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The University of Southern Mississippi

Effects of Illegal Immigration Upon Crime In the United States

by

Christopher Necaise

A Thesis
Submitted to the Honors College of
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in Partial Fulfillment
of the Requirements for the Degree of
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Abstract:
The U. S. Government regularly compiles and publishes statistics involving crimes occurring in the United States, especially through the Uniform Crime Reporting Statistics (UCR) and the National Crime Victimization Survey (NCVS). These publications can be used to search facts and figures with respect to crime, including by locale, type of crime and the race of the perpetrator, among others. Inexplicably, however, no data is provided with respect to whether the perpetrator has a legal or illegal immigration status or his/her ethnicity. This absence of objective data on crime and immigration has led to some with political agendas from both sides of the political spectrum to offer "facts" of their own which are intended to support these agendas. Therefore, objective data has been sought out herein and a concerted effort made to provide objective statistical data for the purpose of educating the reader rather than to promote any political agenda or objective.

Key Terms:

ACS: The American Community Survey of the U.S. Census Bureau used between decennial censuses to obtain and report statistical population data.
BOP: U.S. Bureau of Prisons
Bureau of Justice Statistics: Statistical reporting entity within the U. S. Justice Department
CAP: Criminal Alien Program of the U.S. Government intended to identify and remove from the U.S. criminal aliens incarcerated in Federal, State and local prisons.
Criminal Alien: A non-citizen of the U.S. who is responsible for criminal activity.
Criminal Alien Statistics: Publication by the GAO of various data involving criminal aliens in the U.S.
Criminal Removal: Removal of an alien based upon a criminal charge or criminal conviction.
DHS: The U. S. Department of Homeland Security.
Due Process: Legal proceedings providing notice and opportunity for a fair hearing.
FBI: The Federal Bureau of Investigation of the U. S. Justice Department.
GAO: The U. S. Government Accountability Office.
Illegal Alien: Person residing in the U.S. without lawful status.
Illegal Immigrant: Same as Illegal Alien.
NCVS: National Crime Victimization Survey from the U. S. Bureau of Justice Statistics.
Open Border: Unrestricted access to immigrate or emigrate across a recognized political boundary line.
Probable Cause: A reasonable ground to believe that a person has committed a crime.
Rate of Criminality: The statistical rate of occurrence of crimes within a population.
Removal: The compulsory and confirmed movement of an inadmissible or deportable alien out of the U. S.
SCAAP: The State Criminal Alien Assistance Program in which Federal financial aid is provided to States and localities who incarcerate certain convicted illegal aliens.
UCR: The Uniform Crime Reporting Statistics from the FBI
Yearbook of Immigration Statistics: Annual DHS publication of various statistics involving immigration.

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Chapter One: The Problem

Illegal immigration is currently one of the hottest political topics in the United States. Partisans on both sides of the debate utilize information to bolster their positions instead of to simply educate so that their readers can make up their own minds. It is, therefore, little wonder that some advocates would attempt to slant the available data to their own advantage. Sometimes "red herrings" are inserted to distort the objective data. The topic of illegal immigration is multifaceted, with humanitarian, macroeconomic and microeconomic, as well as social implications to name just a few. The purpose of this project is to sort through the information available and determine the effects of illegal immigration on one discreet variable, crime in the United States, and then offer the information in an unbiased manner. We inquire: Does illegal immigration into the U.S. result in any measurable or likely effects upon crime, and if so what are these effects?

As Democratic Senator Daniel Patrick Moynihan of New York once stated, "Everyone is entitled to his own opinion but not his own facts." There are many divergent opinions concerning illegal immigration, ranging from granting illegal immigrants citizenship to deporting them. The purpose of this thesis is not to "convert" anyone, but rather to educate everyone. Partisans are able to portray to the public their opinions as fact because of the failure of the United States Government to reliably report. In other words, exacerbating this situation is the fact that, shockingly, the United States government does not readily keep statistics with regard to crimes committed by illegal immigrants.[1] Those

[1] The two leading regularly issued federal reports with regard to crime statistics are the Uniform Crime Reporting Statistics (UCR) issued by the U. S. Department of Justice Federal Bureau of Investigation and the Bureau of Justice Statistics' National Crime Victimization Survey (NCVS). The UCR reports only the age, sex and race but not the ethnicity of victims or offenders. The NCVS does include ethnicity along with age, sex and race but only with regard to the victim and not the offender. Neither the UCR or NCVS includes any information concerning the immigration status of the offender or the victim, whether legal or illegal. http://bjs.oj.usdoj.gov/ucrdata/two measures.cfm

on both sides of the debate admit that illegal immigration is intertwined with a number of issues which resonate throughout society. This honors thesis explores the effects posed by illegal immigration on only one such society-wide factor, crime, from an objective and scholarly perspective. (Camarota, November, 2009).[2]

Those on one side of the political spectrum claim that illegal immigrants cost much more than they contribute to society, while others take a contrary view. (Camarota, 2009, November; Criminal Alien Statistics, 2011, March; Martin, 2011, February). Leaving aside broader policy considerations on whether or not illegal immigration is overall a benefit or detriment to the United States, regarding criminal activity by illegal immigrants the question should simply be one of how many crimes in the U.S. are attributable to illegal immigrants. Objective criteria should then be used to determine if this criminality is higher or lower than the per capita crime rate in the United States. At that point the individual presented with these facts can determine whether the impact is significant or minimal and what weight this one facet of illegal immigration should be given.[3]

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[2] Neither this thesis nor its author intends to suggest what the appropriate policy of the United States should be with respect to the topic of illegal immigration and no such position is advocated. Its sole purpose is to locate, decipher and provide a scholarly, unbiased presentation of the facts/data with regard to one facet of illegal immigration, the issue of illegal immigration's impact on crime. Many renowned politicians and academicians have written on various aspects of illegal immigration but almost always in the position of policy advocate. Their perceived biases have led others to challenge their methodology, accuracy and impartiality with regard to the conclusions presented regardless of their credentials. For example, Professor Douglas S. Massey of Princeton, one of the most prolific writers on the subject of illegal immigration and an advocate for legalization, has even been criticized. Congressman Lamar Smith, chairman of the House Judiciary Committee, one of the Congressional committees overseeing immigration, has called Professor Massey's conclusions in one of his articles "flawed" due to facts Smith alleges Professor Massey omitted. http://nytimes.com/2012/06/08/opinion/rep-lamar-smith-on-illegal-immigration.html

[3] As noted, there are many facets and issues related to illegal immigration. These include societal, macroeconomic, microeconomic, political, religious and humanitarian considerations to name but a few. Some of them lend themselves more readily to emotional arguments than to rational thought. For example, it is claimed that the presence of illegal immigrants, especially Latin American immigrants, add cultural diversity and so society in the United States is thereby enhanced (Epenshade, 201-203, Obama El Paso Speech). Others assert that unlike previous immigrants into the United States, Latin Americans are not interested in assimilating but desire to maintain their own language and culture rather than embrace English and American values and, therefore, economic activity and social cohesion in the United States will suffer from this lack of communication and segregation (Cafferty, 68-71). Some concede that illegal immigrants

However, this information must necessarily be provided along with some context so that it can be readily understood by the reader.[4] Some suggest that since illegal immigrants knowingly violate United States immigration law they are predisposed to other criminal activity. Others claim that nearly all of the illegal immigrants in the U.S. are simply seeking to work and provide for their families and are almost universally law abiding. The actual facts clearly lie somewhere between these two extremes, universal criminality versus non-criminality, and the available statistics, to the extent that they can be objectively gleaned, will assist in arriving at the true facts concerning this single facet of immigration.

Since by far the largest number of illegal immigrants are Mexican[5], it raises questions of what factors contribute to illegal immigration. Is it simply economics so that illegal Mexican immigrants are interested in feeding their families as some claim? If so,

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will work for below minimum wage while Americans want the jobs to pay at or above minimum wage and, ergo, citizens are at a disadvantage when unscrupulous employers hire illegal immigrants (Obama El Paso speech). Others simply note that illegal immigrants come here to work and make a better life for their families than they could in their home countries and so it is, above all, a humanitarian issue (Rios and Crabtree, 2006). Undoubtedly, all of the foregoing are valid facets of illegal immigration. Nevertheless, it is doubtful that the overall question, of whether the presence of illegal immigrants in the United States enhances American culture and society or weakens it, could be satisfactorily answered empirically and thereby end the debate. Rather, various clearly competing factors would have to be assigned relative weight through a subjective process in order to reach a conclusion one way or the other. For example, do humanitarian considerations trump economic ones, or do greater corporate profits from paying illegal immigrants below minimum wage trump higher unemployment among Americans who would work those jobs for minimum wage? Since it is not the intent of this paper to declare that, all things considered, illegal immigration is or is not beneficial to the United States overall or that it should or should not be legalized or accepted, there is no need to consider all such factors and facets. Indeed, if all of these were factored in, the scope of this project would be far too expansive and broad and some subjective "value judgments" would inevitably intrude. Instead, illegal immigration's effect, if any, upon one discrete facet is what has been explored, crime. This thesis does not suggest what relative weight illegal immigration's effect upon crime should be assigned but this is left to the individual reader. It may be that an individual reader will decide that illegal immigration's effect upon crime is more than offset by other factors. Another reader may disagree but both will be provided with the data in an understandable way so that he or she can make his or her own determination and value judgments.

[4] The presentation of facts without any basis for the reader to understand or assess the data would offer very little, indeed, and would, therefore, constitute an exercise in futility. This treatise, instead, intends to offer meaningful and useful information to better inform the reader without the bias many have come to expect from writings on this topic.

[5] Approximately seventy percent of both the illegal aliens incarcerated in U. S. prisons and those removed from the U.S. are Mexican. (2011 Yearbook of Immigration Statistics, Table 41, GAO Criminal Alien Statistics, Figure 2).

why is such the case since Mexico is one of the twelve richest nations in the world? (Mendoza, 2009, March 12; CIA, Mexico, The World Factbook). However, the overall causes and effects of illegal immigration would be much too broad of a topic to meaningfully explore. Although an examination of the main factor(s) preventing economic advancement in, for example, Mexico may be useful in understanding the overall dynamics of illegal immigration, to cover it adequately would likely require a multi-volume treatise. Although there are admittedly many such facets involved with illegal immigration this treatise resists any temptation to stray too far afield on these tangential matters. As has already been noted, this treatise is focused on crime and illegal immigration and is not seeking to become bogged down with such tangential issues although this omission is not a value judgment with respect to their relative value. Rather, it is that the single focus is on crime. Unfortunately, information with respect to crime has often been interspersed with other facets of illegal immigration. This investigative study has, therefore, made a concerted effort to avoid any such tangential issues or to advocate or question any policy position since its purpose is simply to locate, decipher and report the information regarding crimes committed by illegal immigrants for strictly scholarly purposes. As noted, however, to be meaningful and fair the data concerning the number of crimes committed by illegal aliens needs to be seen in context of how many illegal aliens are present, along with the average number of crimes committed per capita by the overall U. S. population into which the illegal immigrants have come.[6]

[6] In order for any raw data to be useful, context needs to be provided. Context would include the total estimated number of illegal immigrants in the United States. For example, if the total number of crimes by illegal immigrants were 100,000 it would be important to know if the total population of illegal immigrants responsible for the criminal activity was 100,000, 1,000,000, or 11,000,000. It is axiomatic that crimes occur in all cultures, however, if 100,000 crimes occur from a population of 11,000,000 there is a much lower rate of criminality than if the population were only 100,000 or 1,000,000. It is proper and only fair for everyone that the number of crimes should be put into perspective. Similarly, it is likewise fair to compare

President Barack Obama, an advocate for granting those who have come here illegally future citizenship, nevertheless acknowledged some societal problems created by illegal immigration. In a speech delivered on May 10, 2011 President Obama stated in part that:

> We're here at the border because we also recognize that being a nation of laws goes hand in hand with being a nation of immigrants… We've often wrestled with the politics of who is and who isn't allowed to come into this country… That's one reason it's been so difficult to reform our broken immigration system…Today there are an estimated 11million undocumented immigrants here in the United States[7]… But we have to acknowledge they've broken the rules. They've cut in front of the line and what is also true is that the presence of so many illegal Immigrants makes a mockery of all those who are trying to immigrate legally…also, because undocumented immigrants live in the shadows where they're vulnerable to unscrupulous businesses that skirt taxes and pay workers less than the minimum wage and cut corners with health and safety laws, this puts companies who follow the rules, and Americans who rightly demand the minimum wage… at a disadvantage…so one way to strengthen the middle class in America is to reform the immigration system so that there's no

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the rate of criminality among illegal immigrants with the American societal average into which they have come so as to provide further context on criminality.

[7] As President of the United States it is to be assumed that President Obama has access to the most reliable information with regard to the estimated number of illegal immigrants in the United States. Also, since this was a public statement made to the American people it can be assumed that it is truthful and accurate. This is fairly consistent with figures released by the Obama Administration's Department of Homeland Security (DHS) and reported on March 24, 2012, to the effect that in 2010 there were 11.6 million illegal immigrants in the U.S. and in 2011 the number was 11.5 million. DHS Homeland Security Population Estimates, 2011, p.3, http://www.reuters.com/assets. The annual DHS figures regarding the number of illegal immigrants present in the U.S., borrowed from the Census Bureau, will be consistently used as "context" in this treatise.

> longer a massive underground economy that exploits a cheap source of labor while depressing wages for everyone else. (Obama, Whitehouse, 2011, May 10).

President Obama acknowledged, as do those on the other end of the political spectrum, that the presence of "illegal immigrants" in the United States has led to the growth of "a massive underground economy" where "unscrupulous businesses" hire them. These unscrupulous businesses pay them less than the minimum wage and "skirt (the payment of) taxes" as well as disregard "health and safety" concerns. Although clearly indicating that other American laws, besides the immigration laws, were being disregarded and violated as a result of the presence of illegal immigrants, President Obama stopped short of equating this "underground economy" of "illegal immigrants" with any specific criminal activity. Besides the President's acknowledgement that various other aspects of criminality have grown up around the area of illegal immigration, very little useful information could be gleaned from his May 10, 2011 comments.

Although it is clear that illegal immigration creates a ripple effect throughout the economy and society of the United States, the one effect that would potentially impact the average person in America without regard to income or social status would be in the area crime. Simply put, no one is immune from the effects of crime. Also, this data would provide an unbiased view of one of the societal effects of illegal immigration, whether significant or negligible, for the American public. Given the continuing debate over illegal immigration, factually unbiased presentation of such factors involving crime is timely.

My specific research question is: Does illegal immigration into the United States

result in any measurable or likely effects upon crime, and if so what are these effects? Illegal immigration will provide my independent variable and crimes committed by illegal immigrants will be my dependent variable. In addition to determining if there is a cause and effect relationship, my thesis will provide a resource against disinformation presented on both sides of the debate with regard to this discrete issue. For purposes of this study, anything at or above the per capita rate of criminality of the average U.S. citizen would be deemed statistically significant while incidents of crime by illegal immigrants below this rate would be deemed insignificant or actually lowering the overall per capita rate of criminality in the U.S. Based upon a preponderance of the information from the sources located and available, illegal immigration into the United States results in increased incidents of crime within the United States which is measurable and statistically significant as later explained. Notwithstanding this, some may determine as a matter of policy that any such negative result is outweighed by other positive effects of illegal immigration since, again, the topic of illegal immigration is multifaceted.

Chapter Two: Literature Review

As was observed, "the literature evaluated in this review seems to point in many different directions at once" (Rothman & Espenshade, 1992, p. 409). It appears that this is due in part to the way that the data was compiled but also because the findings were presented not simply for scholarly purposes but to advocate a particular political position. Although the Rothman and Espenshade works are seemingly among the most comprehensive, they suffer from obvious bias. For example, Espenshade (1995) has stated that "Considering the substantially larger number of migrants who might enter under an open-border strategy, it could be argued that a net annual flow of 250,000-300,000 undocumented U. S. migrants is not far from the socially optimal level. Surely there are draconian measures one could imagine that would result in a significantly smaller illegal flow…But these measures would compromise other important principles" (p. 213). What country today maintains a truly open border policy and does not in some way monitor or regulate immigration? Espenshade cites none, but if any exists, it would certainly be the exception and not the rule and therefore, it is unlikely to be the political policy in the United States. The stated justification for allowing into the U.S. 250,000-300,000 illegal immigrants annually, therefore, seemingly crumbles.

Espenshade, in effect, argues that it would be preferable to simply accept the 250,000-300,000 illegal immigrants because this is better than what would happen under an open border policy that would most likely never occur anyway. Espenshade does not explain what "important principles" would be "compromised" if lawful "measures" were taken to lessen the flow of illegal immigration. Espenshade injects his own subjective "principles" and a clear bias into the findings. Bias makes it difficult to the extent that the

raw data is not provided from which one may draw independent conclusions. The greatest contribution most of these works have made to this thesis has been in the area of locating various unbiased governmental studies and statistics involving illegal immigrants and crime.

There is an endless progression of subjective criteria that has been proposed for inclusion in formulas used for allowing or banning illegal immigration. These range from the U.S. following Mexican public opinion to provide de facto welfare to Mexico via illegals in the U.S. sending money home (Rios, 2006), to claims that criminal statistics against illegals are understated since those arrested are sometimes deported rather than incarcerated (Camarota & Vaughan, 2009, p. 6). Although there are clearly emotional considerations involving illegal immigration, this is subjective rather than objective and leads to an unconscious or a conscious tendency to skew the facts by some. Similarly, although some aliens may never be prosecuted due to deportation, such proceedings call into question the issue of due process and the accuracy of the arrests/deportation figures with regard to crimes committed by illegal immigrants, especially if other statistics are available. Unfortunately, as previously noted, regularly reported national criminal statistics do not readily provide information on arrest and conviction rates of illegal immigrants, however, due process in the establishment of facts is present within deportation proceedings.

In a similar vein, other subjective principles have been injected into otherwise simple statistical, scholarly inquiry about criminality. As noted, the focus of a number of writers has been multifaceted, such as the effects of illegal immigration upon crime and economics. With regard to the question of the extent to which illegal immigration

increases crime in the United States, politics has intruded just like with other immigration issues, such as what net fiscal impact if any, illegal immigrants have on government. The leading studies have seemingly selected the data which will produce their desired results while omitting others. It has been observed that "shifting focus…to the central concern of this research-the-macro-level immigration-crime relationship-it is apparent that findings from extant studies are more inconsistent…bivariate association between immigration and crime varies from negative to positive to nil depending upon which measures of immigration and crime are used" (Ousey & Kubrin, 2009, p.453-457). After noting, in effect, that the available figures can produce the authors' desired result depending on the measurements used, Ousey and Kubrin proceeded to discuss the topic of crime.

Ousey and Kubrin, although noting the effect that picking and choosing among various measures can have in skewing the results of various studies, nevertheless, consciously or unconsciously, did likewise. For example, Ousey & Kubrin (2009) state "Several studies document that recent trends in crime are linked to changes in illicit drug markets…these markets developed in economically disadvantaged areas where attenuated informal social controls exacerbated their tendency toward violence" (p. 450). Then, however, they state "A final perspective that posits a negative relationship between immigration and crime focuses on informal social control that tend to characterize communities populated by immigrants…'immigrant ghettos' can serve a protective function…ethnic enclaves may...bolster informal social control…" (Ousey & Kubrin, 2009, p. 452). On the one hand they note that illegal immigrants tend toward closed ghetto communities where they exercise "informal social control," then they next admit that crime is linked to drug markets in economically disadvantaged ghetto areas where this

informal social control is "attenuated." It is counter-intuitive to believe that a ghetto community of illegal aliens would be any match for organized drug gangs through "informal social control." In such a closed, illegal immigrant community one should also not expect that crimes would be readily reported to authorities when drug markets sprang up in the midst of and among members of the illegal immigrant community.

In fact, increased law enforcement with regard to drug markets seem to be the basis for the shift in the violent crime rate since these are the only two factors considered by Ousey and Kubrin that move in the same direction and would explain the changes in the crime rates. Violent crime rose from 1980 through 1990, and beginning in 1990 drug markets were disrupted as shown by the nearly one thousand percent increase in drug arrests. Then, violent crime dropped between 1990 and 2000 and arrests for disrupting drug markets also decreased although they continued at much higher rates than during 1980. Therefore, something happened between 1980 and 1990 which led to greatly increased drug activity that drove violent crime, and which continued through 2000 at much higher rates than 1980 levels. We know from their "immigration index" that the illegal immigrant population doubled in this time period. The piece of information that Ousey and Kubrin omit is the percent of illegal immigrants who composed those arrested and convicted for the sale of drugs (Ousey & Kubrin, 2009, p. 468). This would have been seemingly dispositive since drug sales obviously drove the increase in violent crime, as Ousey and Kubrin readily admit, and if illegal aliens were arrested for these drug sales they would be the ones likely responsible for the increased crime (Ousey & Kubrin, 2009, p. 450). If illegal immigrants were not a large part of the drug arrests then there was likely no correlation between the crime and the illegal immigrant population. It, therefore, calls

into question why such critical variables/factors were omitted from the data. It is unclear whether or not this data was available or if it was simply not provided. Their table A-1 follows hereafter. However, even where data is provided with regard to criminal statistics, such as by President Clinton's former advisor, Dick Morris, it needs to be independently verified, which is the reason for my thesis going beyond mere representations to search out the facts. (Morris, 2007, p. 31). This is true with regard to Republican Presidential advisors as well as Democrats like Morris (Buchanan, 2006, pp. 220-224, 243, 270).

By way of example, Pat Buchanan at page 243 states "In 2006, we have as many illegal aliens inside our borders, 12 to 20 million, as all the German and Italians, our two largest immigrant groups, who ever came in two centuries." Although he provides the data on German and Italian immigrants, and the 12 million number of illegal immigrants roughly equates with the Census Bureau data, he cites to a 2005 Bear Stearns study on the 20 million figure. However, the Bear Stearns study is elsewhere quoted by Buchanan on page 10 as stating "The number of illegal immigrants in the United States may be as high as 20 million people." Nevertheless, it is seemingly treated on page 243 by Buchanan as a matter of established fact without regard to any level of certitude. Similarly, Dick Morris in his book on page 31 recites various figures as fact, including the number and percent of illegal aliens incarcerated in Federal and State prisons, but without any footnoted citation of the source(s) he relies upon. Also, local studies were found to be of limited use, even if apparently accurate, since it was nearly impossible to establish that the local figures were representative of the country as a whole. Therefore, any usage of local figures was avoided in this thesis.

Table A-1

Table A1 • *Means and Standard Deviations of Variables in the Analysis*

	1980		1990		2000		Within-City Change[a]	
	Mean	Std. Dev.	Mean	Std. Dev.	Mean	Std. Dev.	Mean	Std. Dev.
Violent crime rate	1705.73	880.43	2804.60	1458.72	2478.94	1198.17	−3.14	751.20
Immigration index	−1.01	2.06	−.28	2.78	.61	1.17	.004	.895
Percent recent foreign born	3.53	4.31	5.23	6.15	6.84	5.48	.011	2.14
Percent speak English poorly	2.87	4.94	4.16	6.08	6.04	6.55	.006	1.91
Percent Latino	9.25	13.75	12.14	15.92	17.39	18.19	.019	4.63
Percent males aged 15 to 34	18.85	2.53	17.63	2.32	15.89	2.25	−.011	1.43
City population	333,173	639,026	361,498	670,951	393,244	729,661	.001[b]	.120[b]
Residential instability	50.90	8.25	48.10	7.23	51.31	5.96	−.016	6.92
Percent poverty	13.65	5.13	16.45	6.21	16.55	5.88	−.005	2.90
Unemployment rate	6.79	2.75	7.38	2.64	7.29	2.71	−.002	1.10
Percent employed manufacturing	19.92	9.27	15.49	6.66	12.42	5.75	−.022	3.84
Percent professional/managerial occupations	23.65	5.43	27.28	6.36	33.53	8.31	.018	4.47
Sale cocaine/opiates arrest rate	15.52	27.06	140.28	186.24	88.05	179.44	−.004[b]	1.28[b]
Police officers per capita	2.04	.82	2.15	.86	2.33	.90	−.0003	.276
Percent black	19.22	17.08	21.03	18.24	22.03	19.19	.0095	2.53
Family instability index	−1.18	1.12	.28	1.30	1.17	1.46	−.005	1.08
Percent divorced	8.20	1.71	10.20	1.94	11.10	2.08	.011	1.40
Percent families single-parent headed	23.30	6.84	28.34	8.17	32.49	9.02	−.006	4.20

[a]Refers to variables expressed as deviations from their city-specific, over-time mean (i.e., "group-mean centered").
[b]These values refer to the log transformed measures.

(Ousey & Kubrin, 2009, August, p. 468)

Since there are many issues involved in the subject of illegal immigration, including political and macroeconomic, it was necessary to narrow the topic to its impact upon crime and to wade through the many tangential issues present in the various materials. This was selected since this subtopic would most likely have relevance to a large segment of the people living in the United States including other immigrants. Additionally, since crimes are in large part measurable by objective criteria to the extent that reliable data can be located, subjective distortions by authors would be more readily identifiable for exclusion and the best primary sources could be consulted. There is no shortage of writers on the topic of illegal immigration and many works needed to be sifted through and any biases removed in order to prove useful. Governmental studies and data,

where there exists a legal obligation on the part of the agency to report accurately, such as the Office of Immigration Statistics, the Bureau of Justice Statistics, and the Government Accountability Office[8], provided the best sources of information although difficult to locate, glean and utilize.

Reporting by these governmental agencies provided raw statistical data with regard to incarcerations, criminal removals (deportations) and arrest information involving illegal immigrants. Although it was hoped that nationwide criminal prosecutions and convictions of illegal immigrants would be available and provide the definitive count, surprisingly no such information is kept and reported by the government. It also became quickly apparent that merely using incarcerations of illegal immigrants following conviction would greatly understate the criminality of illegal immigrants since a large number are diverted to the criminal removal process rather than prosecuted with the intent to incarcerate them. Therefore, reliable statistics with regard to both incarcerations following convictions and criminal removals were consulted. The Governmental Accountability Office's Criminal Alien Statistics provided reliable information concerning incarcerations and arrests of illegal immigrants. The methodology utilized in the study was provided along with the raw data. Although the data admittedly understates the number of criminal aliens incarcerated in State and local prisons, the figures that were provided with regard to the number of illegal aliens incarcerated and the rate of underlying criminal offenses is sound. Inmates convicted and incarcerated were found guilty of at least one crime, however, the study showed a much higher incidence of criminal offenses. A random sampling of the files of one thousand of these criminal aliens was reviewed to

[8] These agencies are generally charged by law with reporting accuracy. The motto of the Government Accountability Office (GAO), for example, is "Accountability, Integrity, Reliability."

determine the average number of crimes perpetrated by those incarcerated. This comprehensive nationwide study had a margin of error of only plus or minus three percent at a ninety-five percent confidence level with respect to the number of arrests and offenses per criminal alien (Criminal Alien Statistics, 2011, App. I, p. 52).

Information with respect to removal in lieu of prosecution and incarceration of illegal aliens was largely obtained from the Department of Homeland Security Office of Immigration Statistics' Yearbook of Immigration Statistics and the Bureau of Justice Statistics' Reports on Immigration Offenders in the Federal Criminal Justice System. These provided compiled raw statistical data from governmental sources with regard to the criminal removals in lieu of prosecution and incarceration. The statistics are broken down between criminal removals and non-criminal removals so these are actual compiled figures with no understatement or overstatement. Also, the average numberof arrests prior to removal were also compiled and reported (Office of Immigration Statistics' Yearbook of Immigration Statistics, Bureau of Justice Statistics' Special report on Immigration Offenders in the Federal Criminal Justice System).

Statistical reporting by these governmental agencies provided raw statistical data with regard to incarcerations, criminal removals (deportations) and arrest and offense information. The studies that were employed in this thesis were national in scope since the use of any local, regional or state study would run the risk of the particular locale not being representative of the country as a whole. Therefore, any projection of or extrapolation from the local statistics would possibly not be reliable to use and were, therefore, omitted from use.

Chapter Three: Methodology

Various forms of qualitative research were utilized, including but not limited to case studies and political commentary. Clearly partisan and biased sources on both sides were reviewed with an eye toward separating fact from fiction and to see what factors and sources of information each cited to so that these could then be reviewed and analyzed as appropriate. This allowed for a more comprehensive review of the topic since to simply exclude biased sources without any consideration or review would run the risk of throwing the good out along with the bad.

Once it was determined that there were no direct comprehensive Federal governmental statistics on crimes committed by illegal immigrants it became necessary to outline and determine whether a reliable statistical model could be developed with the information available, and exactly how this could be accomplished. For example, inexplicably the U.S. Department of Homeland Security did not even publish statistics on the number of illegal immigrants present for years 2001-2004 (Hoefer, Rytina, & Baker, 2012, p. 3). Although there were several local or otherwise limited studies with seemingly reliable data, these were discounted. This was due to the fact that there was no way to actually determine that they were representative of the nation as a whole. However, it was found that substantially reliable statistics on incarceration rates in both Federal and State prisons were available, but, these only covered the period from July 1, 2004 to June 30, 2008. These inmates who had been convicted of crimes and were incarcerated in State and local facilities were identified as persons with illegal immigration status through participation in the State Criminal Alien Assistance Program (SCAAP). It was later determined, however, that a statistically large number of criminal aliens were

removed through immigration proceedings instead of being tried and incarcerated and, therefore, use of only incarceration rates would greatly understate the rate of criminality. As a result of the limitations on reliable data, a statistical model could only be developed for years 2005 through 2008.

The use of statistics for criminal alien immigration removal raised several possible issues. First, were the facts of the underlying offense(s) sufficiently established through the removal proceedings? In other words, were the facts involving the illegal immigrant being removed sufficiently established so as to be more likely than not true? On this issue it was determined that the removed criminal aliens could have hearings before Federal judges with the right of appeal to a higher immigration court and so due process was afforded to them and the facts established to a reasonable certainty. The second issue was the need to ensure that there was no duplication as between those removed and those incarcerated. It was apparent that for any given year an illegal immigrant was tried and incarcerated for the crimes and SCAAP funds sought, or was deported through the removal process in lieu of incarceration following criminal conviction. As a result, in any given year there was an extremely limited possibility of any duplication. For the entire four year period, however, alternative figures were developed to provide a range of the statistical possibilities based upon the data.

Moving forward from this point, assuming that the number of crimes committed by illegal immigrants could be established with reasonable certainty, the next question raised was what would be the value of this raw data without something by way of perspective. It became apparent that some context was required, such as the number of illegal immigrants present in the U. S. who were implicated in the commission of the crimes. Once a per

capita rate of criminality was established it then raised the issue of what this should be compared to. A fair, objective measure of what rate of criminality would be statistically significant was required. It was determined that the average rate per capita of criminality among people in the U. S. would be located and utilized as the benchmark. If illegal aliens had a lower or equal incidence of criminality than the average rate in the U.S. the effect would be beneficial or negligible, respectively, whereas if there was a greater rate of criminality it would be detrimental. This is logical since with any scientific experimentation if a sample is of known concentration, the addition of a greater concentrate or dilute will affect it whereas the addition of more of the same concentration will not alter it. The margin of error was based upon the margin of error of the underlying primary data, plus or minus three percent regarding arrests and offenses of incarcerated inmates. The number of inmates was based on an actual prison head count.

To the extent that facts and sources were purportedly cited in the reviewed works, the many sources supposedly underpinning those facts were explored. Quantitative studies and statistics were also reviewed where available. All of this was done with an eye toward providing only the objective facts and findings in a rational, factually accurate and impartial manner rather than using them as a springboard to advocate for any particular position or policy. It was decided that it was best to leave the ultimate determination of the relative significance of any findings to the individual reader.

Subjective bias, of course, has no place in a scholarly paper. The challenges presented in developing this thesis were several. The first was to distinguish between valid, objective information and false skewed data, biased conclusions and/or "red herrings" injected into otherwise valid data to negate or slant its content. Even where

there is a clear bias, however, it is possible if not probable that some valid points may otherwise be present which may cause data to be more properly viewed differently or other variables to possibly be taken into consideration or omitted. Content analysis was, therefore, carefully employed to sift through the varying information available and distinguish between what is valid data and what is biased conclusion.

The second challenge was the clear absence of regular periodic reporting by Federal governmental agencies with regard to crimes committed by illegal aliens. Although there were some spotty federal statistics and statistics available on convictions at the local level, these were difficult to utilize owing to concerns over the representativeness and fairness of the spot sampling. An example of such spotty statistics involved the Congressional Research Service which reported in 2012 that 7,283 illegal immigrants were arrested by State and local police, were not deported, and were re-arrested again for a total of 16,226 crimes, 1,105 of which included major violent crimes (Preston, 2012, July 31). Stated differently, before being used the data had to be objective and national in scope. Generally, the absence of broad, direct nationwide information on crimes committed by illegal immigrants required extrapolation from other reliable sources including the numbers of illegal immigrants incarcerated in the United States along with the annual removals of illegal immigrants based upon criminal charges or criminal convictions.[9]

[9] Removals are the compulsory and confirmed movement of an inadmissible or deportable alien out of the U.S. based upon an order of removal. Removals are categorized as Noncriminal or Criminal and the latter refers to persons removed based upon a criminal charge or those with a criminal conviction. The types of crimes are categorized as are the nationalities of the criminal aliens removed. Since these individuals are only removed following an order of removal, there is "due process" and "probable cause" to believe, more likely than not, that the illegal immigrants were guilty of the crimes they were accused of that resulted in removal. Those aliens who were removed based upon an actual criminal conviction had their guilt determined beyond a reasonable doubt. Rather than being incarcerated they were deported so there was no overlap in a given year between these individuals deported and those who were incarcerated. In short, these are crimes for which the person was removed (deported) rather than incarcerated. It goes without saying that those who are prison inmates have been convicted and had their guilt determined beyond a reasonable doubt so there is no question of due process with them.

What, without politics, should have been a simple analysis of the numbers and statistics on crimes committed by illegal immigrants turned into a complex search for the truth in which careful analysis was not only important but imperative. Since the exact number of illegal immigrants is not known with absolute certainty, an estimate inevitably had to be employed. The most reliable and supportable public figures available were utilized, including U. S. Census Bureau statistics with regard to the population of illegal immigrants and the overall population in the United States.. Criminal statistics relied upon necessarily included incarcerations in addition to deportations based upon previous criminal convictions or when criminal charges were pending so as to avoid gross understatement of the crimes. Since those deported are not incarcerated and vice versa, there is little chance of duplication in any given year whereas the omission of criminal removals would have led to significant underreporting of crimes involving illegal immigrants. Given the rather large number of those deported based upon criminal convictions and/or criminal charges, in the absence of comprehensive data on actual convictions of illegal immigrants this data needed to be assessed to avoid greatly skewing the findings overall. The main contribution of this thesis is the location of, and extrapolation from, publicly available facts along with a willingness to let the facts speak for themselves rather than simply picking and choosing among the statistics to arrive at some predetermined destination.

Chapter Four: Report

The Department of Justice, Federal Bureau of Investigation through its Uniform Crime Reporting Statistics (UCR) and the Bureau of Justice Statistics' National Crime Victimization Survey (NCVS) provide regular periodic reporting on crimes committed in the United States. The statistics provide overall counts as well as breakdowns by various categories. For example, using the UCR a person can determine the number of overall crimes committed in a given year nationwide, or by various crime categories, such as burglary, within a particular location like the State of Mississippi. Both the UCR and NCVS provide some demographic information with respect to the offender and victim. Neither the UCR nor the NCVS, however, provide any breakdown as between offenders who are citizens versus those who are not. In short, although most all crimes are categorized by the particular offense and location, as well as four racial categories,[10] immigration status of the perpetrators is simply not provided in the data. There are also totals. The average rate of criminality overall in the U. S. between the years 2005 and 2008 was 3.7765 percent (Uniform Crime Reporting Statistics, 2009, September, Table 1).[11] This rate includes all persons regardless of race or ethnicity, whether legal or illegal, and can be used to determine which demographics are above or below the mean.

The absence of direct data on the numbers and types of crimes committed by illegal

[10] The racial classifications used are White, Black, American Indian or Alaskan Native, and Asian or Pacific Islander.

[11] The UCR reports two broad categories under which everything else is divided, Violent Crime and Property Crime. For 2005 through 2008 the numbers of violent crimes in the U.S. were 1,390,745, 1,418,043, 1,408,337 and 1,382,012 out of a total U.S. population of 296,507,061, 299,398,484, 301,621,157 and 304,059,724, respectively. The numbers of property crimes for 2005-2008 were 10,174,754, 9,983,568, 9,843,481 and 9,767,915 with the same U.S. population totals. This yielded crime rates for years 2005-2008 of .4690%, .4736%, .4669% and .4545% for violent crimes and 3.4315%, 3.3345%, 3.2635% and 3.2125% for property crimes, respectively, for totals of 3.9005%, 3.8081%, 3.7304% and 3.6670% overall. These annual percentages added together and divided by four yield an average crime rate for the period 2005-2008, including property and violent crimes, of 3.7765%. It should be remembered that since the UCR does not distinguish with regard to immigration status, illegal immigrants are subsumed within these overall figures.

immigrants necessitated the location and use of other reliable sources from which the number and types of crimes could be ascertained with adequate reliability. Since the commission and conviction of a crime often results in incarceration, records involving the rates of incarceration of illegal immigrants was sought and located as a reliable source from which to extrapolate crimes committed.[12] The Government Accountability Office (GAO) has twice published Criminal Alien Statistics with regard to incarceration of illegal immigrants in Federal prison and State and local prisons and jails, in 2005 and 2011.[13]

The GAO's Criminal Alien Statistics covered incarcerations for years 2003 through 2009. However, inexplicably the Department of Homeland Security did not provide population statistics on the number of illegal aliens present in the U.S. for 2001 through 2004. Since this was considered a necessary factor for providing context, the years 2003 and 2004 were necessarily eliminated from the findings presented in the thesis. Although raw data for 2009 SCAAP incarcerations were provided, the statistical model utilized by the GAO contained only four years, from July 1, 2004 through June 30, 2008. In light of

[12] Using incarceration as a means of determining the number of crimes committed by illegal immigrants is not without its problems. First, not all crimes are solved and often the perpetrator, regardless of immigration status, is never found. Even then, guilt must be established beyond a reasonable doubt and it is possible that no one is ever convicted of a particular crime. Beyond this, even with a conviction, there remains the possibility that the offender will be sentenced to house arrest, probation, restitution, etc. rather than incarceration. Therefore, the rate of incarcerations alone would likely understate the rate of actual criminality of those incarcerated, including illegal immigrants.

[13] In addition to the data on illegal aliens in federal prison from the Bureau of Prisons (BOP), the GAO used statistics from the State Criminal Alien Assistance Program (SCAAP) to count illegal aliens in State prisons and local jails. SCAAP is a program wherein federal dollars are paid to States to cover a portion of the cost of incarcerating criminal aliens. Since SCAAP does not reimburse for criminal aliens with lawful immigration status, all such State and local figures only apply to persons with illegal immigration status in State and local prisons and are, therefore, useful in gauging the number of criminal aliens and crimes committed by them. However, the SCAAP figures likely understate the total number of illegal aliens incarcerated in State and local prisons since reimbursement is not provided on all illegal alien prisoners. To be eligible for funds under the SCAAP program the criminal alien must have at least one felony or two misdemeanor convictions. Therefore, for example, incarceration in Mississippi for a single theft of $499.99 would be petit larceny, a misdemeanor under MCA 97-17-43, and not eligible for or included in the SCAAP count. That the data understates the likely number of criminal aliens in State and local custody is conceded by GAO in its statement "The data we obtained represent a portion of the total population of criminal aliens who may be incarcerated at the state and local levels, since by statute SCAAP does not reimburse states and localities for certain criminal aliens…" GAO-11-187 App. I.

all of the foregoing, only data from years 2005, 2006, 2007 and 2008 was analyzed. In 2005 there were 233,803 SCAAP prisoners and in 2008 the number had risen to 294,218 as shown on Figure 3 from the 2011 GAO survey. This is an increase of over twenty-five percent, or over six percent per year on average. It was reported that there were actually 460,000 SCAAP prisoners during this four year period. On the contrary, there was very little movement in the number of aliens in Federal prison during this time, from 50,991 in 2005 to only 51,805 in 2008, or just over a one percent increase per year. The number of Federal as well as State and local SCAAP inmates can be seen in Figures 1 and 3 from the GAO survey, renumbered herein as Figures 1 and 2, respectively (Criminal Alien Statistic, 2011, March, pp.7,10).

Figure 1

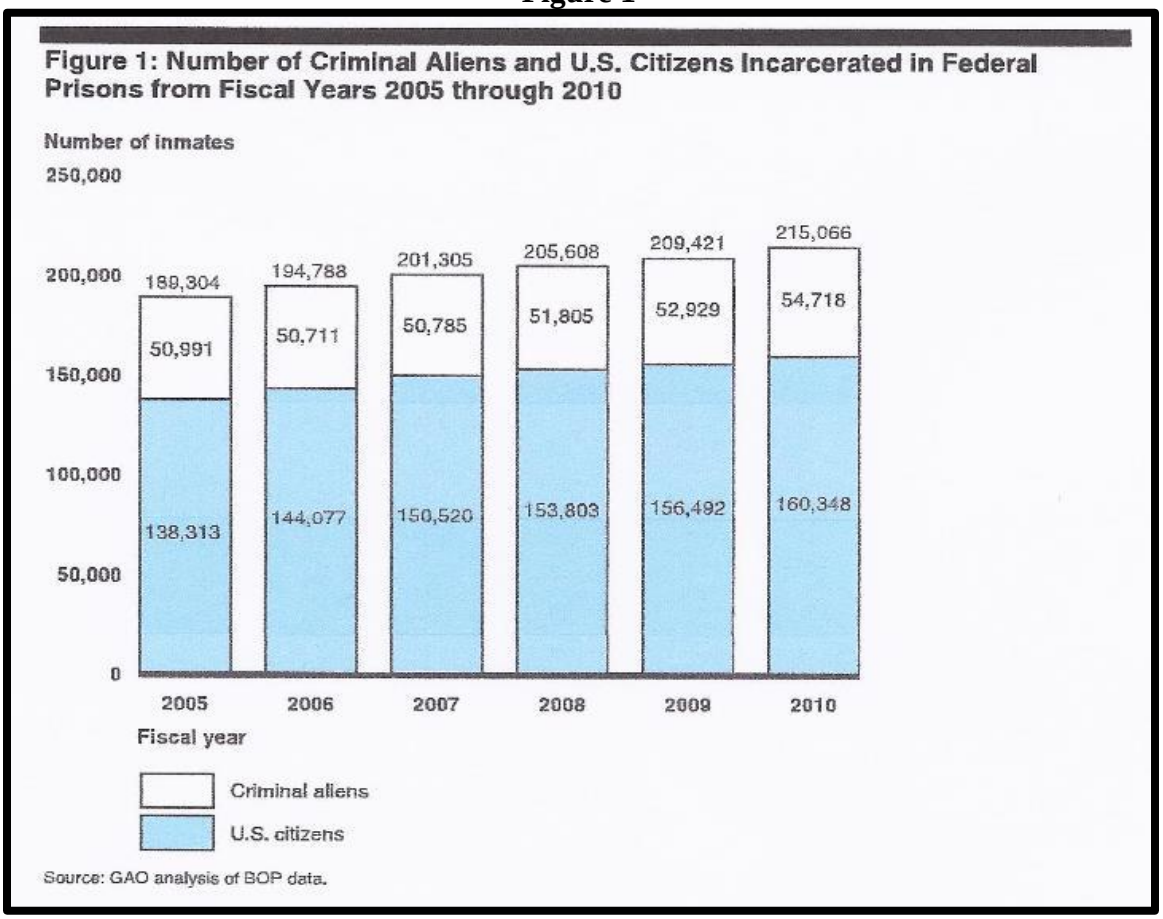
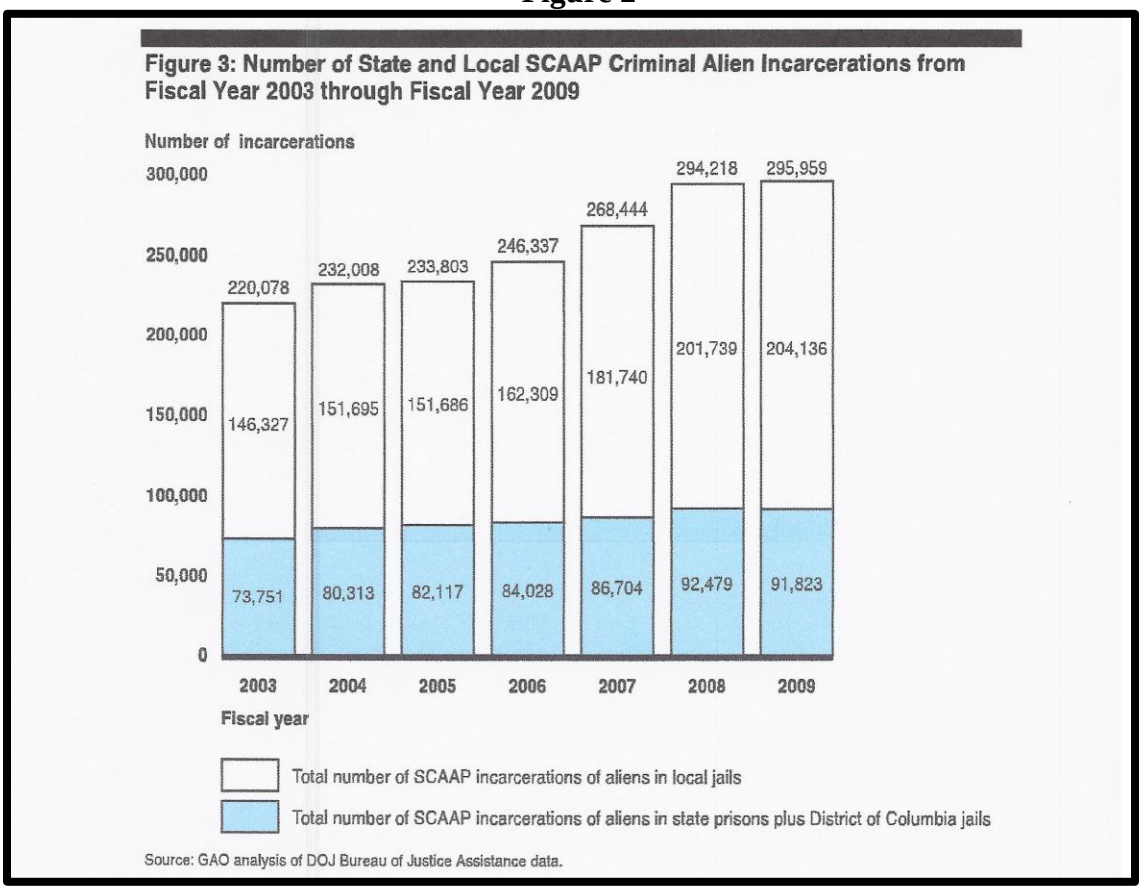


Figure 2



As noted above, with regard to the number of SCAAP illegal aliens who were convicted of and incarcerated for crimes between 2005 and 2008 there were 460,000, all of whom were illegal immigrants. Of the 51,805 Federal criminal alien prisoners, sixty-five percent or 33,673 were convicted of a violation of immigration laws, for a total of 493,673 illegal immigrants who violated criminal laws and were incarcerated. (As noted previously by footnote(s), however, incarceration rates clearly and inevitably understate rather than overstate the number of inmate offenders.) This number can be compared with the total illegal immigrant population during 2005 to 2008. The total number of illegal immigrants present in the United States was 10.5 million, 11.3 million, 11.8 million and 11.6 million for years 2005 through 2008, respectively (Hoefer, et al., 2012, p. 3). This data is derived from monthly surveys produced in the American Community Survey (ACS)

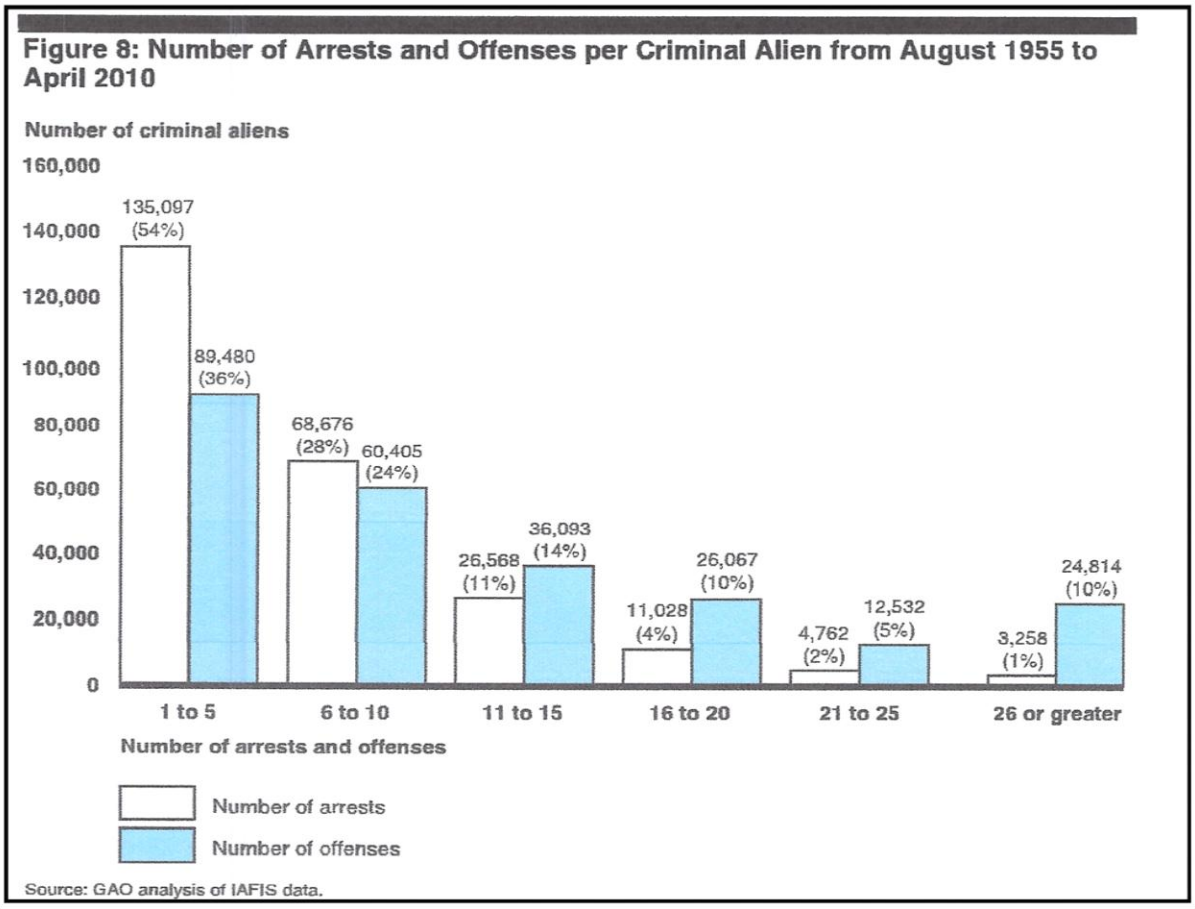
taken by the U. S. Census Bureau which samples about 3,000,000 households annually (Hoefer, et al., 2011, p. 2). The ACS figures above of between 10.5 and 11.8 million illegal immigrants present in the United States, with a ninety percent (90%) level of confidence, are reportedly within plus or minus only about 150,000 (Hoefer, et al., 2012, p. 3; Hoefer, et al., 2010, p. 2). The ACS data yields an average of 11.3 million illegal immigrants present during this four year time period of 2005 to 2008. The 493,673 convicted and incarcerated illegal immigrants amount to about 4.3% of the total illegal immigrant population in the United States during this time period. This 4.3% is above the overall average rate of criminality in the U.S. during this same period of 3.7765%.

It must be remembered that these figures represent the number of illegal immigrant perpetrators who are classified as criminals, that is, criminal aliens, rather than the number of criminal offenses reportedly committed by them. According to the GAO statistics, the average criminal alien was responsible for multiple offenses and had multiple arrests. As noted in a previous footnote, SCAAP eligibility requirements require at least one felony or multiple misdemeanors in order to be included in the program (and, therefore, contained in the 492,673 GAO tally). The GAO survey provides figures with respect to the number of arrests and the number of crimes represented by these criminal alien inmates. It was found that, on average, there were seven arrests and twelve offenses per criminal alien.[14]

[14] The methodology used by the GAO is described in the document itself. To determine status and nationality of criminal aliens, Bureau of Prisons data was reviewed on federal inmates and SCAAP data was used on State and local inmates. The data does not include inmates for whom citizenship is unknown. There were 49,000 criminal aliens in Federal prisons on December 31, 2008 and 460,000 SCAAP inmates in State and local prisons. Of these 509,000 only 48,000 Federal and 203,000 SCAAP prisoners had an FBI identification number which would allow their criminal records to be obtained. The criminal files on those 251,000 were obtained and 1,000 were selected at random for the study. Since 5 of the 1,000 sampled were out of scope, 995 were actually sampled and the 251,000 figure was statistically lowered to 249,000. There was nothing to indicate that the sampling obtained on these 251,000 were not representative of the entire 509,000. With regard to criminal offenses, from a population of 249,000 there was a random sampling of 995 inmates files. For the estimated number of total arrests and total offenses there is a margin of error reported of no more than plus or minus three percent with 95% confidence. GAO-11-187 App. I

An actual breakdown of the number of crimes per illegal alien was provided by the GAO under its Figure 8 which follows hereafter, but which has been re-designated as Figure 3 herein to avoid any confusion. (Criminal Alien Statistic, 2011, March, p. 18).

Figure 3

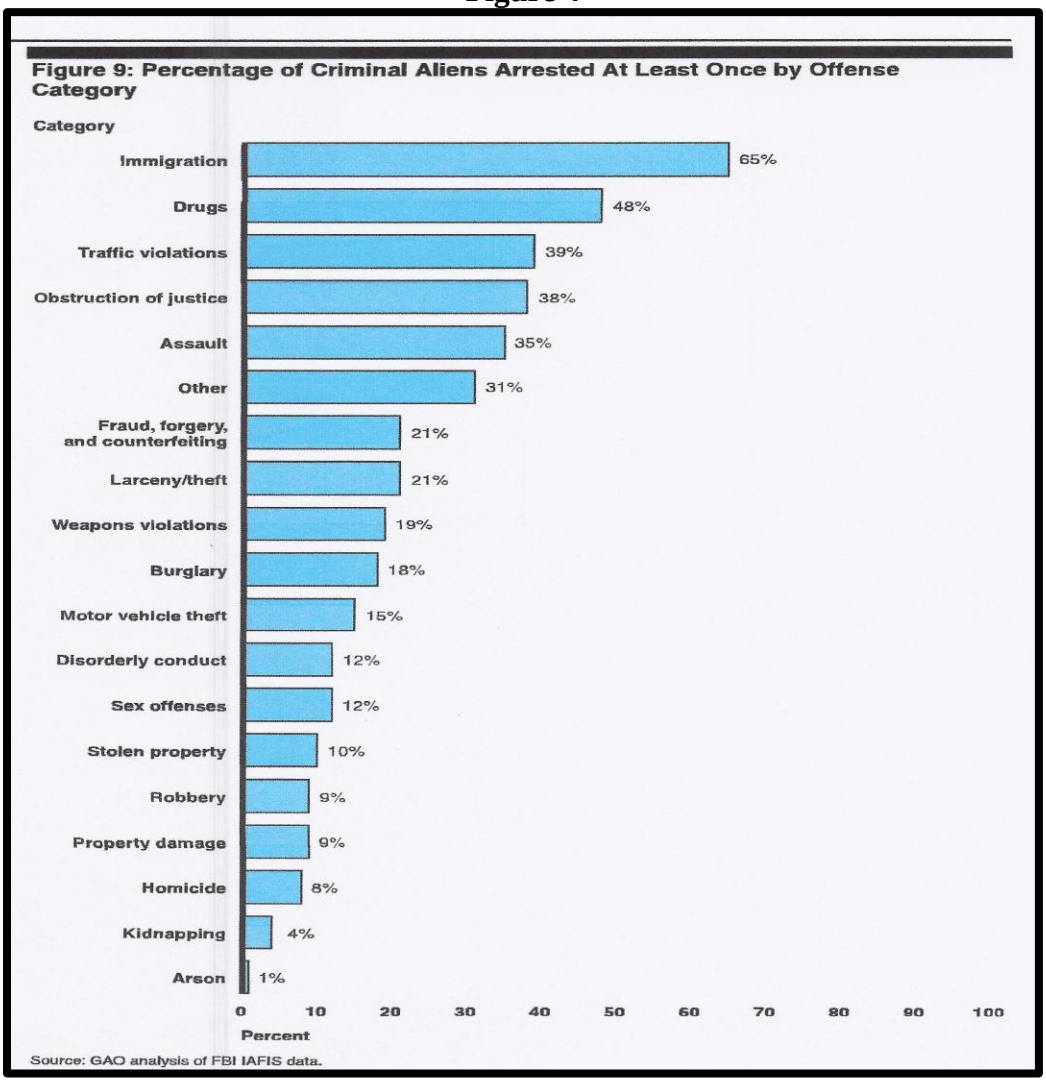


Therefore, to arrive at the number of crimes committed, the number of incarcerated illegal aliens would need to be multiplied by twelve on average according to the GAO. Therefore, extrapolating from these figures for 2005-2008 the number of crimes in the United States attributable to incarcerated illegal aliens would total between 5,746,354 and 6,101,798 using the three percent margin of error associated with the study.[15]

[15] As noted, there was nothing in the study to suggest that the presence or absence of an FBI identification number indicated any varying degree of criminality among inmates. Rather, the FBI identification number simply allowed for access to the inmates' files for review. With the review of the files of 251,000 of the

The types of crimes committed by these criminal aliens were also numerous. As might be expected, sixty-five percent were charged with a violation of immigration law. The next largest category of offense involved drug offenses and forty-eight percent of the criminal aliens were arrested for drug violations. Of the various categories of violent

Figure 4



crimes, such as assault, weapons violations, homicide, arson, kidnapping and sex offenses, seventy-nine percent of the criminal aliens arrested were charged with one or more of these offenses. This can readily be seen in GAO Figure 9 which is reproduced (but

509,000 as well as a random sampling, there is nothing to suggest that the 251,000 reviewed were somehow statistically different from the other 258,000.

re-designated as Figure 4) herein for reference (Criminal Alien Statistics, 2011, March, p. 20).

Besides incarcerations, a large number of illegal immigrants with criminal charges against them or criminal convictions were removed from the United States in lieu of being imprisoned between 2005 and 2008. However, in any given year there is unlikely any overlap between the two sets of crimes, those reported under the GAO Criminal Alien Statistics incarceration-criminal-data and the DHS data involving illegals who were removed from the United States by immigration officials, since one was either imprisoned or removed. Still, although there was little movement in the number of Federal criminal aliens between 2005 and 2008, there were 460,000 SCAAP inmates during this time period; however, in 2008 there were only 294,218 of them still incarcerated. Therefore, the presence of 165,782 illegal alien inmates is unaccounted for. In keeping with the methodology of being fair and accurate, that is, to provide the most accurate figures available, the statistical range for the various alternatives will be explored.

At the two extremes is the possibility that all of the 165,782 were removed through immigration proceedings or, alternatively, none were, although quite possibly some but not all may have been removed. In other words, it is possible that the missing 165,782 were simply released upon completion of their sentences out into the community like other inmates and none were removed. Alternatively, it is possible that all of these missing 165,782 ended up in removal proceedings, or it is just as possible that some but not all were removed. The first of the two possibilities would mean that none (0%) the illegal aliens ended up in removal proceedings versus possibility two, that100% of these 165,782 were

included in criminal removals between 2005 and 2008.[16] The significance between these two possibilities, upon examination, becomes apparent.

Removals are broken down into Noncriminal and Criminal with the former only involving unauthorized presence and the latter other criminal violations.[17] According to the Yearbook of Immigration Statistics published by the Department of Homeland Security (DHS), in 2005 there were 92,221 criminal removals of aliens, in 2006 it was 98,490, while in 2007 the figure jumped to 102,394 and in 2008 it reached 105,266. This can be seen in the table reproduced from the DHS figures designated as Figure 5 herein. This is an increase of over fourteen percent and a total of 398,371 criminal removals between 2005 and 2008. Subtracting the unaccounted for 165,782 SCAAP prisoners and assuming that one hundred percent were criminal removals, there is still an additional 232,589 removed illegal immigrants based upon criminality. Adding this 232,589 to the incarcerated 493,673 illegal aliens yields a total of 726,262 out of an average illegal alien population during this time of 11.3 million. This amounts to an established rate of criminality of over six and four tenths percent (6.4%) of the illegal immigrant population. At the other end

[16] The Criminal Alien Program (CAP) is responsible for identifying and removing criminal aliens incarcerated in Federal, State and local prisons but its efficacy and methodology for selection are unknown. ("Immigration Enforcement Actions: 2008", 2009 p 4). Since some incarcerated illegal aliens do and others do not fall within the SCAAP numbers it is impossible to know how many CAP removals were made from the 2005-2008 SCAAP reported incarcerations, if any. If none of this group ended up in immigration removals then all of the criminal removals represent additional crimes for which illegal immigrants were implicated, whereas if one hundred percent ended up in removal proceedings then the total number of criminal removals between 2005 and 2008 needs to be reduced by 165,782 as duplication. Since the data is not clear on this point, both sets of numbers will be calculated so as to provide a range, with the low deducting all 165,782 as duplication and the high subtracting nothing.

[17] Removals are the compulsory and confirmed movement of an inadmissible or deportable alien out of the United States based upon an order of removal. A criminal removal refers to persons removed based on a criminal charge or those with a criminal conviction. An order of removal is one of the possible outcomes that occurs following a removal hearing before the court. The decisions of immigration judges, including an order of removal, can then be appealed to the Board of Immigration Appeals. Therefore, there is "due process" afforded to the illegal immigrant who is accused of a criminal violation and a reasonable degree of certainty with regard to the factual foundations underpinning the allegations of criminal conduct. Dept. of Homeland Security Immigration Enforcement Actions 2011Annual Report; 2007 Yearbook of Immigration Statistics.

of the range of possibilities, if one were to assume that none of the unaccounted for 165,782 SCAAP prisoners ended up as criminal removals, the entire 398,371 criminal removals between 2005 and 2008 would to be added to the incarcerated 493,673 illegal immigrants. This would yield a total of 892,044 criminal illegal immigrants between 2005 and 2008 out of a total of 11.3 million, or seven and eighty-nine hundredths percent (7.89%) of the total illegal immigrant population. Both the possible low rate of criminality of 6.4% and the high of 7.89% among the illegal immigrant population appear statistically significant when compared to the overall rate of criminality in the U.S. of just at 3.7765% during this same time period into which the illegal immigrant population and crime rates were subsumed. It should be remembered as previously noted that 4.3% of both the 6.4% and 7.89% figures are from actual incarceration data, leaving 2.1% and 3.59%, respectively, from criminal removals.

Again, this is the number of criminal offenders but not the number of arrests and offenses attributable to each offender. Similar to the statistics with regard to incarcerated illegal immigrants of seven arrests and twelve offenses per inmate on average are the available statistics with regard to criminal removals. Although outside of the 2005-2008 window, the Bureau of Justice Statistics' Special Report on Immigration Offenders in the Federal Criminal Justice System, 2000 had similar findings. That report found that "More than two-thirds of the defendants charged with an immigration offense were identified as having been previously arrested. Thirty-six percent had been arrested on at least 5 prior occasions; 22%, 2 to 4 times; and 12%, 1 time…Sixty-one percent of those defendants had been convicted at least once; 18%, 5 or more times; 26%, 2 to 4 times; and 17%, 1 time…" The report continued by noting that "Fifty-six percent of those charged with a reentry

offense had previously been convicted of a violent or drug-related felony…" (Scalia & Litras, 2000, August, p. 4).

Consistent with the GAO Criminal Alien Statistics, dangerous drugs and immigration violations were the two primary crimes involving the removed aliens but in that order. Dangerous drugs amounted to over one third of the crimes reported.

Figure 5

Aliens Removed by Criminal Status and Region and Country of Nationality: Fiscal Years: 2002-2011

Country of Nationality	2011		2010		2009		2008		2007	
	Total	Criminal	Total	Criminal	Total	Criminal	Total	Criminal	Total	Criminal
Total	391,953	188,382	385,100	169,656	393,457	131,837	359,795	105,266	319,382	102,394
Mexico	293,966	144,745	275,831	128,396	278,568	99,616	77,531	169,732	208,996	76,967
Guatemala	30,313	11,700	29,736	9,432	29,652	6,547	27,527	5,138	25,898	3,917
Honduras	21,963	10,801	25,131	10,420	27,290	6,998	28,885	5,476	29,737	5,236
El Salvador	17,308	8,486	20,361	8,368	20,849	6,344	20,050	5,558	20,045	4,949
Brazil	3,012	541	3,535	487	3,726	388	3,836	368	4,210	352
Ecuador	1,699	700	2,386	692	2,383	602	2,330	532	1,564	392
Canada	1,289	412	1,345	457	1,329	418	1,302	347	1,263	411
Colombia	1,857	1,037	2,409	1,241	2,720	1,124	2,590	1,081	2,993	1,191
Nicaragua	1,495	694	1,906	804	2,175	620	2,257	533	2,307	508
China, People's Republic	987	214	1,068	166	970	135	877	188	864	97
All other countries, including unknown	18,064	9,012	21,392	9,193	23,795	9,045	230	32	92	14

Country of Nationality	2006		2005		2004		2003		2002	
	Total	Criminal	Total	Criminal	Total	Criminal	Total	Criminal	Total	Criminal
Total	280,974	98,490	246,431	92,221	240,685	92,380	211,098	83,731	165,168	73,429
Mexico	186,726	73,171	169,031	70,779	175,865	71,570	155,812	66,102	122,058	57,926
Guatemala	20,527	3,850	14,522	2,143	9,729	2,176	7,726	1,731	5,396	1,344
Honduras	27,060	5,752	15,572	2,704	8,752	2,544	8,182	2,036	4,946	1,502
El Salvador	11,050	3,850	8,305	2,827	7,269	2,805	5,561	2,115	4,066	1,771
Brazil	4,217	583	7,097	1,431	6,390	761	4,046	219	2,623	131
Ecuador	1,750	470	1,490	393	1,116	307	722	195	729	166
Canada	1,413	423	1,561	462	1,497	520	1,001	449	1,075	545
Colombia	2,788	1,307	2,594	1,367	2,725	1,456	2,386	1,346	2,306	1,473
Nicaragua	2,446	592	1,292	356	917	401	820	323	468	248
China, People's Republic	1,362	132	1,252	147	1,225	144	998	138	679	126
All other countries, including unknown	131	18	135	12	147	23	69	16	72	9

Source: Department of Homeland Security, Office of Immigration Statistics 2011 Yearbook of Immigration Statistics Table 4
Department of Homeland Security, Office of Immigration Statistics 2007 Yearbook of Immigration Statistics Table 52

Recidivism aside, the six and four tenths percent (6.4%) and seven and eighty-nine hundredths percent (7.89%) rates of criminality among illegal immigrants can be compared to the overall rate among those in the U.S. of 3.7765%. As noted, the rate of criminality among the general population in the United States during this same time period was 3.7765% (Uniform Crime Reporting Statistics, 2009, September). It therefore, appears that the rate of criminality among illegal immigrants as a subgroup of the overall population is approximately one and one half times to double the rate of the general population within the United States. Even using the rate of criminality based strictly upon incarcerations alone of 4.3%, the rate of criminality is about 14% higher than the overall rate in the U.S. It also must be remembered that the rate of criminality is likely understated rather than overstated with respect to incarcerations in a number of respects. These include the fact that, notwithstanding conviction, the perpetrators may be sentenced to fines, restitution or other measures instead of incarceration. Also, with respect to the specific data, the SCAAP program parameters disqualify certain convicted illegal aliens from inclusion, such as those with only one misdemeanor conviction. Therefore, the GAO data likely undercounts illegal immigrants in State and local custody as the GAO readily acknowledged.

Chapter Five: Conclusion

No direct reporting of the number of crimes committed by illegal immigrants exists on a national level. If this thesis were to take the position of policy advocate it would only be with regard to the need for accurate collection and public reporting of this data. Due to the absence of this data, incarcerations in Federal, State and local prisons for the years 2005-2008, along with criminal removals through the immigration process during this same time period, were used as an indirect measure. Based upon figures provided by the Government Accountability Office (GAO) study, there were 493,673 illegal immigrants incarcerated for crimes between 2005 and 2008. However, this figure is probably low due to eligibility factors under the State Criminal Alien Assistance Program (SCAAP) since incarcerated illegal immigrants ineligible for reimbursement were not counted, as the GAO conceded in its report. In other words, admittedly not every illegal immigrant who is a convicted criminal in State and local custody qualifies for the SCAAP reimbursement program. Therefore, some incarcerated illegal immigrants were simply not counted as explained more fully under footnote 13 herein.

With respect to the raw data on the number of crimes, as reported in the Uniform Crime Reporting Statistics (UCR) there were a total of 45,368,855 crimes that occurred in the United States for the period 2005 through 2008 (as further expounded upon in footnote 11 herein). The above 493,673 illegal immigrants in custody were responsible for an average of twelve offenses each, or between 5,746,354 and 6,101,798 total crimes applying the plus or minus three percent margin of error in the GAO study. This is equivalent to between 12.665% and 13.449% of the total number of UCR crimes. According to the U.S. Census Bureau the total population in the U.S. for years 2005 through 2008 was

296,507,061, 299,398,484, 301,621,157 and 304,059,724, respectively, while the illegal immigrant population was 10.5 million, 11.3 million, 11.8 million and 11.6 million, respectively. These figures were derived from the U. S. Census Bureau's American Community Survey (ACS) since an actual census only occurs once in ten years. The ACS occurs monthly and involves about 3,000,000 households. The ACS figures on the number of illegal aliens present, with a ninety percent level of confidence, are reportedly within plus or minus only about 150,000. (Hoefer, et al., 2012, p 3; Hoefer, et al., 2010, p. 2).

Besides incarcerations the number of Department of Homeland Security (DHS) criminal removals of illegal immigrants during this same 2005-2008 time period totaled 398,371. There were, however, 165,782 illegal immigrant inmates in the GAO study who were jailed between 2005 and 2008 but no longer incarcerated in 2008, and if all were removed through the immigration process then the 398,371 figure needs to be reduced by 165,782 as duplicative. If, however, the 165,782 were simply released onto the street upon completing their sentences like other criminal inmates then no reduction of the 398,371 figure was called for. Although the Criminal Alien Program (CAP) is responsible for identifying and removing criminal aliens incarcerated in Federal, State and local prisons, its efficacy and methodology for removals are unknown. Since some incarcerated illegal aliens do and others do not fall within SCAAP numbers it is impossible to know how many CAP removals were from the SCAAP reported incarcerations under the GAO study, if any. Therefore, both extreme possibilities, zero percent and one hundred percent removal of the 165,782, were calculated to derive a high-low range since there was no data available to be able to ascertain exactly how many, if any, of those incarcerated

were thereafter removed though the immigration process rather than being released.

First, the 398,371 criminal removals were added to the 493,673 incarcerated for a total of 892,044,[18] and divided by the reported 11.3 million illegal immigrant population figures separately reported by DHS[19] to yield a "high" rate of criminality of 7.89%. Then, the 165,782 was subtracted from the 398,371 criminal removals and the difference added to the 493,673 incarcerated for a total of 726,262, and divided by the reported 11.3 million illegal immigrant population to yield a "low" rate of criminality of 6.4%. These both included the 4.3% rate of criminality based strictly upon actual reported numbers of incarcerated illegal criminal aliens. These rates, the 7.89% high and 6.4% low, were compared to the overall rate of criminality of those in the United States of 3.7765% during this same time period as reported in the Uniform Criminal Reporting Statistics (UCR).

With respect to the raw data on the number of crimes reportedly committed by the criminal aliens removed in immigration proceedings, there is no data available for 2005 through 2008 that could be located. The U. S. Department of Justice Bureau of Justice Statistics (BJS) provided statistics on crimes for years 2000 and 2010 with respect to immigration removals, but nothing in between. The "Immigration Offenders in the Federal Justice System, 2010" report showed that there was an average of six offenses per defendant appearing in Federal District Court, however, it will not be used since it falls

[18] It is to be remembered that these are the number of individual illegal immigrant offenders rather than the number of crimes and offenses attributable to them. In both the GAO and DHS data there were on average multiple crimes and offenses per alien offender. In counting the percentage of criminality among the illegal immigrant population, using the three percent margin of error of the underlying data the "high range" would go as low as 7.65% and as high as a 8.13% rate of criminality with 7.89% as the mean. The "low range" of criminality using this same margin of error would range between 6.23% and 6.61% with 6.4% as the mean. Even using the low range and with the benefit of the margin of error, the 6.23% rate of illegal alien criminality among its reported population would be, as compared to the general rate of criminality in the U.S. as provided under the UCR of 3.7765%, in excess of one and one half times (1.6496) the rate in the overall population. Using the high range plus the margin of error would yield a rate of criminality among illegal immigrants of over double the overall criminality rate in the U.S. (2.1527), either of which is statistically significant.

[19] See pages 24-25 infra.

outside of the 2005-2008 window. (Motivans, 2012, p 26). Notwithstanding this, the actual crimes which led to the removals during this period, which equates with at least one per removed alien in the removal process, equates with another 232,589 to 398,371 crimes attributable to illegal aliens during this period, depending upon whether or not the 165,782 is subtracted as duplicative. Using both figures, these added crimes change the percent of total crimes attributable to illegal aliens from the high-low range of 12.665% to 13.178% reported on page 34 herein to the equivalent of between 13.178% and 14.327% of the total UCR crimes between 2005 and 2008. In other words, counting the number of crimes attributable to illegal immigrants for the numerator and using the total number of UCR crimes in the U.S. as a denominator, illegal aliens were responsible for the equivalent of a low of 13.178% to a high of 14.327% of the total crimes. In order for illegal immigrants to be within the 3.7765% average rate of criminality in the U.S. as reported in the UCR and considering the total number of crimes attributable to them under the GAO and DHS figures, the illegal immigrant population would have to be over 40,000,000 rather than the ACS estimated 11,300,000.

As to the question of statistical significance, it has been said that "Researchers treat the reporting of statistical significance in many different ways…some also use the phrase marginally significant…You're the boss, if it's your own data being analyzed or if you are reviewing someone else's…If (it)…is 'good enough,' then it is. Whether outside reviewers agree is a source of great debate…" (Salkind, 2011, p 171). With respect to the figures, this thesis followed the legal presumption that everyone is presumed innocent until proven guilty and preferred to err on the side of undercounting rather than overestimating and provided a high-low range to the extent possible. In other words, although a number of

factors suggested that the rate of criminality among illegal immigrants was actually higher, such as the GAO SCAAP figures which did not count illegal alien inmates ineligible for reimbursement, this thesis preferred undercounting criminality by illegal immigrants due to the presumption of innocence. In this vein, the GAO and DHS figures on the number of incarcerations and removals are actual and, therefore, approaching 100% in reliability. The GAO estimates of the number of crimes per inmate are reportedly accurate to within plus or minus three percent with a ninety-five percent confidence level. The ACS total number of illegal immigrants present in the U.S. and total U.S. population figures, which are used as denominators, are accurate with a ninety percent confidence level within a margin of only about plus or minus one percent.

Since the GAO and DHS figures on incarcerations and removals are actual and since the GAO plus-or-minus-three-percent on crimes committed were dealt with by developing a high-low range of total possibilities, only the ACS figures remain to be dealt with. Again, the ACS reported figures on the number of illegal immigrants present of just over 11,000,000 has a margin of error of only about plus or minus 150,000, or just over one percent with a ninety percent confidence level. Undercounting aside for the moment, based upon the underlying data the numbers and percentages presented herein are accurate to within plus or minus two percent with a ninety percent level of confidence. Since all factors point to undercounting it can be said that the incidence of criminality among illegal immigrants is at least as high as is reported herein within plus or minus under two percent and a confidence level of ninety percent. To use the phrase from Mr. Salkind quoted above, this is "good enough," especially considering the gaps in reliable data.

Based upon the statistics, which admittedly by all accounts probably understated

rather than overstated criminality by illegal immigrants, the confirmed rate of criminal perpetrators was statistically significant. When compared to the general populace in the United States, including the illegal immigrants that were subsumed into the larger U. S. census population, illegal alien criminality ranged between a low of over one and one half times (1.6496) to a high of over double (2.1527) the general rate of criminality in the United States. Over six million crimes were attributable to incarcerated and removed illegal aliens that were studied. Given this result, it is clear that illegal immigration had a significantly negative effect upon crime in the United States for the only period in which a reliable data model could be constructed, 2005 through 2008. No findings could be developed for other years based upon the extremely limited nature of the available data and no objective findings or opinions can or will be offered outside of these years.

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