meatpacking industry) and individuals (e.g., for nannies, house cleaners, and gardeners), and racialized and gendered educational and employment structures.
At the same time, as noted earlier, immigration policies are often reflective of unfounded fears and moral panics (Cohen 1972; Goode and Ben-Yehuda 1994; Welch 2003). As immigration policies attempt to address these often contradictory realities and fears, they can create new sets of problems for individuals and communities (Calavita 1984, 1996; Chavez 2008; Gardner 2005; Johnson 2004, 2007; Newton 2008).

Some of these consequences can be anticipated. For example, individuals who immigrate without proper authorization may be deported and employers who hire undocumented workers may be sanctioned. Individuals make choices in light of these risks. A second set of consequences, while readily apparent, is less likely to be anticipated. These include, for example, the devastating effects of parents’ deportation on children and other family members, some of whom may be citizens. And, because attorneys practicing in criminal or family law may not have a complete understanding of immigration law, they may unknowingly recommend actions that have devastating ramifications for their client’s immigration status.

Yet a third group of consequences are what we call hidden, state-created vulnerabilities. These include harms to individuals (e.g., increased victimization by unscrupulous employers, fear of reporting violence in the home, risks from human traffickers, etc.) and to communities (e.g., reduced willingness of victims and witnesses to report crime, reduced efficacy of the public health sector and school systems because immigrants fear interacting with government employees). In other contexts, these state-created vulnerabilities may include forced relocations and displacement of refugees, rape and other assaults against displaced persons, or finding oneself in unfamiliar and unsafe settings following deportation or relocation.

The chapters included in this section of the volume exemplify some of these anticipated and unanticipated collateral consequences. As a set, they help us understand the myriad ways in which our policies and practices create new dilemmas even as they seek, often unsuccessfully, to resolve other problems confronting societies today. Evelyn Cruz’s chapter, Unearthing and Confronting the Social Skeletons of Immigration Status in our Criminal Justice System, examines the breach of trust that can arise when criminal defense attorneys are unaware of the immigration consequences of the advice they offer to clients. Without such knowledge, attorneys may unwittingly recommend legal actions that result in deportation and permanent bars against re-entering the country. Examining just such a situation in the case of the Postville workers, Cruz takes us beyond the consequences for individuals to help us confront the ramifications for our legal order when clients cannot trust that their attorneys will give them competent legal advice.
Workplace and community raids may result in the arrest and deportation of persons who have lived in the host country for many years. Also, lawful permanent residents convicted of “aggravated felonies” are subject to mandatory deportation. The 1996 Antiterrorism and Effective Death Penalty Act (AEDPA) and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), in combination, expanded the category of aggravated felonies to include a range of minor and nonviolent offenses and made deportation mandatory even for persons who had already served their criminal sentence or when the offense did not fit the criteria for mandatory deportation at the time of conviction. The 1996 immigration laws also eliminated immigration hearings for legal permanent residents facing deportation based on aggravated felony convictions (International Human Rights Law Clinic 2010: 3). If these individuals come into contact with the criminal justice system or immigration officials for any reason, they risk immediate deportation. This broader net includes many immigrants who have lived in the United States for years and have raised families here.

The chapter by Kathleen Dingeman-Cerda and Susan Coutin, The Ruptures of Return: Deportation’s Confounding Effects, examines the ramifications of deportation for such individuals. By focusing on the experiences of persons who lived in the United States for many years and now find themselves in what is a truly foreign country for them—their country of origin—Dingeman-Cerda and Coutin explore the ramifications of mandatory deportation policies. Based on interviews with deportees in El Salvador, they report that the experiences of deportees and their families are varied and complex. Some deportees adjust successfully to life in their country of origin. Others suffer from depression and alienation, which may be exacerbated by the negative reactions of fellow citizens, discrimination, and harassment because they are perceived to be foreign, and from loss of custody and sometimes even communication with their children. Some of these deportees remain in El Salvador; others defy their deportation orders through unauthorized re-entry or by recreating U.S. communities on small scales in El Salvador. Dingeman-Cerda and Coutin develop the concept of “secondary victimization” to help us understand the confounding effects of deportation for disrupted communities and family members remaining in the United States.

Finally, the chapter by Wenona Rymond-Richmond and John Hagan, Race, Land, and Forced Migration in Darfur, examines the hidden consequences of the Darfur genocide. They shift attention from the genocidal intent to its aftermath in order to understand the challenges and complexities associated with surviving genocide and becoming a refugee. In their analysis based on survey and interview data, Rymond-Richmond and Hagan
document refugees’ experiences with victimization post-genocide, describing their victimization experiences during the journey to the camps, while at the camps, and even upon returning to their homeland. Although victimization is a reality for all refugees, Rymond-Richmond and Hagan underscore the racialized and gendered nature of victimization in this case, describing how, for example, rape is used as a control mechanism against women, most of whom are Black African, and how the children of these rape victims are considered Arabic rather than Black African. Such racialized and gendered overlays occur, they point out, in a political context where the government of Sudan continues to be predominantly Arabic, leaving Black Africans under-represented in political positions of power.

These consequences and state-created vulnerabilities have patterned outcomes, with some immigrants particularly vulnerable. Accordingly, in the remainder of this volume, we turn our attention to the ways in which these consequences and vulnerabilities are structured along gender, racial, and class lines and to the stresses and strains which they create for individuals and communities.

Layered Realities

As just noted, there are significant hidden consequences and collateral costs associated with immigration policies and practices, including but not limited to those discussed. As the chapters herein reveal, these consequences and costs are substantial and wide-ranging, affecting millions of immigrants and non-immigrants alike, as well as families and entire communities. Of critical importance is the fact that these consequences are not randomly distributed across populations or communities; rather, they have patterned outcomes, with some immigrants and communities particularly vulnerable. Which types of immigrants and communities are most affected? Why?

We argue it is impossible to answer these questions without examining the layered realities of immigrants’ lives and the varying complexities surrounding immigration and crime, law, and victimization. In terms of immigrants, this requires attention to how identity may condition the relationships among immigration, crime, law, and victimization. So, for example, attention to racialized and gendered overlays, as just noted, is essential. The hidden consequences of immigration policies and practices affect men and women differently, and the same can be said based on one’s race or ethnicity as evidenced, for example, by fears that Arizona’s new legislation will exacerbate racial profiling. In terms of communities, this requires attention both to historical trends and to contextual analyses of
the effects of policies and practices, which are undoubtedly variant across time and place.

Regardless of focus, the key point is that the consequences of policies and practices associated with immigration are not simple; nor are they uniform. Accordingly, research must explore and document nuances, complexities, and layered realities for immigrants and communities. Only then can we begin to understand how the costs and consequences associated with these policies and practices are patterned and structured.

Unfortunately, very few studies accomplish this. As mentioned at the outset of this chapter, most scholarly research has focused on a subset of questions limited to immigrants’ participation in criminal activity. Rarely are fundamental differences in race, class, gender, or social context given serious consideration. To address this gap in the literature, the final section of this volume explores these patterned relations to better understand the nuances of immigration policies and practices and their effects on immigrants and communities. While the costs and consequences are likely structured in many different ways, the remaining chapters consider four of the most important: race/ethnicity, socioeconomic status, gender, and community or regional context.

The chapter by María Vélez and Christopher Lyons, Situating the Immigration and Neighborhood Crime Relationship across Multiple Cities, considers how metropolitan context moderates the relationship between immigration and crime. Although most research documents that immigration and crime are not significantly associated across neighborhoods and cities, Vélez and Lyons argue this relationship is likely conditioned by the degree to which cities historically have been, and currently are, receptive to immigrants. They therefore compare the relationship between immigration and crime in traditional gateway cities long accustomed to immigration, and non-gateway cities, which historically have incorporated far fewer immigrants. Their findings show that the protective effect of immigration is heightened in gateway cities, suggesting that immigrants fare better in contexts that are receptive to them.

The chapter by Paola Bertolini and Michele Lalla, Immigrant Inclusion and Prospects through Schooling in Italy: An Analysis of Emerging Regional Patterns, also considers the importance of context, more specifically, regional context. Their analysis takes us to the European Union, which is grappling with enormous immigration pressures. Bertolini and Lalla examine school participation rates among immigrants in the Northern and Southern regions of Italy. Northern Italy is one of the most developed regions in the European Union, while Southern Italy is among the less developed areas.
native Italians, first-generation immigrants, and second-generation immigrants, they document distinct differences in school participation rates, type of school attended (pre-university or vocational), and labor market opportunities of the groups—differences that can be traced back to individual, familial, and community characteristics including, among other factors, the social and economic structures of the region where the family lives. Their chapter demonstrates the importance of educational opportunities, and of policies supporting such opportunities, for successful integration of immigrant youth into the larger society.

In some cases, the nuanced realities of immigrants encompass multiple layers that simultaneously affect the relationships among immigration and crime, law, and victimization, as evidenced in the chapter by Alice Cepeda, Nalini Negi, Kathryn Nowotny, James Arango, Charles Kaplan, and Avelardo Valdez. Social Stressors, Special Vulnerabilities and Violence Victimization among Latino Immigrant Day Laborers in Post-Katrina New Orleans. In this chapter, the authors explore the myriad challenges immigrant day laborers face on a daily basis, and document how their unique set of vulnerabilities makes them particularly susceptible to victimization. According to Cepeda and her colleagues, these vulnerabilities are shaped by gender, race/ethnicity, socioeconomic status, and even community context, all of which interact to make Latino immigrants working as day laborers in post-Katrina New Orleans especially susceptible. Through interviews with day laborers across four New Orleans research sites, Cepeda and her colleagues collected rich data that detail the various vulnerabilities and social stressors experienced by these immigrants. They describe how such processes and stressors contribute to increased victimization among this population. Of particular interest is their analysis of how this unique constellation of vulnerabilities goes beyond those faced by immigrants in more traditional settlement destinations. Cepeda and her colleagues also document how these vulnerabilities are confounded by the highly racialized social context of New Orleans, a city characterized by high crime rates, thriving drug markets, and drug use, especially post-Katrina.

The final chapter of this volume, the Conclusion, draws on lessons learned from the readings and applies them to assist in informing emerging policy and research agendas. Here, we summarize the major findings crosscutting the research presented in individual chapters, identify key research themes for future studies, and initiate a conversation on how social science research can better inform immigration policy. By drawing on studies from multiple disciplines and from various sites within the United States as well as Africa, Europe, Central America, and Australia, we are better able to understand the
confounding effects of immigration policies on individuals and communities, and the varied responses of immigrants. Our exploration of the lived realities of immigrants, deportees, and relocated persons helps us to see the ways in which those experiences are systematically nuanced and layered. The next step, we suggest, is to translate this social science research into more informed policies and practices for addressing the relationships among immigration, crime, law, and victimization. Accordingly, we conclude with suggestions both for future research and for those individuals designing and enforcing immigration policy.

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