Policy Analysis

Illegal Immigrant Incarceration Rates, 2010–2018

Demographics and Policy Implications

By Michelangelo Landgrave and Alex Nowrasteh

EXECUTIVE SUMMARY

President Trump has prioritized the arrest and deportation of illegal immigrants based largely on his argument that they are a significant and disproportionate source of crime in the United States. But is his argument supported by the facts? Illegal immigration and the crimes illegal immigrants commit are notoriously difficult to measure. This policy analysis is the latest paper in a series that attempts to answer that question by estimating illegal immigrant incarceration rates in the United States by using the American Community Survey Public Use Microdata Sample from the U.S. Census. This analysis goes beyond previous studies in the series as it updates our residual estimation method based on new research authored by University of California, Riverside, doctoral candidate

Christian Gunadi and published in *Oxford Economic Papers*. Furthermore, we apply the updated methods to estimate the illegal immigrant incarceration rates in earlier years. Gunadi's new methods slightly increased the illegal immigrant crime rate relative to that of native-born Americans, but the illegal immigrant crime rate is still much lower than for that of native-born Americans. The states and federal government should collect better incarceration, conviction, and arrest data by immigration status so that we can more accurately understand how immigrants affect crime in the United States. Our estimates show that immigrants are less likely to be incarcerated than native-born Americans relative to their share of the population. Separately, legal immigrants and illegal immigrants each are less likely to be incarcerated than native-born Americans.

Michelangelo Landgrave is a political science doctoral candidate at the University of California, Riverside. Alex Nowrasteh is the director of immigration studies at the Cato Institute's Center for Global Liberty and Prosperity.

"This analysis goes beyond previous studies in the series as it updates our residual estimation method based on new research."

INTRODUCTION

President Trump has prioritized the arrest and deportation of illegal immigrants based largely on the perception that they are a significant and disproportionate source of crime in the United States.[1] According to a recent poll by the Public Religion Research Institute, 38 percent of Americans believe that immigrants increase crime in local communities; there's little doubt that many of the responders are specifically thinking of illegal immigrants when they answer affirmatively.[2] Is this perception accurate? This policy analysis is the latest paper in a series that attempts to answer that question by estimating illegal immigrant incarceration rates in the United States by using the American Community Survey (ACS) Public Use Microdata Sample (PUMS) from the U.S. Census. This analysis goes beyond previous studies in the series as it updates our residual estimation method based on new research authored by University of California, Riverside, doctoral candidate Christian Gunadi and published in *Oxford Economic Papers*.[3] We also apply the updated methods to estimate the illegal immigrant incarceration rates in earlier years. Gunadi's new methods slightly increased the illegal immigrant crime rate relative to that of native-born Americans, but the illegal immigrant crime rate is still much lower than it is for native-born Americans. The data show that all immigrants—legal and illegal—are less likely to be incarcerated than native-born Americans relative to their shares of the population. By themselves, illegal immigrants are less likely to be incarcerated than native-born Americans.

BACKGROUND

We published the first nationwide estimates of the incarcerated illegal immigrant population in 2017, followed quickly by updates in 2018 and 2019.[4] The 2017 brief analyzed incarceration rates for 2014, the 2018 brief analyzed incarceration rates for 2016, and the 2019 brief analyzed incarceration rates for 2017. The public interest in those briefs was so large that we updated the estimates using the most recent 2018 inmate data from the U.S. Census's ACS. Estimates of the total criminal immigrant population vary widely in other sources and according to different measures, but the illegal immigrant incarceration rate is an important indicator of their criminality.[5]

Previous empirical studies of immigrant criminality generally find that immigrants do not increase local crime rates, are less likely to cause crime than their native-born peers, and are less likely to be incarcerated than native-born Americans.[6] Illegal immigrant incarceration rates are not well studied; however, Cato Institute research based on data from the Texas Department of Public Safety found that, as a percentage of their respective populations, illegal immigrants had a criminal conviction rate about half that of native-born Americans in Texas in 2015 and 2017.[7] Recent peer-reviewed empirical studies have found no link between violent crime and illegal immigration and a negative relationship between the number of illegal immigrants and most types of nonviolent crime.[8] Our estimate of a low illegal immigrant incarceration rate is consistent with other research that finds that increasing immigration enforcement and deporting more illegal immigrants does not reduce the crime rate, which would occur if illegal immigrants were more crime prone than natives.[9]

METHODOLOGY

This policy analysis uses ACS data to estimate the incarceration rate and other demographic characteristics for immigrants aged 18–54 in 2018. ACS inmate data are reliable as they are ordinarily collected by or under the supervision of correctional institution administrators; however, the quality of the data for the population that includes the incarcerated was not always as reliable. The response rate for the group quarters population—a subpopulation who live in facilities that are owned and managed by others, which includes prisoners incarcerated in correctional facilities—was low in the 2000 census.[10] Recognizing the problem with data collection from the group quarters

population, the Census Bureau substantially resolved it in the 2010 census and the ACS, making several tweaks over the years that have continually improved the size and quality of the group quarters sample.[11]

The ACS counts the incarcerated population by their nativity and naturalization status, but local and state governments rarely record whether prisoners are illegal immigrants.[12] As a result, we have to use common statistical methods to identify incarcerated illegal immigrant prisoners by excluding prisoners with characteristics that illegal immigrants are unlikely to have.[13] In other words, we can identify likely illegal immigrants by looking at prisoners with individual characteristics highly correlated with being an illegal immigrant.

We changed our methods for identifying illegal immigrants in this analysis. In earlier versions of this policy analysis, we identified an illegal immigrant as one who falls under these criteria: the immigrant must have entered the country after 1982 (the cutoff date for the 1986 Reagan amnesty); cannot have been in the military; cannot be receiving Social Security or Railroad Retirement Income; cannot have been covered by Veteran Affairs or Indian Health Services; is not a citizen of the United States; is not living in a household where somebody receives food stamps (unless the immigrant's child, who may be eligible for food stamps if a U.S. citizen, is living with the immigrant); is not from the Democratic Republic of the Congo or Syria; was aged 59 years or younger upon arrival; and is not of Puerto Rican or Cuban origin if classified as Hispanic. Further, we omitted lawfully present migrants on Temporary Protected Status (TPS) by identifying them based on their birthplace, year of migration, and citizenship status. We imputed likely TPS recipient status to individuals from El Salvador (year of arrival 2001 or earlier); Honduras (1998 or earlier); Nicaragua (1998 or earlier); Haiti (2011 or earlier); Nepal (2015 or earlier); Somalia (2012 or earlier); Sudan (2013 or earlier); South Sudan (2016 or earlier); Syria (2016 or earlier); and Yemen (2017 or earlier).[14] Despite our efforts to count TPS holders as legal immigrants in those earlier

briefs, some other legal immigrants whose answers were consistent with those given by illegal immigrants were counted as illegal immigrants despite their legal immigration statuses.

In this new analysis, we adjusted our identification method based on excellent recommendations by Christian Gunadi, which were published in a paper in *Oxford Economic Papers*.[15] Whereas earlier we imputed *illegal* immigrant status, Gunadi imputed *legal* immigrant status and identified those left over as illegal immigrants. His methods avoid the overestimation problem that we had in our earlier briefs and produce a more accurate result. Following Gunadi, we identified an immigrant as lawfully present if he or she met any of the following criteria: the immigrant arrived after 1980; is a U.S. citizen; received welfare benefits such as Social Security, Supplemental Security Income, Medicaid, Medicare, or military insurance; served in the Armed Forces; works for the government; resided in public housing or received rental subsidies or was the spouse of someone who resided in public housing or received rental subsidies; or was born in Cuba and has a spouse who is a legal immigrant or U.S. citizen. Gunadi also counted those who work in an occupation that requires some form of licensing as lawfully present, but the proliferation of licensing for illegal immigrants on the state level makes this step less useful, so we dropped it.[16] Otherwise, we used Gunadi's methods to identify legal immigrants and identified those who remained as likely to be illegal immigrants.

A limitation of the ACS data is that not all inmates in group quarters are in correctional facilities. Although most inmates in the public-use microdata version of the ACS are in correctional facilities, the data also include those in mental health and elderly care institutions and in institutions for people with disabilities.[17] These inclusions add ambiguity to our findings about the illegal immigrant population but not to our findings about the immigrant population as a whole, because the ACS releases macrodemographic snapshots of inmates in correctional facilities, which allows us to check our work.[18]

The above-mentioned ambiguity in illegal

> "Our estimate of a low illegal immigrant incarceration rate is consistent with other research."

> "Controlling for the size of the population is essential for comparing relative incarceration rates between the native-born, illegal immigrant, and legal immigrant subpopulations."

immigrant incarceration rates prompted us to narrow the age range to those who are aged 18–54. This range excludes most inmates in mental health and retirement facilities. Few prisoners are under age 18, many in mental health facilities are juveniles, and many of those over age 54 are in elderly care institutions. Additionally, few illegal immigrants are elderly, whereas those in elderly care institutions are typically over age 54.[19] As a result, narrowing the age range does not exclude many individuals from our analysis. We are more confident that our methods do not cut out many prisoners because winnowing the age range reduces their numbers in the 18–54 age range to about 4.5 percent above that of the ACS snapshot.[20] Natives in our results are those born as American citizens, and the group includes both those born in the United States and those born abroad to American parents.

Controlling for the size of the population is essential for comparing relative incarceration rates between the native-born, illegal immigrant, and legal immigrant subpopulations. Thus, we report the incarceration rate as the number of incarcerations per 100,000 members of that particular subpopulation, just as most government agencies do.[21]

INCARCERATIONS

An estimated 1,933,039 native-born Americans, 83,698 illegal immigrants, and 71,472 legal immigrants were incarcerated in 2018. The incarceration rate for native-born Americans was 1,477 per 100,000; 877 per 100,000 for illegal immigrants; and 380 per 100,000 for legal immigrants in 2018 (Figure 1). Illegal immigrants are 41 percent less likely to be incarcerated than native-born Americans. Legal immigrants are 74 percent less likely to be incarcerated than natives. If native-born Americans were incarcerated at the same rate as illegal immigrants, about 785,000 fewer natives would be incarcerated. Conversely, if natives were incarcerated at the same rate as legal immigrants, about 1.4 million fewer natives would be in adult correctional facilities.

The ACS data include illegal immigrants incarcerated for immigration offenses and those in Immigration and Customs Enforcement's (ICE) detention facilities.[22] They are not incarcerated for violent or property crimes but only for immigration violations. If we were to remove the 42,188 people in ICE detention facilities on any given day, that would lower the illegal immigrant incarceration rate to 435 per 100,000—just 15 percent above the incarceration rate for legal immigrants.[23]

Robustness Checks for Counting the Illegal Immigrant Population

Because our chosen ACS variables could have affected the number of illegal immigrants we identified in the data, we altered some of the variables to see whether the results significantly changed. First, we included illegal immigrants who lived in households

Figure 1

Incarceration rates by immigration status, ages 18–54
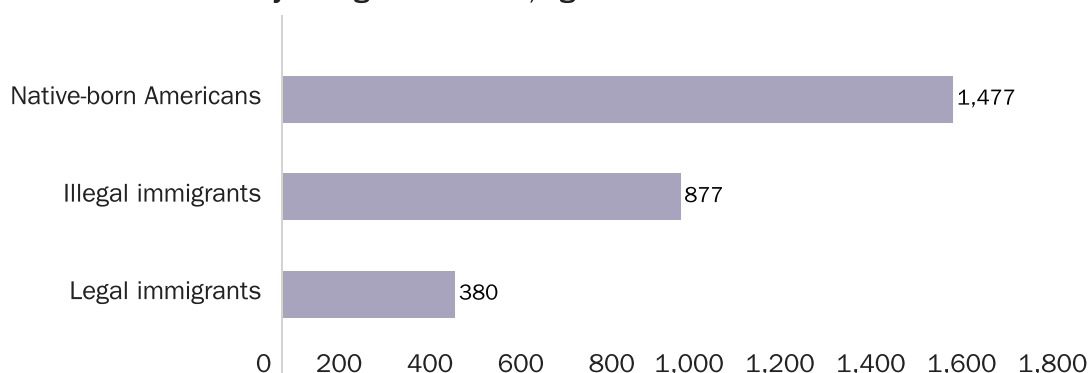
Source: Authors' analysis of the American Community Survey data.
Note: Rates are per 100,000 residents in each subpopulation.

with users of means-tested welfare benefits. Illegal immigrants do not have access to those benefits, but U.S. citizens and some lawful permanent residents in their households do. This adjustment increased the illegal immigrant incarceration rate to 1,002 per 100,000, decreased the legal immigrant incarceration rate to 255 per 100,000, and did not affect the native incarceration rate.

Our second robustness check excluded all immigrants who entered the United States after 2009. Immigrants on lawful permanent residency can apply for citizenship after five years, guaranteeing that most of the lawful permanent residents who are able to naturalize have done so, which decreases the pool of potential illegal immigrants in our sample. This robustness check shrinks the size of the nonincarcerated illegal immigrant subpopulation relative to those incarcerated and, thus, slightly raises the rate of illegal immigrant incarceration to about 1,061 per 100,000. These variable changes did not alter our results enough to undermine confidence in the findings.

ILLEGAL IMMIGRANT INCARCERATION RATES OVER TIME, 2010–2018

This policy analysis uses a slightly different method than earlier studies to identify illegal immigrants. As a result, we decided to apply our new methods to previous years to give a sense of how the illegal immigrant incarceration rate has changed over time (Figure 2). In every year, the illegal immigrant incarceration rate is between 26 percent and 41 percent below that of native-born Americans. In every year, the legal immigrant incarceration rate is between 66 percent and 75 percent below that of native-born Americans. Furthermore, the incarceration rate has declined for every group. From 2010 to 2018, the native-born incarceration rate fell by 7 percent, the legal immigrant incarceration rate fell by 22 percent, and the illegal immigrant incarceration rate fell by 15 percent.[24]

Subtracting the number of illegal immigrants in ICE detention so as to focus on more serious criminals who are likelier to pose an actual danger to public safety shows that the illegal immigrant incarceration rate is closer to that of legal immigrants in those years. From 2010 through 2018, illegal immigrants in ICE detention facilities accounted for 49–89 percent of the higher illegal immigrant incarceration rate *relative* to legal immigrants. In other words, the main difference between the legal and illegal immigrant incarceration rates is that illegal immigrants are more likely to be incarcerated for violating immigration law.

Compared to the earlier versions, our current analysis revises the illegal immigrant

> "The main difference between the legal and illegal immigrant incarceration rates is that illegal immigrants are more likely to be incarcerated for violating immigration law."

Figure 2

Incarceration rates by immigration status, 2010–2018, ages 18–54
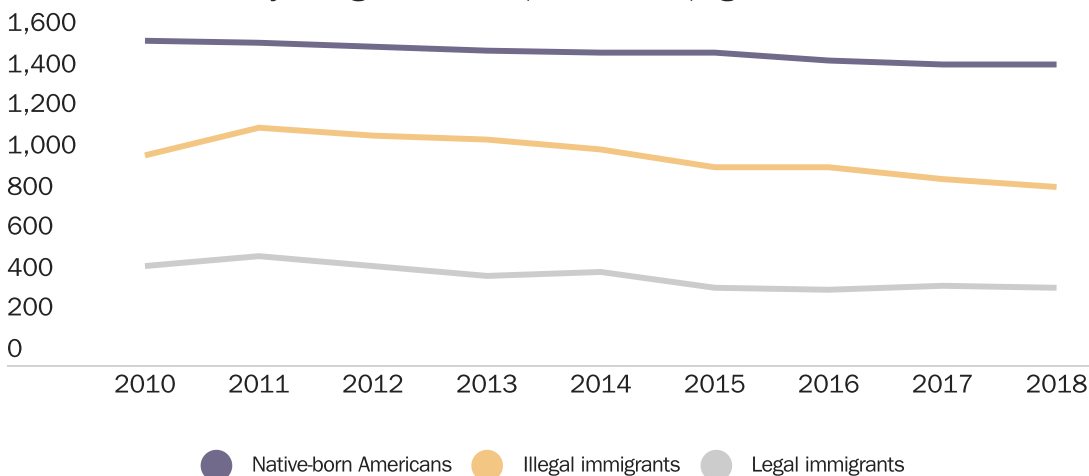
Source: Authors' analysis of the American Community Survey data.
Note: Rates are per 100,000 residents in each subpopulation.

> **"The incarceration rate for all illegal immigrants is lower than the incarceration rate for native-born white Americans."**

incarceration rate upward by 24 percent, 21 percent, and 20 percent for the years 2014, 2016, and 2017, respectively (Figure 3).[25] These new revised illegal immigrant incarceration rates are still well below those for native-born Americans. Figure 3 shows that the illegal immigrant incarceration rate in 2014, 2016, and 2017 was below that of native-born Americans by 31 percent, 36 percent, and 38 percent, respectively. That is a smaller difference than the 44 percent, 47 percent, and 49 percent that we reported in the previous respective years.

Demographic and Social Characteristics

Incarceration rates vary widely by race and ethnicity in the United States, even within each immigrant category (Table 1). By race and ethnicity, legal and illegal immigrants have a lower incarceration rate than native-born Americans of the same race or ethnicity. The incarceration rate for all illegal immigrants is lower than the incarceration rate for native-born white Americans.

Immigrants from certain parts of the world are more likely to be incarcerated than others (Table 2). Of all legal immigrants, those from other countries have the highest incarceration rate. The "other" category is composed of those individuals whose country of birth is unknown or those individuals who were born at sea. Again, illegal immigrants from other countries have the highest incarceration rate of any group, followed by those from Latin America, who are most likely to be incarcerated for immigration offenses and held in ICE detention facilities than immigrants from any other

Figure 3

Illegal immigrant incarceration rates by estimation method, ages 18–54
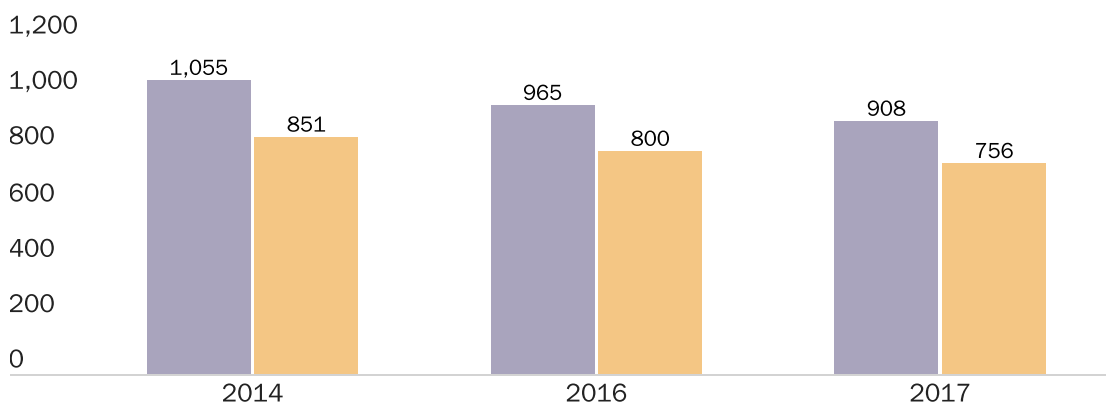
Source: Authors' analysis of the American Community Survey data.
Note: Rates are per 100,000 residents in each subpopulation.

Table 1

Incarceration rates by race, ethnicity, and immigration status, ages 18–54

	Native-born Americans	Legal immigrants	Illegal immigrants	All
White	917	179	477	887
Black	3,872	476	1,037	3,473
Asian	429	153	161	234
Hispanic (any race)	1,701	567	1,241	1,335
Other	2,206	594	1,104	2,046
All	1,477	380	877	1,311

Source: Authors' analysis of the American Community Survey data.
Note: Rates are per 100,000 residents in each subpopulation.

region of the world. Across all broad groups, those born in other countries have the highest incarceration rates followed by those born in the United States. About 73 percent of all immigrants in the United States come from the top 20 countries of origin for the foreign-born population.[26] Of those, illegal immigrants from Honduras and legal immigrants from Cuba have the highest incarceration rates (Table 3). The higher incarceration rates for illegal immigrants from Mexico, El Salvador, Guatemala, and Honduras are likely exacerbated by the significant number of them who are detained for immigration offenses.

The distribution of prisoners by their immigration status and region of origin shows that 6.16 percent of all prisoners are from Latin America, whereas 92 percent were born in the United States (Table 4).

About 88.1 percent of all prisoners are men, whereas only 11.9 percent are women (Table 5). Legal and illegal immigrant women make up a smaller proportion of their respective prisoner populations than native-born women, while men make up a higher proportion. The sex distribution of legal immigrant prisoners is far closer to that of native-born Americans than to that of illegal immigrants.

Prisoners in every subpopulation are less educated than their total subpopulation (Table 6). About 63.7 percent of all native-born adults, including those not incarcerated, have some college education or above, whereas 18.6 percent of native-born prisoners have the same level of education. A total of 23.6 percent of legal immigrant prisoners and 14.4 percent of illegal immigrant prisoners have some college education or above, percentages that are lower than the percentages of their subpopulations with the same level of education (53.9 percent and 42.8 percent, respectively).[27] Those in every immigration category who are highly educated tend to avoid incarceration.

Native-born Americans and illegal immigrants have higher incarceration rates when they are young (Table 7). The peak incarceration rate for native-born Americans and illegal immigrants is between ages 30 and 34. The legal immigrant incarceration rate peaks between ages 25 and 29.

The incarceration rates for legal and illegal immigrants generally increase with the

> **"The higher incarceration rates for illegal immigrants from Mexico, El Salvador, Guatemala, and Honduras are likely exacerbated by the significant number of them who are detained for immigration offenses."**

Table 2

Incarceration rates by region of birth, ages 18–54

Region of birth	Native-born Americans	Legal immigrants	Illegal immigrants	All
United States	1,489	N/A	N/A	1,489
Other North America	478	403	692	482
Latin America	791	548	1,261	820
Europe	632	242	304	339
East Asia	595	186	255	229
Indian Subcontinent	667	105	93	109
Middle East	1,026	77	489	245
Other Asia	-	459	-	311
Africa	214	343	629	398
Oceania	1,700	239	458	544
Other	-	2,501	1,980	1,705
All	1,478	380	877	1,312

Source: Authors' analysis of the American Community Survey data.
Note: Rates are per 100,000 residents in each subpopulation; N/A = not applicable.

> "Related to the amount of time immigrants have spent in the United States, illegal and legal immigrants who immigrate at a younger age are more likely to be incarcerated."

Table 3
Incarceration rates by country of birth, ages 18–54

Country	Legal	Illegal
Mexico	589	1,301
China	144	148
India	51	94
Philippines	169	144
El Salvador	686	879
Vietnam	139	1,217
Cuba	857	N/A
Dominican Republic	518	1,555
Korea	168	72
Guatemala	674	1,176
Canada	355	708
Colombia	212	610
Jamaica	799	2,819
United Kingdom	294	232
Haiti	282	918
Honduras	786	2,363
Germany	444	559
Peru	47	355
Ecuador	348	550
Poland	265	432

Source: Authors' analysis of the American Community Survey data.
Note: Rates are per 100,000 residents in each subpopulation; N/A = not applicable.

amount of time they have spent in the United States, the major exception being the higher legal immigrant incarceration rate in the 0–4 years category that then falls once legal immigrants have been here for 5–9 years (Table 8). A possible reason for this phenomenon is that legal immigrants who are criminally inclined rapidly run afoul of the law, serve short prison sentences, and are removed from the United States quickly enough that the incarceration rate for the 5–9 years of residency category declines greatly.

Related to the amount of time immigrants have spent in the United States, illegal and legal immigrants who immigrate at a younger age are more likely to be incarcerated (Table 9). Illegal immigrants who arrive between ages 0 and 17 are about twice as likely to be incarcerated than those who arrive after age 17, suggesting that illegal immigrants who were old enough to choose to come here illegally are more law-abiding than those who were brought here as minors.

The pattern is even more pronounced for legal immigrants. Those who immigrated between the ages of 0 and 17 were more than twice as likely to be incarcerated than legal immigrants who came at later ages. This again suggests that those old enough to choose to come to the United States legally are more law-abiding.

At least two nonmutually exclusive theories can explain why those who entered in their youth have higher incarceration rates. First, spending part of one's childhood in the United States assimilates many immigrants to our high-crime culture. A second theory is that those who decide to come here have some systematically different characteristics that make them less likely to commit crimes, whereas those who are too young to make the decision to immigrate do not.

POLICY IMPLICATIONS

The president has prioritized the arrest and deportation of illegal immigrants because much of the public believes that they are a significant and disproportionate source of crime in the United States.[28] For immigration in general, Gallup asked Americans whether immigration has worsened the crime problem in the United States. Some 42 percent of respondents said that immigration worsened the crime situation, 7 percent said that immigration alleviated the crime situation, and 50 percent said it had no effect.[29] According to Transatlantic Trends survey data, slightly less than half of Americans believe that immigrants increase crime in the United States.[30] Of those who believe that immigrants increase crime, about 60 percent believe that illegal immigrants are primarily responsible.[31]

Although substantial percentages of the American public believe that immigration increases crime and that illegal immigrants

Table 4
Percentage of all prisoners by region of birth, ages 18–54

Region of birth	Native-born Americans (%)	Legal immigrants (%)	Illegal immigrants (%)	All (%)
United States	99.37	N/A	N/A	92.02
Other North America	0.02	1.64	0.92	0.11
Latin America	0.20	71.75	87.77	6.16
Europe	0.22	6.33	2.16	0.51
East Asia	0.11	9.53	3.68	0.57
Indian Subcontinent	0.02	2.52	1.33	0.15
Middle East	0.03	0.53	0.88	0.08
Other Asia	0.00	0.29	0.00	0.01
Africa	0.01	6.16	2.77	0.33
Oceania	0.03	0.31	0.34	0.05
Other	0.00	0.12	0.05	0.01

Source: Authors' analysis of the American Community Survey data.
Note: N/A = not applicable.

Table 5
Percentage of prisoners by sex and nativity, ages 18–54

Sex	Native-born Americans (%)	Legal immigrants (%)	Illegal immigrants (%)	All (%)
Female	12.3	11.7	4.5	11.9
Male	87.7	88.3	95.5	88.1

Source: Authors' analysis of the American Community Survey data.

Table 6
Percentage of prisoners by education and nativity, ages 18–54

Education	Native-born Americans (%)	Legal immigrants (%)	Illegal immigrants (%)	All (%)
Less than high school	28.9	39.2	50.3	30.1
High school graduate	52.6	37.1	35.3	51.4
Some college	15.7	17.1	10.4	15.5
College graduate	2.3	4.8	3.3	2.4
Postgraduate	0.6	1.7	0.7	0.6

Source: Authors' analysis of the American Community Survey data.

disproportionately contribute to the problem, the evidence is that they *decrease* incarceration rates in the United States. Immigrants accomplish this because they are less crime prone than native-born Americans. The addition of a less crime-prone subpopulation to the United States mechanically reduces the overall incarceration rate in the country. The facts uncovered in this policy analysis should point the government toward other immigration policies that would actually reduce crime.

For instance, federal officials should

> "The addition of a less crime-prone subpopulation to the United States mechanically reduces the overall incarceration rate in the country."

> "Illegal immigrants have a lower incarceration rate than native-born Americans, so scarce law enforcement resources should not be spent on identifying and deporting a subpopulation with such a low crime rate."

Table 7

Incarceration rates by age and immigration status, ages 18–54

Age (years)	Native-born Americans	Legal immigrants	Illegal immigrants	All
18–24	1,057	357	883	1,012
25–29	1,721	583	963	1,588
30–34	1,917	508	1,010	1,687
35–39	1,805	421	1,001	1,554
40–44	1,585	329	790	1,323
45–49	1,262	295	704	1,070
50–54	1,202	282	601	1,033

Source: Authors' analysis of the American Community Survey data.
Note: Rates are per 100,000 residents in each subpopulation.

Table 8

Incarceration rates for immigrants by their time in the United States and immigration status, ages 18–54

Time in the United States (years)	Legal immigrants	Illegal immigrants
0–4	360	691
5–9	155	676
10–14	282	861
15–19	365	1,047
20–24	509	1,279
25–29	399	977
30–34	490	1,959
35–39	683	2,296
40+	517	0

Source: Authors' analysis of the American Community Survey data.
Note: Rates are per 100,000 residents in each subpopulation.

Table 9

Incarceration rates for immigrants by their age of arrival in the United States and immigration status, ages 0–54

Age (years)	Legal immigrants	Illegal immigrants
0–17	592	1,491
18–24	388	1,034
25–29	209	559
30–34	157	638
35–39	209	611
40–44	158	445
45–49	367	535
50–54	138	1,088

Source: Authors' analysis of the American Community Survey data.
Note: Rates are per 100,000 residents in each subpopulation.

abandon efforts to convince so-called sanctuary cities to cooperate with federal immigration officials because such cooperation will not lower violent and property crime rates nationwide. Illegal immigrants have a lower incarceration rate than native-born Americans, so scarce law enforcement resources should not be spent on identifying and deporting a subpopulation with such a low crime rate. If the purpose of law enforcement is to deter crime and to punish criminals, their resources would be inefficiently allocated if targeted at illegal immigrants.

Second, the federal government already has effective programs to identify illegal immigrant criminals who have been arrested, convicted, or incarcerated. The federal government should continue those policies and make the removal of illegal immigrant criminals a priority but should not widen their reach to include illegal immigrants who have not committed criminal offenses or have not otherwise put Americans at risk.[32]

Third, the government should collect better data on illegal and legal immigrant criminality. Incarceration rates are just one measurement of criminality to fully understand relative crime rates in the United States. Unfortunately, the paucity of data means that we must estimate the number of illegal immigrants who are incarcerated, which adds some uncertainty to our final numbers. Every state should collect and make available data on the immigration statuses of those convicted and arrested for crimes, just like Texas does, as well as those who are

incarcerated.[33] To be clear, this proposal would only require documenting the immigration status of people who are arrested for crimes, convicted of crimes, or incarcerated for crimes. There is no excuse for paucity of data on this important public policy issue.

CONCLUSION

Legal and illegal immigrants were less likely to be incarcerated than native-born Americans in 2018, just like in 2014, 2016, and 2017.[34] Under the Gunadi methods that we employ here, the illegal immigrant incarceration rate rises somewhat relative to the incarceration rate for native-born Americas, but the gap is still huge for the period of 2010–2018.

Those incarcerated do not represent the total number of immigrants who can be deported under current law or the complete number of convicted immigrant criminals who are in the United States but merely those who are incarcerated. The younger the immigrants are upon their arrival in the United States and the longer that they are here, the more likely they are to be incarcerated as adults. This analysis provides numbers and demographic characteristics to better inform the public policy debate over immigration and crime. Lastly, we recommend that governments at all levels in the United States focus on collecting better data so that we can more precisely understand how illegal immigrants and legal immigrants contribute to crime in the United States.

> "Legal and illegal immigrants were less likely to be incarcerated than native-born Americans in 2018, just like in 2014, 2016, and 2017."

NOTES

1. Exec. Order No. 13,768, 82 Fed. Reg. 8799 (January 25, 2017); David Nakamura, "'Crime Will Fall!': Trump's New Rallying Cry for Border Wall Echoes Old Strategy of Inflating Dangers Posed by Immigrants," *Washington Post*, January 23, 2019; and Emily Schultheis, "Trump Hedges on Some Campaign Promises in First Full Post-Election Interview with *60 Minutes*," CBS News, November 13, 2016.

2. "A Nation of Immigrants? Diverging Perceptions of Immigrants Increasingly Marking Partisan Divides," Public Religion

Research Institute, March 12, 2020.

3. Christian Gunadi, "On the Association between Undocumented Immigration and Crime in the United States," *Oxford Economic Papers* (September 20, 2019), https://doi.org/10.1093/oep/gpz057.

4. Michelangelo Landgrave and Alex Nowrasteh, "Criminal Immigrants: Their Numbers, Demographics, and Countries of Origin," Cato Institute Immigration Research and Policy Brief no. 1, March 15, 2017; Michelangelo Landgrave and Alex Nowrasteh, "Incarcerated Immigrants in 2016: Their Numbers,

Demographics, and Countries of Origin," Cato Institute Immigration Research and Policy Brief no. 7, June 4, 2018; and Michelangelo Landgrave and Alex Nowrasteh, "Criminal Immigrants in 2017: Their Numbers, Demographics, and Countries of Origin," Cato Institute Immigration Research and Policy Brief no. 11, March 4, 2019.

5. Department of Homeland Security, *U.S. Immigration and Customs Enforcement Salaries and Expenses*, Congressional Submission (Washington: Department of Homeland Security, 2013), p. 61; and Marc R. Rosenblum, "Understanding the Potential Impact of Executive Action on Immigration Enforcement," Migration Policy Institute, July 2015, p. 11, http://www.migrationpolicy.org/research/understanding-potential-impact-executive-action-immigration-enforcement.

6. Graham C. Ousey and Charis E. Kubrin, "Immigration and Crime: Assessing a Contentious Issue," *Annual Review of Criminology* 1 (2018): 63–84, https://doi.org/10.1146/annurev-criminol-032317-092026; Kristin F. Butcher and Anne Morrison Piehl, "The Role of Deportation in the Incarceration of Immigrants," in *Issues in the Economics of Immigration*, ed. George J. Borjas (Chicago: University of Chicago Press, 2000), pp. 351–86; Kristin F. Butcher and Anne Morrison Piehl, "Why Are Immigrants' Incarceration Rates So Low? Evidence on Selective Immigration, Deterrence, and Deportation," NBER Working Paper no. 13229, National Bureau of Economic Research, July 2007; and Alex Nowrasteh, "Immigration and Crime—What the Research Says," *Cato at Liberty* (blog), July 14, 2015.

7. Alex Nowrasteh, "Criminal Immigrants in Texas: Illegal Immigrant Conviction and Arrest Rates for Homicide, Sex Crimes, Larceny, and Other Crimes," Cato Institute Immigration Research and Policy Brief no. 4, February 26, 2018; and Alex Nowrasteh, "Criminal Immigrants in Texas in 2017: Illegal Immigrant Conviction Rates and Arrest Rates for Homicide, Sex Crimes, Larceny, and Other Crimes," Cato Institute Immigration Research and Policy Brief no. 13, August 27, 2019.

8. Michael L. Light and Ty Miller, "Does Undocumented Immigration Increase Violent Crime?," *Criminology* 56, no. 2 (May 2018): 370–401; and Michael T. Light, Ty Miller, and Brian C. Kelly, "Undocumented Immigration, Drug Problems, and Driving Under the Influence in the United States, 1990–2014," *American Journal of Public Health* 107, no. 9 (September 2017): 1448–54.

9. Thomas J. Miles and Adam B. Cox, "Does Immigration Enforcement Reduce Crime? Evidence from Secure Communities,"

Journal of Law and Economics 57, no. 4 (November 2014): 937–73; Elina Treyger, Aaron Chalfin, and Charles Loeffler, "Immigration Enforcement, Policing, and Crime," *Criminology & Public Policy* 13, no. 2 (September 2014): 285–322; and Andrew Forrester and Alex Nowrasteh, "Do Immigration Enforcement Programs Reduce Crime? Evidence from the 287(g) Program in North Carolina," Cato Institute Working Paper no. 52, April 11, 2018.

10. Constance F. Citro, Daniel L. Cork, and Janet L. Norwood, eds., *The 2000 Census: Counting under Adversity* (Washington: National Academies Press, 2004), pp. 297, 488.

11. Constance F. Citro and Graham Kalton, eds., *Using the American Community Survey: Benefits and Challenges* (Washington: National Academies Press, 2007), pp. 170–3.

12. Steven Ruggles et al., *Integrated Public Use Series: Version 6.0*, (Minneapolis: University of Minnesota, 2015); incarceration rates and characteristics of immigrants incarcerated in the United States who are between ages 18 and 54 for the years 2008–2014 (Figure 1).

13. Enrico A. Marcelli and David M. Heer, "The Unauthorized Mexican Immigrant Population and Welfare in Los Angeles County: A Comparative Statistical Analysis," *Sociological Perspectives* 41, no. 2 (1998): 279–302; Robert Warren, "Democratizing Data about Unauthorized Residents in the United States: Estimates and Public-Use Data, 2010 to 2013," *Journal on Migration and Human Security* 2, no. 4 (2014): 305–28; and Pia M. Orrenius and Madeline Zavodny, "Do State Work Eligibility Verification Laws Reduce Unauthorized Immigration?," *IZA Journal of Migration* 5, no. 5 (2016): 1–17.

14. Robert Warren and Donald Kerwin, "A Statistical and Demographic Profile of the U.S. Temporary Protected Status Populations from El Salvador, Honduras, and Haiti," *Journal on Migration and Human Security* 5, no. 3 (August 9, 2018): 577–92.

15. Gunadi, "Association between Undocumented Immigration and Crime."

16. "Professional and Occupational Licenses for Immigrants," National Conference of State Legislatures, January 17, 2017, https://www.ncsl.org/research/immigration/professional-and-occupational-licenses-for-immigrants.aspx.

17. Butcher and Piehl, "The Role of Deportation in the Incarceration of Immigrants"; and Butcher and Piehl, "Why Are

Immigrants' Incarceration Rates So Low?"

18. "Characteristics of the Group Quarters Population by Group Quarters Type (3 Types)," American Community Survey, U.S. Census Bureau, Table S2602 5-Year Estimates, 2017, https://www2.census.gov/programs-surveys/acs/tech_docs/table_shells/2017/S2602.xlsx.

19. Jeffrey S. Passel and D'Vera Cohn, "A Portrait of Unauthorized Immigrants in the United States," Pew Research Center, April 14, 2009.

20. "Characteristics of the Group Quarters Population by Group Quarters Type (3 Types)."

21. "Crime and Justice in the United States and in England and Wales, 1981–1996," Bureau of Justice Statistics, U.S. Department of Justice, https://www.bjs.gov/content/pub/html/cjusew96/cpp.cfm.

22. "Code Lists, Definitions, and Accuracy: 2017," U.S. Census Bureau, https://www.census.gov/programs-surveys/acs/technical-documentation/code-lists.2017.html.

23. Department of Homeland Security, U.S. Immigration and Customs Enforcement, *Budget Overview: Fiscal Year 2020 Congressional Justification* (Washington: DHS, 2019), p. 6; Peter Wagner and Wendy Sawyer, *Mass Incarceration: The Whole Pie 2018* (Northampton, MA: Prison Policy Initiative, March 14, 2018).

24. Department of Homeland Security, U.S. Immigration and Customs Enforcement, *Budget Overview: Fiscal Year 2018 Congressional Justification*, (Washington: DHS, 2017), p. 14; Department of Homeland Security, U.S. Immigration and Customs Enforcement, *Budget Overview: Fiscal Year 2020 Congressional Justification* (Washington: DHS, 2019), p. 6; Department of Homeland Security, *U.S. Department of Homeland Security Annual Performance Report Fiscal Years 2012–2014* (Washington: DHS, 2013), p. 7; Department of Homeland Security, *U.S. Department of Homeland Security Annual Performance Report Fiscal Years 2011–2013* (Washington: DHS, 2014) p. 37.

25. Landgrave and Nowrasteh, "Criminal Immigrants: Their Numbers, Demographics, and Countries of Origin"; Landgrave and Nowrasteh, "Incarcerated Immigrants in 2016"; and Landgrave and Nowrasteh, "Criminal Immigrants in 2017."

26. "Place of Birth for the Foreign-Born Population in the United States," American Community Survey, Table B05006 5-Year Estimates, 2018.

27. Passel and Cohn, "A Portrait of Unauthorized Immigrants in the United States."

28. Exec. Order No. 13,768, 82 Fed. Reg. 8799 (Jan. 25, 2017); Nakamura, "'Crime Will Fall!': Trump's New Rallying Cry"; and Schultheis, "Trump Hedges on Some Campaign Promises."

29. "Immigration—In Depth: Topics A to Z," Gallup, https://news.gallup.com/poll/1660/immigration.aspx.

30. Francesco Fasani et al., *Does Immigration Increase Crime? Migration Policy and the Creation of the Criminal Immigrant* (Cambridge: Cambridge University Press, 2019), p. 13, https://doi.org/10.1017/9781108626286.

31. Fasani et al., *Does Immigration Increase Crime?*, p. 14.

32. Office of Inspector General, *U.S. Immigration and Customs Enforcement's Criminal Alien Program Faces Challenges* (Washington: DHS, February 18, 2020).

33. Nowrasteh, "Criminal Immigrants in Texas in 2017."

34. Landgrave and Nowrasteh, "Criminal Immigrants: Their Numbers, Demographics, and Countries of Origin"; Landgrave and Nowrasteh, "Incarcerated Immigrants in 2016"; and Landgrave and Nowrasteh, "Criminal Immigrants in 2017."

RELATED PUBLICATIONS
FROM THE CATO INSTITUTE

Backlog for Skilled Immigrants Tops 1 Million: Over 200,000 Indians Could Die of Old Age While Awaiting Green Cards by David J. Bier, Immigration Research and Policy Brief no. 18 (April 7, 2020)

Border Walls and Crime: Evidence from the Secure Fence Act by Ryan Abman and Hisham Foad, Research Briefs in Economic Policy no. 207 (March 25, 2020)

H-2A Visas for Agriculture: The Complex Process for Farmers to Hire Agricultural Guest Workers by David J. Bier, Immigration Research and Policy Brief no. 17 (March 10, 2020)

Financing Immigration: The Financial-Market Value of a Market-Based Immigration System by Alex Nowrasteh and Andrew C. Forrester, Immigration Research and Policy Brief no. 16 (February 12, 2020)

Immigrant and Native Consumption of Means-Tested Welfare and Entitlement Benefits in 2016: Evidence from the Survey of Income and Program Participation by Tu Le and Alex Nowrasteh, Immigration Research and Policy Brief no. 15 (January 14, 2020)

Trust Doesn't Explain Regional U.S. Economic Development and Five Other Theoretical and Empirical Problems with the Trust Literature by Alex Nowrasteh and Andrew C. Forrester, Working Paper no. 57 (January 6, 2020)

Immigration Demand and the Boomerang of Deportation Policies by Christian Ambrosius and David Leblang, Research Briefs in Economic Policy no. 194 (December 18, 2019)

Immigrants Learn English: Immigrants' Language Acquisition Rates by Country of Origin and Demographics since 1900 by Michelangelo Landgrave, Immigration Research and Policy Brief no. 14 (September 17, 2019)

Legal Immigration Will Resolve America's Real Border Problems by David J. Bier, Policy Analysis no. 879 (August 20, 2019)

Do Immigrants Import Terrorism? by Andrew Forrester, Benjamin Powell, Alex Nowrasteh, and Michelangelo Landgrave, Working Paper no. 56 (July 31, 2019)

Immigration Wait Times from Quotas Have Doubled: Green Card Backlogs Are Long, Growing, and Inequitable by David Bier, Policy Analysis no. 873 (June 18, 2019)

Immigration and Preferences for Redistribution in Europe by Alberto Alesina, Elie Murard, and Hillel Rapoport, Research Briefs in Economic Policy no. 165 (May 29, 2019)

Gifts of the Immigrants, Woes of the Natives: Lessons from the Age of Mass Migration by Marco Tabellini, Research Briefs in Economic Policy no. 162 (May 8, 2019)

Terrorists by Immigration Status and Nationality: A Risk Analysis, 1975–2017 by Alex Nowrasteh, Policy Analysis no. 866 (May 7, 2019)

The Impact of Permanent Residency Delays on STEM PhDs: Who Leaves and Why by Shulamit Kahn and Megan MacGarvie, Research Briefs in Economic Policy no. 158 (April 10, 2019)

Three New Ways for Congress to Legalize Illegal Immigrants by Alex Nowrasteh and David Bier, Immigration Research and Policy Brief no. 12 (April 10, 2019)

Criminal Immigrants in 2017: Their Numbers, Demographics, and Countries of Origin by Michelangelo Landgrave and Alex Nowrasteh, Immigration Research and Policy Brief no. 11 (March 4, 2019)

Immigrants Recognize American Greatness: Immigrants and Their Descendants Are Patriotic and Trust America's Governing Institutions by Alex Nowrasteh and Andrew Forrester, Immigration Research and Policy Brief no. 10 (February 4, 2019)

Temporary Protected Status and Immigration to the United States by David Leblang, Benjamin Helms, Alexa Iadarola, Ankita Satpathy, Kelsey Hunt, Rebecca Brough, Eric Xu, and Mahesh Rao, Research Briefs in Economic Policy no. 147 (January 23, 2019)

The Case for an Immigration Tariff: How to Create a Price-Based Visa Category by Alex Nowrasteh, Policy Analysis no. 861 (January 8, 2019)

How Legalizing Marijuana Is Securing the Border: The Border Wall, Drug Smuggling, and Lessons for Immigration Policy by David Bier. Policy Analysis no. 860 (December 19, 2018)

High-Skill Immigration, Innovation, and Creative Destruction by Gaurav Khanna and Munseob Lee, Research Briefs in Economic Policy no. 138 (November 7, 2018)

Walling Off Liberty: How Strict Immigration Enforcement Threatens Privacy and Local Policing by Matthew Feeney, Policy Analysis no. 852 (November 1, 2018)

Singapore's Immigration System: Past, Present, and Future by Alex Nowrasteh, Working Paper no. 53 (October 23, 2018)

Immigration and Redistribution by Alberto Alesina, Armando Miano, and Stefanie Stantcheva, Research Briefs in Economic Policy no. 135 (October 17, 2018)

Immigrant Wages Converge with Those of Native-Born Americans by Andrew Forrester and Alex Nowrasteh, Immigration Research and Policy Brief no. 9 (October 4, 2018)

RECENT STUDIES IN THE
CATO INSTITUTE POLICY ANALYSIS SERIES

889.   **Transit: The Urban Parasite** by Randal O'Toole (April 20, 2020)

888.   **The Case for Congressional Regulatory Review** by William Yeatman (April 14, 2020)

887.   **The Development Dimension: What to Do about Differential Treatment in Trade** by James Bacchus and Inu Manak (April 13, 2020)

886.   **Environmental Costs of the Jones Act** by Timothy Fitzgerald (March 2, 2020)

885.   **Maryland's BOOST Is Promising, but More Work Is Needed** by Russell Rhine (February 26, 2020)

884.   **Ineffective, Immoral, Politically Convenient: America's Overreliance on Economic Sanctions and What to Do about It** by Richard Hanania (February 18, 2020)

883.   **The More Things Change, the More They Stay the Same: The Failure of Regime-Change Operations** by Benjamin Denison (January 6, 2020)

882.   **Rust Buckets: How the Jones Act Undermines U.S. Shipbuilding and National Security** by Colin Grabow (November 12, 2019)

881.   **Exploring Wealth Inequality** by Chris Edwards and Ryan Bourne (November 5, 2019)

880.   **The Problems with Economic Integration and Controlled Choice** by David J. Armor (September 24, 2019)

879.   **Legal Immigration Will Resolve America's Real Border Problems** by David Bier (August 20, 2019)

878.   **Overcoming Inertia: Why It's Time to End the War in Afghanistan** by John Glaser and John Mueller (August 13, 2019)

CITATION