

## Chapter 1 : Citizenship and Crime

*Immigration and Citizenship Data We receive and adjudicate an average of 7 million petitions and applications annually.\* These petitions and applications typically allow foreign nationals to stay in United States as lawful permanent residents (LPR) or immigrants, to stay temporarily to work as nonimmigrants, or to obtain U.S. citizenship.*

Download a pdf of this Backgrounder Steven A. Camarota is Director of Research and Jessica M. This study examines academic and government research on the question of immigrant crime. New government data indicate that immigrants have high rates of criminality, while older academic research found low rates. The overall picture of immigrants and crime remains confused due to a lack of good data and contrary information. However, the newer government data indicate that there are legitimate public safety reasons for local law enforcement to work with federal immigration authorities. The Department of Homeland Security DHS estimates that immigrants legal and illegal comprise 20 percent of inmates in prisons and jails. The foreign-born are However, DHS has not provided a detailed explanation of how the estimates were generated. They found that 22 percent of inmates were foreign-born. The g program and related efforts have found high rates of illegal alien incarceration in some communities. But it is unclear if the communities are representative of the country: This equals 11 to 15 percent of the jail population. Non-citizens comprise only 8. The Federal Bureau of Prisons reports that However, federal prisons are not representative of prisons generally or local jails. A Pew Hispanic Center study found that, of those sentenced for federal crimes in , non-citizen Hispanics were 74 percent of immigration offenders, 25 percent of drug offenders, 8 percent of white collar offenders, and 6 percent of firearms offenders. Non-citizen Hispanics are 5. However, the report does not provide information for other crimes or for non-Hispanic immigrants. The Census data they used are not reliable. The studies are essentially measuring these guesses, not actual immigrant incarceration. It shows a 28 percent decline in incarcerated immigrants to 1990 yet the overall immigrant population grew 59 percent. Newer Census data from show a percent increase in immigrant incarceration to 2000 yet, the overall immigrant population grew only 22 percent. However, the survey excludes jails and relies on inmate self-identification, which is likely to understate the number of immigrants. In 1995, 57 percent of the 76 fugitive murderers most wanted by the Federal Bureau of Investigation FBI were foreign-born. It is likely however that because immigrants can more readily flee to other countries, they comprise a disproportionate share of fugitives. This is one of the strongest arguments that immigrants do not have high crime rates. However, such studies generally measure only overall crime, not crimes specifically committed by immigrants, so their value is limited. From 1980 to 1995, criminal aliens were removed from the United States because of a criminal charge or conviction. These figures do not include those removed for the lesser offense of living or working in the country illegally. The removal and deportation of large numbers of criminal aliens may reduce immigrant incarceration rates because many will not return and re-offend, as is the case with many native-born criminals. Some have argued that the fall in national crime rates since the early 1990s is evidence that immigration may actually reduce crime. However, overall crime rates are affected by so many factors that it is a very poor way to examine a link between immigration and crime. The 1980s and 1990s saw crime rates rise along with immigration levels. Overall incarceration rates are also a poor means of examining the link between immigration and crime. Since the 1980s, the share of the U.S. But unless inmates can be identified as immigrant or native-born this information sheds little light on the issue of immigrant criminality. A central problem when looking at prison populations is that many inmates have been imprisoned for a long time. To make an accurate comparison one has to adjust for length of sentences and the growth of the immigrant population over time. Introduction Preventing the admission of criminals has long been a concern to the public and policy makers. Even in the colonial period, there were laws against the arrival of criminals. Laws barring admission to the United States for those who have committed certain crimes remain in force today. A significant share of the public seems to believe that immigrants commit a disproportionate share of crime. High-profile and sometimes tragic crimes committed by illegal aliens have prompted state and local officials to pledge action to rid the community of criminal aliens. Top federal immigration officials, as well as top congressional and executive branch officials,

emphasize repeatedly that aliens who commit crimes are a top enforcement priority, partly by launching big-ticket programs to accelerate the pace of removals. Meanwhile, many advocates for immigrants and other immigration law enforcement skeptics insist that this attention is misplaced. They cite academic research claiming that immigrants actually are less prone to crime than natives. This report explores the question of immigration and crime and finds that there is very little conclusive data to inform the well-entrenched views on both sides of the debate. We reviewed the major academic and government reports on the topic and found that these studies lead to contrary conclusions about immigration and crime. Moreover, the crime or incarceration data that do exist often are of limited value because they are unrepresentative in some way. It is also difficult to conclude much about crime associated with legal immigrants versus illegal immigrants. However, there is some indication that illegal immigrants have relatively high rates of crime, while legal immigrants have relatively low rates of crime. In this report we use the words immigrant and foreign-born interchangeably. The foreign-born or immigrants are defined as persons living in the United States who were not U. The report is divided into three main parts: The first is a general discussion of why it is so difficult to study this question. Next, we focus on prior research that examined this question. Third, we examine new data that have become available as federal, state, and local governments have begun making a greater effort to ascertain and track the immigration status of criminal offenders. We also explore the limitations of this new data. The problems that exist with regard to data on immigrant criminality will be discussed at length throughout this report. At this point it is important to understand that with the exception of federal prisons, which account for only a small fraction of all those incarcerated, state and local correctional institutions generally have not tried to carefully determine whether their prisoners are native or foreign-born. Typically they use self-reporting as the primary means by which they determine place of birth or citizenship. In recent years, prisons and even jails in some states have made a greater effort to collect this data. But often they merely ask prisoners themselves if they are foreign-born. Because being a non-citizen can lead to deportation, there is a strong incentive for individuals to lie about where they were born or if they are in the country illegally. This means that any survey such as the Census, or surveys done by jails and prisons, will likely understate the share of inmates who are non-citizens or illegal aliens if inmate data is not carefully checked against immigration records. Even checking against immigration records is problematic at times because there is no definitive list of legal U. And of course, there is no such list of illegal aliens. By itself, then, a check of immigration records in such a circumstance would not contradict an assertion of U. Data for the general population collected by the Census or others surveys is reasonably accurate because, unlike inmates, the general population has much less incentive to lie. The problem applies specifically to those who are incarcerated. And even if good data exist because a jurisdiction has worked with the federal government to determine if inmates are immigrants legal or illegal, the small number of jurisdictions that may have carefully collected information may not be representative of the country as whole, making it very difficult to generalize about immigrant criminality. The absence of data on immigration status may be particularly relevant because much of the concern over immigrant crime is focused illegal aliens. But it is only part of the problem. Even if a correctional institution collects the information, it may not be available in a way that allows for a systematic analysis. For example, the California prison system has for some time tried to collect data on the place of birth for all its inmates. But the public-use data of the census shows that half the time the Census Bureau had to make an educated guess as to where institutionalized persons in California were born. So data were available from the state on this question, but did not make it into the hands of census takers. As will become clear throughout this report, the lack of good data systematically collected and made available looms as one of the most important impediments to studying immigrant criminality. Immigrant Criminality in the Context of Race. In social science research, raw numbers need to be placed into some kind of context, often by comparing one population of interest to another. Assuming one can measure immigrant crime, the next question that arises is: To what should it be compared? This is an important question because crime rates among natives differ widely by group. For example, the share of native-born black men arrested or incarcerated is dramatically higher than for all other groups. If blacks are included in the data for natives, then the total arrest or incarceration rate for all natives is significantly higher. However, the discrimination and

racism black Americans have experienced and the severe social problems that exist in some black communities make this population unique when it comes to the issue of crime. One can reasonably ask whether it makes sense to compare immigrants, who are overwhelmingly not black, to black Americans who have a unique historical experience. Immigrant Criminality in the Context of Sex and Age. Crime rates and incarceration vary enormously by age. Adults under age 45, primarily men, commit most of the crimes in any society. For example, in immigrants were On the other hand, immigrants comprise It could also be reasonably pointed out that immigrant crime data should be compared to their share of this crime-prone population. Even the age question is not as simple as it may seem, however, because while immigrants are a very large share of to year-olds, the group with the highest offender rate is actually to year-olds. Immigrants are only But if one wants to know whether immigration creates a higher crime rate relative to their share of the crime-prone age group, then using this population as the benchmark may make more sense. The same could hold true for immigration and crime. Immigrants are somewhat more youthful and thus may increase the national crime rate.

**Chapter 2 : Immigration, Crime and Citizenship - Department of Criminology and Sociology of Law**

*Ecological research on crime and violence also draws attention to the relationship between race/ethnicity and place, whether that is the city, metropolitan, or community level, and proposes that racial disparities are linked to the varying social contexts in which population groups exist.*

Leo Jai A good salesperson will tell you that every sale, be it a house or car; even something as seemingly simple as a particular brand of breakfast cereal, is made on emotion. When we choose that new car, we are actually buying comfort, reliability and peace of mind. Or sex appeal, status and prestige. Negative emotions drive sales too. After the first Iraqi conflict broke out in , American surplus store owners were confounded by the sudden surge in gas mask sales , driven by the perceived terror threat. Fear and anger are powerful motivators. But when it comes to rational thinking and clear decision making, you are asking for trouble when you make complex decisions whilst in that kind of emotional state. How did that last discussion with your spouse work out for you when you were angry? There is no such cooling off period with politics per se; instead there are judicial checks and balances put into place to protect us. That is how rule of law works. Politicians, like snake-oil sellers will also play on emotions like fear to gain public support. Often they will ignite that fear and then offer a solution to resolve it. Moral outrage can be a giddy cloud of confusion behind which political agenda can be played out, and draconian laws are often passed off under the guise of public protection. In many cases, our civil rights and liberties are quietly eroded away as a result. The recent matter of a convicted paedophile Roman Catholic priest is a prime case in point. A dual national who became a naturalized Australian citizen, he committed offences over more than two decades. On completion of his prison term, the Minister moved to revoke his citizenship and deport him. Let me be clear from the outset “ there are two separate issues at play here. Firstly the recognition of what amounts to heinous criminal acts and the subsequent need to protect the community at large. What I point to here is the potential for moral outrage to cloud proceedings in cases like this; permitting the broadening of draconian laws which then ultimately degrade the rights of others. The calls in this case have been clear: To act without recourse to law becomes the mentality of the lynch mob. When citizenship has been conferred on a non-Australian born person, that citizenship may be revoked only in certain specific circumstances under the auspices of the Australian Citizenship Act “ section 34 Revocation by Minister. Put in a nutshell, if it was found you acted fraudulently when applying for citizenship or you were convicted of a serious crime resulting in a prison sentence of 12 months or more at any time before you were granted that citizenship, the Minister can pull the pin and revoke your citizenship, if he decides it is in the public interest. A further consideration was enacted in to address citizens going overseas to fight with terrorist groups. The Allegiance to Australia Act allowed for Australian citizenship to be stripped from dual nationals as young as 14 who engaged in terrorist acts, or were convicted of terrorism related offenses that carry prison terms of 6 years or more. The Administrative Appeals Tribunal AAT and the Federal court play a critical role in overseeing and reviewing decisions made by Federal government ministers. What is concerning to note is just how much by way of this protection has been quietly eroded without fanfare or public knowledge. For example, in the case of immigration matters; if the decision to cancel an existing visa or decline a request for the granting of a visa on character grounds is made by the Minister himself, the present legislation has been written in a way which denies a person recourse to a review of that decision by the AAT. Where the AAT over-rule decisions made by his delegates, Peter Dutton has stepped in on dozens of occasions and vetoed their findings. This of itself should be cause for concern, yet few people are aware of it. Dutton has been very vocal in condemning the AAT, claiming that they have unfairly overturned scores of decisions to cancel the visas of non-citizens. Firstly, a politician criticizing the judiciary is tantamount to undermining the separation of the powers. It leads one to question the true intent of this ex-cop turned politician who is so contemptuous of rule of law. Secondly, it is a fact that the rate of cases set aside is actually lower now than many previous years in the past decade, including those under Labor governments. This could perhaps be attributed to the troubling fact that in the government actually moved to replace members of the tribunal and many appointees are ex-Liberal staffers or candidates. The independence

of the judiciary, and respect for the role of courts and tribunals, is a fundamental to the rule of law in Australia. In the context of citizenship revocation, let me put that to you another way “would you be happy for your future and that of your family to rest wholly and solely in the hands of just one man? That man in this particular case being Peter Dutton? No legislation should permit one man that degree of power. The line between criminal punishment and immigration detention is blurring, and deportation or expulsion from a society is increasingly being seen as a punitive measure. This is fraught with complication as it essentially becomes a double punishment. To mete out such harsher penalty to a foreign national is essentially punishing someone because they are not naturalized; and that is actually not a crime. Shortly after the inception of his new Home Affairs ministry, he announced the launch of a new super security agency to target child sex offenders with dual nationalities. The object of the exercise is to strip such offenders of their Australian citizenship. Nobody challenged the Minister as to exactly how he planned to achieve that, given the legislation that is currently in place. We need to look behind the cloud of moral outrage and question exactly what is happening in the background. There are laws in place to prevent a person effectively becoming stateless. Despite this, Dutton and Abbott still investigated whether the revocation of Australian citizenship could be extended to natural born Australians, including second generation Australians. The proposal was so radical that six ministers reportedly revolted against the policy in a cabinet meeting. The fact that it was even considered in the first place simply goes to show just how far men like Dutton and Abbott are prepared to push the envelope in their desire to strip citizenship from as many people as humanly possible. So where is the line in the sand? At what point do we decide that stripping of citizenship and exile is not an appropriate punishment? Cold logic suggests to me that with men like Dutton demonstrating their intentions to extend that line in the sand to include second generation Australian-born citizens, then precious few people are safe. The average punter might counter these concerns by reminding us that the targets of removal of citizenship are those who were fraudulent in their application for citizenship, or who did not declare a past criminal history; or who engage in terrorist activities. Perhaps someday your teenage kids will go on an overseas trip. Maybe an end-of-year footy trip. High-jinks and drunken horseplay get taken a step too far. Public property is damaged, stolen or defaced. Once a net is set, it can catch many fish. The degrees of separation between you and potential disaster quietly diminish in the background.

**Chapter 3 : Citizenship and Crime - Criminal Justice - IResearchNet**

*Even if you've committed only a minor crime, U.S. Citizenship and Immigration Services (USCIS) could look at this and decide that, in combination with other aspects of your activities or lifestyle, you haven't shown the required good moral character.*

This literature does not ponder individual variations in propensity to engage in criminal offending but instead considers variations in violent crime victimization or offending across places such as metropolitan areas or cities. A consistent finding in this literature is that violent crime rates, both offending and victimization, are higher in places with greater proportions of blacks or African Americans, and this finding persists over time. These aggregate-level studies have been valuable because they demonstrate the need to consider racial disparities in crime and in some cases encourage scholars to push conceptions of race and crime to include Latino composition in crime studies. Indeed, researchers have recently evaluated whether the neighborhood conditions relevant to black and white violence also apply to Latinos. Latino-specific homicides were analyzed either alone or in comparison with models for native-born blacks and whites, and sometimes immigrant Haitians, Jamaicans, or Latino groups, such as the Mariel Cubans. Moreover, these Miami studies also noted that Latinos usually follow a pattern similar to that among blacks and whites in terms of the all-encompassing effect of concentrated disadvantage or heightened economic problems even though some predictors of Latino homicide are, to some extent, distinct. Thus, the basic linkages among disadvantage and homicide hold for African Americans, Haitians, and Latinos in the city of Miami, even in areas that are dominated by immigrants. This suggests that a need exists to further examine the interactions between police and residents and to explore levels of police treatment because, by extension, the study of Latinos and police encounters at the community level could vary from studies of blacks or whites. This body of work is important because there is a strong relationship among economic disadvantage, affluence, and violent crime, and this connection has received a great deal of attention given the racial-ethnic differences in the strength of the association between crime and socioeconomic context at the community level. The premise of this claim is that community-level patterns of racial inequality give rise to the social isolation and ecological concentration of the truly disadvantaged, which in turn leads to structural barriers and cultural adaptations that undermine social organization and in turn shapes crime. Therefore, race is not a cause of violence but rather a marker deriving from a set of social contexts reflecting racial disparity in U. This has become known as the racial invariance thesis of the fundamental causes of violent crime. Still, the racial invariance thesis has rarely been applied to ethnicity, crime, and policing. Although other conceptual or theoretical overviews on Latino crime and delinquency exist, attention is directed to macrolevel approaches, because this is where the bulk of Latino violence research is located. The study of neighborhood disadvantage and violence has generated similar findings for blacks and Latinos in the border cities of San Diego, California, and El Paso, Texas. None have found evidence that more immigration means more homicides in a given area. Therefore, the impact of disadvantage holds in the case of Latinos on the border and might be extended to ethnic variations in terms of community-level causes of violence. By extension, it also appears that residents of heavily Mexican-origin communities might have enhanced contact with Immigration and Customs Enforcement agents concentrated on or around the Mexican border who are increasingly engaged in aggressive crime control strategies designed to stop the movement of undocumented workers into the United States. As immigration crackdowns increase, young Latino adults are singled out regardless of citizenship status, which shapes their views of police and increases their distrust and negative interactions with criminal justice officials. The aggressive targeting by police typically occurs in extremely poor Latino communities and potentially strains relationships with community members and law enforcement officials. This research discussed in this section supports the notion that structural disadvantage matters for violence across racial, ethnic, and immigrant groups, and it should also matter for police treatment. However, research on neighborhood contexts and police encounters remains in short supply for Latinos. In short, future research should pay closer attention to potential variations across and within groups of various immigration status, ethnic variations, and perceptions of the police at the

neighborhood level.

### Chapter 4 : Immigration and Crime | Center for Immigration Studies

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Arturo Rosales contributed to the nascent body of research on Latino crime and policing and made an important contribution toward our understanding of early immigration trends. This included how Mexican immigrants responded to the U.S. This stereotype is still reflected in contemporary society by politicians and the media and now targets illegal immigrants, a demographic group most likely to include persons of Mexican origin. Regarding policing, some scholars contend that immigrant Mexicans experienced the negative presence of the police system as soon as they landed on the U.S. These activities were undoubtedly linked to the widespread stereotype that Mexicans were inclined toward criminality. By the 1940s, many residents of the Los Angeles barrios believed that the LAPD regularly violated the rights of Mexican Americans and that police misconduct in the Latino community was routine. In one nationally publicized incident, between June 3 and June 10, 1942, white military servicemen, civilians, and policemen attacked Mexican American youth dressed in the distinctive zoot suits with wide shoulders, thigh-length jackets, and tapered pants. Many were assaulted, shaved, and left naked in the Los Angeles streets. During the riot, LAPD officers allowed servicemen to beat and strip the zoot suiters, usually arresting the Mexican American youth for disturbing the peace. Police officers arrested only a handful of servicemen but jailed more than 100 Mexican Americans. With the police watching, servicemen entered bars, theaters, dance halls, restaurants, and even private homes in search of victims. By the end of the rioting, servicemen were targeting all Mexican Americans and even some African Americans. The extent of this enmity, however, was largely ignored by criminology researchers as scholars in the United States directed their attention to race and crime for several decades, ignoring Latinos. This is unfortunate, because a research foundation existed that could be built upon to inform current research, including learning more from the well-documented police mistreatment of Mexican immigrants in the early half of the century. Julian Samora wrote that the Border Patrol regularly restricted or relaxed the movement of illegal Mexican aliens according to business cycles in the agriculture industry. When crops needed to be harvested, the Border Patrol participated in getting workers into the field. In contrast, when crop season ended and the workers were no longer needed, the number of apprehensions and deportations spiked. During periods of heightened fear, Border Patrol officers saturated entry points; in 1954, they deported more than 100,000 undocumented Mexicans when the decision was made to close the border. As we now know, over time, the Border Patrol redirected its attention elsewhere, and the number of deportees dropped throughout the late 1950s and 1960s. Thus, racial or ethnic conflict existed for some time in the southwestern United States. Present researchers should draw on work produced by early scholars. The role that border police play in tightening up enforcement of immigration policy also is not new. The next section draws from a body of ecological research on race and crime and closes with suggestions for future studies.

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