

Undocumented Immigration and Rates of Crime and Imprisonment: Popular Myths and Empirical Realities

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Introduction

The perception that the foreign-born, especially “illegal aliens,” are responsible for higher crime rates is deeply rooted in American public opinion and is sustained by media anecdote and popular myth. In the absence of rigorous empirical research, stereotypes about immigrants and crime often provide the underpinnings for public policies and practices, and shape public opinion and political behavior (Chávez 2001; Hagan and Palloni 1999; Lee 2003; Martínez and Valenzuela 2006). Such stereotypes, reinforced through popular movies and television programs and fueled by media coverage of singular events, project an enduring image of immigrant communities permeated by criminal elements.

The extent to which such views shape American public opinion was shown by the results of the National Opinion Research Center’s 2000 General Social Survey, which interviewed a nationally representative sample of adults to measure attitudes toward and perceptions of immigration in a “multi-ethnic United States.” Asked whether “more immigrants cause higher crime rates,” 25 percent said “very likely” and another 48 percent “somewhat likely.” Thus about three-fourths (73 percent) of Americans believed that immigration is causally related to more crime. That was a much higher proportion than the 60 percent who believed that “more immigrants were [somewhat or very] likely to cause Americans to lose jobs,” or the 56 percent who thought that “more immigrants were [somewhat or very] likely to make it harder to keep the country united” (Alba, Rumbaut and Marotz 2005; Rumbaut and Alba 2003). A year later, the attacks of September 11, 2001, and the political and media reaction in the wake of a “war on terror,” further exacerbated public fears of the foreign-born and conflated “illegal immigration” not only with crime but with potential terrorism.

But these perceptions are not supported empirically; instead, as demonstrated below, they are refuted by the preponderance of scientific evidence. Both contemporary and historical studies, including official crime statistics and victimization surveys since the early 1990s, data from the last three decennial censuses, national and regional surveys in areas of immigrant concentration, and investigations carried out by major government commissions over the past century, have shown instead that immigration is associated with *lower* crime rates and *lower* incarceration rates.

In what follows we examine the relationship of contemporary immigration, including undocumented migration, to crime and imprisonment. First, at the national level, we analyze changes in the rates of violent crimes and property crimes during the years of the surge in immigration. Next we look at the incarceration rates of young men eighteen to thirty-nine, comparing the foreign-born versus the U.S.-born by national origin and by education, and, among the foreign-born, by length of residence in the United States. The analysis compares the rates of incarceration of foreign-born young men from nationalities the majority of whom are undocumented

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immigrants with less than a high school education (Mexicans, Salvadorans and Guatemalans) versus the rates for other immigrant nationalities as well as for native ethnic majority and minority groups. Finally, we summarize the available empirical evidence from a wide range of other studies, compare it to prevailing public perceptions, and note their implications for criminological theory, research, and public policy.

The Conflation of “Undocumented Immigrant” and “Crime”

Periods of increased immigration have historically been accompanied by nativist alarms, perceptions of threat, and pervasive stereotypes of newcomers, particularly during economic downturns or national crises (such as the 2000-2002 recession and the “war on terror” of the post-September 11 era, which spiked public anxiety), and when immigrants have arrived *en masse* and differed substantially from the native-born in religion, language, physical appearance, and world region of origin (Fry 2006; Johnson 2005; Kanstroom 2007). The present period is no exception—with the twist that “illegal immigrants” are now singled out with added animus and framed as harbingers of crime.

Thus, California’s Proposition 187, which was passed with 59 percent of the statewide vote in 1994 (but challenged as unconstitutional and subsequently overturned by a federal court), asserted in its opening lines that “the people of California...have suffered and are suffering economic hardship [and] personal injury and damage caused by the criminal conduct of illegal aliens in this state.” Similarly, the “Illegal Immigration Relief Act Ordinance” passed in 2006 by the city council of Hazleton, Pennsylvania—the first of hundreds of such ordinances passed by local councils throughout the U.S. since 2006—declared in part that “illegal immigration leads to higher crime rates” and sought accordingly to secure for the city’s legal residents and citizens “the right to live in peace free of the threat of crime” and to protect them from “crime committed by illegal aliens.” (The Hazleton ordinance too was overturned in 2007 as unconstitutional.)

Such attitudes find support at the highest levels of political leadership. For example, in his May 15, 2006, address to the nation on immigration reform, President George W. Bush asserted that “illegal immigration puts pressure on public schools and hospitals, it strains state and local budgets, and brings crime to our communities.” Two days later, CNN anchor Lou Dobbs, taking President Bush to task for what he termed “woefully inadequate” proposals, framed the issue as follows in his televised commentary: “Not only are millions of illegal aliens entering the United States each year across that border, but so are illegal drugs. More cocaine, heroin, methamphetamine, and marijuana flood across the Mexican border than from any other place, more than three decades into the war on drugs...If it is necessary to send 20,000 to 30,000 National Guard troops to the border with Mexico to preserve our national sovereignty and protect the American people from rampant drug trafficking, illegal immigration and the threat of terrorists, then I cannot imagine why this president and this Congress would hesitate to do so.” About the only point of agreement between the president and Dobbs seemed to be the equation of “illegal immigration” and “crime.”

The belief that immigration leads to increased crime is not solely an American phenomenon; we see similar trends at the international level. Kitty Calavita’s (2005) recent study in southern

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Europe, for example, reports that in Spain in 2002 a national poll found that 60 percent believed that immigrants were causing increases in the crime rate, while a survey conducted in Italy found that 57 percent of Italians agreed that “the presence of immigrants increases crime and delinquency.” These notions in turn were fanned by media accounts. A content analysis of newspapers in southern Italy found that 78 percent of the articles regarding immigration were crime related, while another study found that 57 percent of television reports on immigrants dealt with crime.

The Coincidence of Mass Immigration and Mass Imprisonment

A new era of mass migration, accelerating since the 1970s, has transformed the ethnic and racial composition of the U.S. population and the communities where they settle. This time the flows have come largely from Latin America, the Caribbean, and Asia, not from Europe. Over the past fifteen years, the number of immigrants—in varying legal statuses¹—coming to the United States has been the largest in history in absolute terms. In 2006 the foreign-born population surpassed 38 million, nearly 13 percent of the U.S. population.

In 1970, the U.S. census had found that the foreign-born population accounted for only 4.7 percent of the total population—the lowest proportion since 1850, when it first recorded the country of birth of U.S. residents. But by 1980, the foreign-born population had grown to 14.1 million, or 6.2 percent of the national total; by 1990 it had grown to 19.8 million (7.9 percent); by 2000, to 31.1 million (11.1 percent); and it has been growing by more than one million per year since. More immigrants came in the 1980s than in any previous decade but one (1901-10, the peak years of mass migration from Europe when the foreign-born population reached 14.7 percent of the U.S. total); and more immigrants came in the 1990s than in any other decade—a total that may be surpassed in the present decade, adding to the largest immigrant population in history (both legal and illegal). By 2008, over 70 million persons in the United States were of foreign birth or parentage (first or second generations)—about 23 percent of all Americans, including 76 percent of all “Hispanics” and 90 percent of all “Asians” (Rumbaut, 2008). Immigrants are heavily concentrated in metropolitan areas, are predominantly nonwhite, speak languages other than English, reflect a wide range of religious and cultural backgrounds, and arrive with a mix of legal statuses (Alba and Nee 2003; Portes and Rumbaut 2006).

More significant still is the diversity of their social class origins. By far the most educated *and* the least educated groups in the U.S. today are immigrants, a reflection of polar-opposite types of migrations embedded in different historical contexts—and inserted in a labor market increasingly polarized into high-tech/high-wage and manual/low-wage sectors, which attracts both immigrant professionals and undocumented laborers. They come through regular immigration channels, or without legal authorization, or as state-sponsored refugees—legal statuses which interact with their human capital to shape distinct modes of incorporation. One mode is exemplified by groups composed of a majority of legal permanent residents with college degrees or more advanced credentials (such as the Indians, Chinese, Koreans, and Filipinos); another is typified by groups composed of a majority of unauthorized laborers with less than a high school education (principally Mexicans, Salvadorans, and Guatemalans, who have the lowest levels of education in the U.S.); yet a third

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involves groups admitted as refugees (such as the Vietnamese, Laotians, and Cambodians, and the Cubans, who benefit from a 1966 law that applies uniquely to them) (Rumbaut 2008).

Unlike the Europeans who entered a rapidly industrializing society in the last era of mass migration a century ago, the incorporation of contemporary immigrants has coincided with a period of economic restructuring and rising inequality in income, wealth, and social well-being, during which the returns to education have sharply increased (Massey 2007). As the post-World War II era of sustained economic growth, low unemployment, and rising real wages ended for most workers by the early 1970s, men with only a high school degree or less were hardest hit. In this changing context, social timetables that were widely observed a half century ago by young people for accomplishing adult transitions have become less predictable and more prolonged, diverse, and disordered (Settersten, Furstenberg, and Rumbaut 2005).

This new era of mass immigration has also coincided with an era of mass imprisonment in the U.S., which has further transformed paths to adulthood among young men with low levels of education (Pettit and Western 2004). The number of adults incarcerated in federal or state prisons or local jails in the U.S. skyrocketed during this period, quadrupling from just over 500,000 in 1980 to over 2.2 million in 2006. Those figures do not include the much larger number of those on probation (convicted offenders not incarcerated) or parole (under community supervision after a period of incarceration); when they are added to the incarceration totals, over seven million adults were under correctional supervision in the U.S. in 2006 (U.S. Bureau of Justice Statistics 2007).

Among some racial minorities in the U.S., becoming a prisoner has become a modal life event in early adulthood: astoundingly, as Pettit and Western (2004) have noted, a black male high school dropout born in the late 1960s had a nearly 60 percent chance of serving time in prison by the end of the 1990s, and recent birth cohorts of black men are more likely to have prison records than military records or bachelor's degrees. In a cycle of cumulative disadvantage, young men with low levels of education are significantly more likely to become a prisoner than same-age peers with higher levels of education. Having a prison record, in turn, is linked not only to unemployment, lower wages, marital and family instability, and severe restrictions on social and voting rights (including lifetime disenfranchisement in many states) but also to stigmatized identities and pathways to criminal recidivism (Manza and Uggen 2006; Pager 2003; Sampson and Laub 1993; Western 2002; Western, Kling, and Weiman 2001; Visher and Travis 2003).

In the wake of both phenomena—the rise of immigration and the rise of incarceration, which have occurred rapidly and in tandem, extending deeply into the fabric of American life—the research literatures on both immigration and incarceration have burgeoned, but independently of each other. Surprisingly, with some exceptions (e.g., Butcher and Piehl 1997; Hagan, Levi, and Dinovitzer 2008; Hagan and Palloni 1999; Lee 2003; Lee, Martínez, and Rosenfeld 2001; Martínez 2002; Martínez, Lee, and Nielsen 2004; Rumbaut, 1997, 2005), there has been scant scholarly effort made to connect the respective literatures. Immigration scholars, focused on the incorporation of the latest waves of newcomers, have all but ignored the areas of crime and imprisonment—although those would be indispensable to tests of theories of segmented assimilation and modes of incorporation. And criminologists in turn have paid no attention to the

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surge in immigration (for instance, Zimring 2007). Contemporary criminology has focused largely on the stratifications of race (still largely framed in black and white terms) and place, class, age and gender, leaving out ethnicity, nativity, and generation (in part because official criminal justice statistics are not collected by national origin, immigration or generational status).

Undocumented Immigration 1993-2006

Today an estimated twelve million immigrants are unauthorized, or 30 percent of the foreign-born population of the U.S.; those figures are unprecedented. The number of undocumented immigrants has quadrupled since 1994. The U.S. Department of Homeland Security estimated their numbers at 11.6 million as of January 2006 (Hoefer *et al.*, 2007). According to the Pew Hispanic Center, two-thirds (66 percent) of the unauthorized population had been in the country for ten years or less, and the largest share, 40 percent or 4.4 million people, had been in the country five years or less. There were 1.8 million children who were unauthorized, or 16 percent of the total. In addition, 3.1 million children who are U.S. citizens by birth were living in households in which the head of the family or a spouse was unauthorized. About 56 percent of the unauthorized population was from Mexico, and another 8 percent from El Salvador and Guatemala, so that two-thirds of the total came from those three countries alone. Another 14 percent came from other Latin American countries, and 22 percent from Asia, Europe, Canada, Africa, and elsewhere (Passel 2006).

Since 1993, the militarization of the U.S.-Mexico border in four key sectors from San Diego to El Paso and the lower Rio Grande Valley, including a tripling of the number of Border Patrol agents and a quadrupling of the Border Patrol budget, has not deterred the flow of unauthorized migrants. Instead it has led to a booming industry of professional smugglers (*coyotes*) and redirected the flow of undocumented immigrants through more isolated and dangerous desert terrain, resulting in hundreds of deaths each year. Undocumented immigrants are now heading to new destinations across all fifty states, rather than just traditional destinations in California and Texas. Another unintended consequence of heightened border enforcement is that the largely temporary population of “sojourner” workers that predominated in the past has been transformed into a population of permanent “settlers” who bring their families and stay, since the risks and costs of dangerous border crossings have sharply increased. For instance, in recent years *coyotes* have charged Mexican migrants about \$3,000 per person to cross the border (Cornelius 2006; Massey, Durand and Malone 2002).

Still, the undocumented immigrant population is disproportionately made up of poor young males who have recently arrived from Mexico, El Salvador, and Guatemala, and a few other Latin American countries to work in low-wage jobs requiring little formal education. These migrants are responding to the growing demand for their labor generated by the U.S. economy, which faces a demographic challenge to future labor-force growth as the fertility rate of natives declines and a growing number of native-born workers retire (IPC 2005). As the Congressional Budget Office put it in a recent report (2005: 25): “The baby-boom generation’s exit from the labor force could well foreshadow a major shift in the role of foreign-born workers in the labor force. Unless native fertility rates increase, it is likely that most of the growth in the U.S. labor force will

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come from immigration by the middle of the century.”

Conventional wisdom presumes a connection between the characteristics of workers who fill less-skilled jobs (i.e., young, male, poor, high-school dropout, ethnic minority)—which describe a much greater proportion of the foreign-born than of the native-born—and the likelihood of involvement with crime, all the more when those young male workers are unauthorized migrants. Federal Bureau of Investigation (FBI) statistics also show that late teens and young adult males exhibit the highest rates of violent and property crimes. But if immigration (legal or illegal) were associated with increasing crime rates, the official crime statistics would clearly reveal it. The opposite, however, is the case.

Crime Rates 1993-2006

Since the early 1990s, over the same time period as legal and especially illegal immigration was reaching and surpassing historic highs, crime rates have *declined*, both nationally and most notably in cities and regions of high immigrant concentration (including cities with large numbers of undocumented immigrants, such as Los Angeles and border cities like San Diego and El Paso, as well as New York, Chicago, and Miami). This is especially evident from national-level data on crimes and arrests reported by city, county and state law enforcement authorities to the FBI, as well as from the National Crime Victimization Survey (NCVS), an annual household survey ongoing since 1972 that interviews about 134,000 persons age twelve or older in 77,200 households about their victimizations from crime (whether or not they were reported to the police). Data from the latter provide a more precise estimate of crimes that often go unreported to the police (in 2005, for example, only 47 percent of all violent victimizations and 40 percent of all property crimes were reported to the police).

The Uniform Crime Reports released each year by the FBI demonstrate the decline of both reported violent crime and property crime at the same time that the foreign-born population has surged. *From 1994 to 2005, property crimes and violent crimes reached lows in the United States not seen in decades.* Over that period, the total number of reported *property* crimes declined significantly. Specifically, burglary rates stabilized after many years of decline, motor-vehicle theft rates were cut by more than half during the 1990s and leveled off after 2000, and theft rates reached the lowest level ever recorded in 2005. Even more significantly, in this same time period, the total number of reported *violent* crimes declined by 34 percent. In particular, homicide rates fell 38 percent to levels last seen in the late 1960s, robbery rates dropped 41 percent, and assault rates declined 32 percent; serious violent crimes committed by juveniles also decreased during this period. In fact, both overall property and violent crime rates reached their lowest levels in about thirty years, with rates for some reported crimes at all-time lows (U.S. Bureau of Justice Statistics 2007).

Data from the NCVS document even more impressive reductions in serious violent crime and property crime during the same period. Between 1993 (when the NCVS was redesigned) and 2005, the rate of every major violent and property crime measured—rape or sexual assault, robbery, aggravated assault, simple assault, burglary, theft, and motor vehicle theft—fell significantly. Overall, the violent crime rate decreased 58 percent, from fifty to twenty-one victimizations per 1,000 persons age twelve or older. Property crime declined 52 percent, from 319 to 154 per 1,000 house-

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holds. Specifically, significant declines were measured in the rates of rape or sexual assault (down 69 percent), robbery (down 57 percent), aggravated assault (down 64 percent), and simple assault (down 54 percent). The household burglary rate fell 49 percent; the motor vehicle theft rate fell 56 percent; and the theft rate fell 52 percent (Catalano 2006).

Yet during these same years there was an unprecedented rise in the foreign-born and Hispanic populations. From 1994 to 2006, the foreign-born population grew from 22.6 to 38.6 million people in the United States (a 71 percent increase), and the Hispanic population increased from 26.6 to 43.2 million people (a 62 percent increase). “Hispanics” are often lumped together in both the media and official statistics without regard to generational differences, national or class origins, or immigration status, and are often categorically scapegoated for perceived increases in crime rates. While correlation is not causation, *it is telling that during a thirteen-year period when the immigrant population (and especially the undocumented population) was increasing sharply to historic highs, the overall rates of property and violent crimes in the United States decreased significantly, in some instances to historic lows.*

Incarceration Rates 1980-2006

On the other hand, paralleling the rise in immigration, the U.S. incarceration rate has become the highest of any country in the world. There are more people behind bars in the United States than in either China or India, each of which has a population roughly four times larger than that of the United States (Walmsley 2005). The U.S., with less than 5 percent of the world’s population, now has almost a fourth of the world’s prisoners. The U.S. incarceration rate, which had been relatively stable at some 110 prisoners per 100,000 people from 1925 to 1975, began increasing sharply thereafter. Between 1980 and 2006, the rate grew from 139 prisoners for every 100,000 people to 751 per 100,000. Of the more than two million people behind bars, two-thirds are in federal or state prisons and one-third in local jails. The vast majority are young men between eighteen and thirty-nine.

Although official statistics are not kept by nativity or immigration status, they show that imprisonment rates vary widely by gender (93 percent of inmates in federal and state prisons are men, most between eighteen and thirty-nine); by racial/pan-ethnic groups (there were 4,834 black male prisoners per 100,000 black males in the U.S., compared to 1,778 Hispanic males per 100,000, and 681 white males per 100,000, although since 1985 Hispanics have been the fastest group being imprisoned); and by level of education (those incarcerated are overwhelmingly high school dropouts) (U.S. Bureau of Justice Statistics 2007). According to the National Center on Addiction and Substance Abuse at Columbia University (1998), about 80 percent of those in prison either violated drug or alcohol laws, were high at the time they committed their crimes, stole property to buy drugs, had a history of drug and alcohol abuse and addiction, or some combination of those characteristics—reflecting the impact of mandatory-sentencing and “three strikes” laws during this period.

Incarceration Rates of Foreign-born vs. Native-born Men

Inasmuch as the incarcerated population is overwhelmingly composed of less educated young adult males from ethnic minority groups—a profile which, as noted, fits a much greater proportion of the

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undocumented immigrant population—it follows that immigrants would be expected to have higher incarceration rates than natives. And immigrant Mexican men—who comprise fully a third of all immigrant men in the U.S. between eighteen and thirty-nine—would be expected to have the highest rates. The hypothesis is examined empirically in Tables 1 and 2. The results shown there turn those expectations on their head. Data from the 2000 census are used to measure the institutionalization rates of immigrants and natives, focusing on males age eighteen to thirty-nine, among whom the vast majority of the institutionalized are in correctional facilities (Butcher and Piehl 1997).

As Table 1 shows, 3 percent of the 45.2 million males age eighteen to thirty-nine were in federal or state prisons or local jails at the time of the 2000 census (a total of over 1.3 million, coinciding with official prison statistics). However, *the incarceration rate of the U.S.-born (3.51 percent) was five times the rate of the foreign-born (0.68 percent)*. The latter was less than half the 1.71 percent rate for non-Hispanic white natives, and seventeen times less than the 11.6 percent incarceration rate for native black men. The advantage for immigrants *vis-à-vis* natives applies to every ethnic group without exception. Almost all of the Asian immigrant groups have lower incarceration rates than the Latin American groups (the exception involves foreign-born Laotians and Cambodians—two refugee groups with the highest levels of poverty in the country—whose incarceration rate of 0.92 percent is still well below that for non-Hispanic white natives). Tellingly, among the foreign-born the highest incarceration rate by far (4.5 percent) was observed among island-born Puerto Ricans—who are not immigrants as such since they have statutory U.S. citizenship and can travel freely to the mainland as natives.

Incarceration Rates by Education and Nativity

Of particular interest is the finding that *the lowest incarceration rates among Latin American immigrants are seen for the least educated groups, who are also the groups who account for the majority of the undocumented*: the Salvadorans and Guatemalans (0.52 percent), and the Mexicans (0.70 percent). However, those rates increase significantly for their U.S.-born co-ethnics. That is most notable for the Mexicans, whose incarceration rate increases to 5.9 percent among the U.S.-born; for the Vietnamese, whose incarceration rate increases from 0.5 among the foreign-born to 5.6 percent among the U.S.-born; and for the Laotians and Cambodians, whose rate moves up to 7.3 percent, the highest of any group except for native blacks. (Almost all of the U.S.-born among those of Latin American and Asian origin can be assumed to consist of second-generation persons—with the exceptions of Mexicans and Puerto Ricans, who may include among the U.S.-born a sizable but unknown number of third-generation persons.) Thus, *while incarceration rates are found to be extraordinarily low among the immigrants, they are also seen to rise rapidly by the second generation*: except for the Chinese, Indians, Koreans, and Filipinos (who as noted earlier are the children of mainly professional immigrants), the rates of all other U.S.-born Latin American and Asian groups exceed that of the referent group of non-Hispanic white natives.

For all ethnic groups, as expected, the risk of imprisonment is highest for men who are high school dropouts (6.9 percent) compared to those who are high school graduates (2.0 percent). However, as Table 2 elaborates, *the differentials in the risk of incarceration by education are observed principally among native-born men, and not immigrants*. Among the U.S.-born, 9.8 percent of all male dropouts age eighteen to thirty-nine were in jail or prison in 2000, compared to

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TABLE 1. PERCENTAGE OF MALES 18 TO 39 INCARCERATED IN THE UNITED STATES, 2000, BY NATIVITY AND LEVEL OF EDUCATION, IN RANK ORDER BY ETHNICITY

Ethnicity	Males, ages 18-39:		Percent incarcerated, by nativity and by education:			
	Total in U.S.	Percent incarcerated	Nativity:		High school graduate?	
			Foreign-born	U.S.-born	No	Yes
	N	%	%	%	%	%
Total:	45,200,417	3.04	0.68 ^b	3.51	6.91	2.00
Latin American Ethnicities:	7,514,857	3.26	0.99	6.72	3.95	2.62
Salvadoran, Guatemalan	433,828	0.68	0.52	3.01	0.71	0.62
Colombian, Ecuadorian, Peruvian	283,599	1.07	0.80	2.37	2.12	0.74
Mexican	5,017,431	2.71	0.70	5.90	2.84	2.55
Dominican	182,303	2.76	2.51	3.71	4.62	1.39
Cuban	213,302	3.01	2.22	4.20	5.22	2.29
Puerto Rican ^a	642,106	5.06	4.55	5.37	10.48	2.41
Asian Ethnicities:	1,902,809	0.62	0.29	1.86	2.43	0.35
Indian	393,621	0.22	0.11	0.99	1.20	0.14
Chinese, Taiwanese	439,086	0.28	0.18	0.65	1.35	0.14
Korean	184,238	0.38	0.26	0.93	0.93	0.34
Filipino	297,011	0.64	0.38	1.22	2.71	0.41
Vietnamese	229,735	0.89	0.46	5.60	1.88	0.55
Laotian, Cambodian	89,864	1.65	0.92	7.26	2.80	1.04
Other:						
White, non-Hispanic	29,014,261	1.66	0.57	1.71	4.64	1.20
Black, non-Hispanic	5,453,546	10.87	2.47	11.61	21.33	7.09

SOURCE: 2000 U.S. Census, 5% PUMS. Data are estimates for adult males, ages 18 to 39, institutionalized at the time of the census.

^a Island-born Puerto Ricans, who are U.S. citizens by birth and not immigrants, are classified as “foreign born” for purposes of this table; mainland-born Puerto Ricans are here classified under “U.S.-born.”

^b The foreign-born incarceration rate is 0.68 percent when island-born Puerto Ricans (U.S. citizens) are excluded, 0.86 percent when included.

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**TABLE 2. PERCENTAGE OF U.S.-BORN AND FOREIGN-BORN MALES 18-39 INCARCERATED IN THE UNITED STATES, 2000,
BY COMPLETION OF A HIGH SCHOOL EDUCATION, IN RANK ORDER BY ETHNICITY**

Ethnicity	Males, ages 18-39:		Percent incarcerated, by education by nativity:			
	Total in U.S.	Percent incarcerated	If foreign-born:		If U.S.-born:	
			High School Graduate?		High School Graduate?	
	N	%	No	Yes	No	Yes
Total:	45,200,417	3.04	1.31	0.57	9.76	2.23
Latin American Ethnicities:	7,514,857	3.26	1.11	0.81	12.42	4.22
Salvadoran, Guatemalan	433,828	0.68	0.58	0.43	4.70	2.16
Colombian, Ecuadorian, Peruvian	283,599	1.07	1.54	0.54	7.01	1.58
Mexican	5,017,431	2.71	0.70	0.70	10.12	3.95
Dominican	182,303	2.76	3.99	1.24	8.67	1.82
Cuban	213,302	3.01	3.18	1.78	11.32	2.90
Puerto Rican ^a	642,106	5.06	9.01	1.96	11.54	2.66
Asian Ethnicities:	1,902,809	0.62	1.03	0.18	9.66	1.00
Indian	393,621	0.22	0.29	0.09	6.69	0.48
Chinese, Taiwanese	439,086	0.28	0.91	0.07	4.71	0.36
Korean	184,238	0.38	0.58	0.24	2.05	0.82
Filipino	297,011	0.64	1.73	0.23	4.73	0.81
Vietnamese	229,735	0.89	0.85	0.32	16.18	2.85
Laotian, Cambodian	89,864	1.65	1.72	0.52	9.11	5.80
Other:						
White, non-Hispanic	29,014,261	1.66	1.63	0.43	4.76	1.23
Black, non-Hispanic	5,453,546	10.87	7.08	1.32	22.25	7.64

SOURCE: 2000 U.S. Census, 5% PUMS. Data are estimates for adult males, ages 18 to 39, institutionalized at the time of the census.

^a Island-born Puerto Ricans are U.S. citizens by birth and not immigrants, but are classified as “foreign born” for purposes of this table; mainland-born Puerto Ricans are classified under “U.S.-born.”

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2.2 percent among those who had graduated from high school. But among the foreign-born, the incarceration gap by education was much narrower: only 1.3 percent of immigrant men who were high school dropouts were incarcerated, compared to 0.6 percent of those with at least a high school diploma. The advantage for immigrants held when broken down by education for every ethnic group. Indeed, *nativity emerges in these data as a stronger predictor of incarceration than education*: as noted, native-born high school graduates have a higher rate of incarceration than foreign-born non-high school graduates (2.2 to 1.3 percent).

Among U.S.-born men who had not finished high school, the highest incarceration rate by far was seen among non-Hispanic blacks, an astonishing 22.2 percent of whom were imprisoned at the time of the census; that rate was triple the 7.6 percent among foreign-born black dropouts. Other high rates among U.S.-born high school dropouts were observed among Vietnamese (over 16 percent), followed by Colombians (over 12 percent), Cubans and Puerto Ricans (over 11 percent), Mexicans (10 percent), and Laotians and Cambodians (over 9 percent). Almost all of these can be assumed to consist of second-generation persons—with the exceptions of Mexicans and Puerto Ricans, who may include among the U.S.-born a sizable but unknown number of third-generation persons.

Incarceration Rates over Time in the United States

The finding that incarceration rates are much lower among immigrant men than the national norm, despite their lower levels of education and minority status, but increase significantly among their co-ethnics by the second generation, especially among those with lower levels of education, suggests that the process of “Americanization” can lead to downward assimilation and greater risks of involvement with the criminal justice system among a significant segment of this population. To explore this question further, we examined what happens to immigrant men over time in the United States. The results are presented in Table 3.

For every group without exception, *the longer immigrants had resided in the U.S., the higher were their incarceration rates*. Here again, the rates of incarceration for island-born Puerto Ricans are significantly higher—regardless of how long they have lived in the U.S. mainland—than the rates for all the immigrant groups listed in Table 3, underscoring the unique status of the former. In contrast, foreign-born Mexican men age eighteen to thirty-nine, by far the largest group (at over three million), have a *lower* incarceration rate than many other ethnic and racial groups—even after they have lived in the U.S. for over fifteen years. The Mexican incarceration story in particular can be very misleading when the data conflate the foreign-born and the native-born (as official statistics on “Latinos” or “Hispanics” routinely do). Rather than a story of upward mobility often mentioned in the “straight-line” assimilation literature, the data in Tables 1-3 suggest instead a story of segmented assimilation to the criminal norms of the native-born.

Incarceration Rates in California

We also examined the same census data for California, the state with by far the greatest number of immigrants, legal and illegal (over a quarter of the national total), and the state with the greatest number of persons in prisons and jails (in fact, California has one of the highest inmate populations in the world, behind China and a handful of other countries). California also has

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TABLE 3. PERCENTAGE OF FOREIGN-BORN MALES 18-39 INCARCERATED IN THE UNITED STATES, 2000, BY LENGTH OF U.S. RESIDENCE, IN RANK ORDER BY ETHNICITY

Ethnicity	Total foreign-born males 18-39:		Years in the United States:		
	N	% incarcerated	0-5 yrs	6-15 yrs	16 yrs+
Total (foreign-born men 18-39):	8,079,819	0.68 ^b	0.50	0.77	1.39
Latin American Ethnicities:	4,535,269	0.99	0.57	0.89	1.70
Salvadoran, Guatemalan	407,147	0.52	0.37	0.46	0.88
Mexican	3,082,660	0.70	0.46	0.66	1.12
Colombian, Peruvian, Ecuadorian	234,834	0.80	0.55	1.30	1.98
Cuban	127,399	2.22	1.28	1.99	3.07
Dominican	144,387	2.51	1.48	2.49	3.40
Puerto Rican ^a	240,713	4.55	2.57	4.01	6.06
Asian Ethnicities:	1,510,298	0.29	0.14	0.25	0.50
Indian	343,834	0.11	0.05	0.11	0.27
Chinese	347,029	0.18	0.07	0.22	0.27
Korean	152,785	0.26	0.10	0.15	0.50
Filipino	205,167	0.38	0.31	0.35	0.45
Vietnamese	210,331	0.46	0.46	0.41	0.51
Laotian, Cambodian	79,489	0.92	†	0.33	1.19
Other:					
White, non-Hispanic	1,266,100	0.57	0.36	0.41	0.88
Black, non-Hispanic	441,263	2.47	1.64	2.10	3.80

SOURCE: 2000 U.S. Census, 5% PUMS. Data are estimates for all foreign-born males, ages 18 to 39, institutionalized at the time of the census, regardless of age at arrival in the United States.

^a Island-born Puerto Ricans (who are U.S. citizens by birth) are classified as “foreign born” for purposes of this table.

^b The foreign-born incarceration rate is 0.68 percent when island-born Puerto Ricans (U.S. citizens) are excluded.

† There are too few cases for an accurate estimate.

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one of the toughest mandatory-sentencing “three strikes” laws in the country (Domanick 2004). The results of the state-level analysis further reinforce those reviewed above.

Overall, native-born men age eighteen to thirty-nine in California have *higher* incarceration rates than the rest of the U.S., while the foreign-born have *lower* rates in California compared to the rest of the U.S. The total incarceration rate for the U.S.-born is more than 1 percentage point higher in California than in the rest of the U.S. (4.5 to 3.4). In contrast, the rate for the foreign-born in California was less than half the foreign-born rate in the rest of the country (0.4 to 1.0).

Survey Findings from Southern California

Those incarceration estimates were drawn from U.S. census data. We can get more direct evidence of actual lifetime experiences with the criminal justice system from comprehensive regional surveys of immigrant-origin populations. Consider, for instance, two major surveys of adult children of immigrants recently carried out in Southern California, the region with the greatest number of immigrants (and of undocumented immigrants): the Immigration and Intergenerational Mobility in Metropolitan Los Angeles (IIMMLA) survey, carried out in 2004 (Rumbaut *et al.*, 2003); and the third wave of the Children of Immigrants Longitudinal Study (CILS) in San Diego, a decade-long panel study whose last phase of data collection ended in 2003 (Portes and Rumbaut 2005).

By the year 2000 one of every five immigrants in the United States resided in the region’s six contiguous counties (San Diego, Orange, Los Angeles, Ventura, Riverside, and San Bernardino), including the largest communities of Mexicans, Salvadorans, Guatemalans, Filipinos, Taiwanese, Koreans, Vietnamese, Cambodians, and Iranians outside of their countries of origin, and to sizable contingents of many others (Rumbaut 2004). For this analysis the two data sets were merged ($n=6,135$), since they are based on representative samples evenly divided by gender, of the same approximate age (the mean age was 27.5) and national origins (Mexicans, Salvadorans, Guatemalans, Filipinos, Chinese, Koreans, Vietnamese, Cambodians and Laotians make up 76 percent of the merged sample, and other Latin American and Asian nationalities 10 percent), and surveyed at about the same time in the same metropolitan region (the six contiguous Southern California counties). Our surveys collected data on criminal justice involvement of *foreign-parentage* (1.5- and second-generation) young adults, compared to *native-parentage* (third-generation and beyond) white, black and Mexican-American peers. (For details of the sampling and research design of each study, see Rumbaut 2008.)

We focus here on the arrest and incarceration histories of the males in the sample ($n=2,971$). Table 4 looks at whether they had ever been arrested or incarcerated (which in most cases involved being convicted and sentenced for the commission of a crime), broken down by ethnicity and generation. There are striking differences between ethnic groups and generations. Intergenerational differences are strongly significant overall, with the U.S.-born (second and third-plus generations) much more likely to become ensnared with the criminal justice system than the foreign-born (the 1.5 generation, who came to the U.S. as children), reflecting the national patterns noted earlier among young adult men age eighteen to thirty-nine. The patterns are linear,

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TABLE 4. ARREST AND INCARCERATION AMONG YOUNG MEN IN SOUTHERN CALIFORNIA, BY ETHNICITY AND GENERATION

(MERGED IIMMLA AND CILS-III SURVEYS: N=2,971 MALES, AGES 20-39; MEAN AGE=27.5)

Ethnicity	Generation ^a	Ever arrested			Ever incarcerated		
		1.5	2nd	3rd+	1.5	2nd	3rd+
	N	%	%	%	%	%	%
Total sample (males 20-39):	2,971	13.2	20.7	36.3	7.8	12.1	23.8
Latin American Ethnicities:							
Mexican	787	22.3	29.8	39.6	11.9	20.4	26.6
Salvadoran, Guatemalan	187	21.3	36.7		11.2	17.3	
Other Latin American	107	17.4	21.3		15.2	11.5	
Asian Ethnicities:							
Chinese	245	5.8	7.4		2.9	1.9	
Korean	201	11.6	18.1		3.9	2.8	
Filipino	475	13.3	9.6		8.2	5.7	
Vietnamese	294	8.1	12.7		5.8	9.9	
Laotian, Cambodian	88	8.4	20.0		8.4	20.0	
All other nationalities	200	12.3	21.7		7.0	11.9	
Other:							
White, non-Hispanic	201			29.4			18.1
Black, non-Hispanic	186			40.4			27.3

SOURCE: Adapted from Rumbaut, 2008.

^a 1.5 generation = foreign-born, arrived in the U.S. before teen years; 2nd generation = U.S.-born, one or both parents foreign-born; 3rd or higher generations = U.S.-born, both parents U.S.-born.

but with the outcomes worsening over time and generation—and acculturation—in the United States: among the 1.5ers, 13 percent had ever been arrested and 8 percent incarcerated, compared to 21 percent and 12 percent respectively in the second generation, and 36 percent and 24 percent in the third-plus generations. Indeed, the rates for all of the immigrants and U.S.-born children of immigrants in this sample are *lower* than the rates for native-stock majority-group *whites*. The rates of arrest and incarceration were highest by far for blacks (almost all of whom were fourth-plus generation African Americans), and lowest for Asians, with whites and Hispanics

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in between. Among native-parentage blacks, fully 40 percent had been arrested at some point by the police and 27 percent had been incarcerated; among both native-parentage whites and Hispanics, 29 percent had ever been arrested and 18 percent incarcerated; and among Asians, the respective figures were 10 percent and 6 percent.

For the large Mexican-origin subsample, the intergenerational patterns are clear: among the Mexican-born 1.5ers, 22 percent had ever been arrested and 12 percent incarcerated (significantly *lower* than the rates for native whites), compared to 30 percent and 20 percent respectively in the second generation (about the *same* as the rates for native whites), and almost 40 percent and 27 percent in the third-plus. The latter figures are virtually identical to those for African American men—the highest observed in this sample, as well as nationally. Given the huge size of the Mexican-origin second generation compared to other groups in the U.S., this is a finding fraught with implications for the future—not only for the downward mobility prospects of men caught in a cycle of arrest and imprisonment (who tend to have high rates of recidivism after release), but also for both the short-term and long-term effects on their ethnic communities.

In a multivariate analysis of the odds of having been convicted and jailed for a crime (among the men in this merged sample), incarceration was found to be most strongly predicted by poor educational attainment in adolescence *and* by the generational status variables: i.e., compared to native-parentage non-Hispanic whites, the *least* likely to be incarcerated were the foreign-born 1.5-generation children of immigrants, followed by the U.S.-born second generation with two immigrant parents, and more weakly by those with only one immigrant parent. Having been raised in a two-parent family *reduced* the odds of incarceration, while having grown up in dangerous neighborhoods (with major problems of drugs, crime and gangs) *increased* the odds. Ethnicity washed out of the logistic regression once the other predictor variables were controlled—that is, none of the ethnic group variables was significantly linked to incarceration, despite the fact that non-Hispanic blacks and Mexicans had the highest rates of arrest and incarceration, suggesting that those other variables rather than ethnicity as such accounted for the association.

Confirmatory Results from Other Empirical Studies

The evidence from the 2000 census demonstrating the lower rate of incarceration among immigrants is strongly supported by other studies conducted over the past century. For instance, a study by economists Kristin Butcher and Anne Morrison Piehl based on data from the 1980 and 1990 U.S. censuses yielded similar findings (1998). A more recent analysis by Butcher and Piehl (2005) demonstrates that lower rates are *not* the result of increased deportations of non-citizen criminals or the impact of harsher immigration laws in deterring immigrants from committing crimes. Rather, the authors conclude that during the 1990s, “those immigrants who chose to come to the United States were less likely to be involved in criminal activity than earlier immigrants and the native born.” Taken together with the findings presented above, those studies provide consistent and compelling evidence over a period of three decades that incarceration rates are much lower among immigrant men than the national norm despite their lower levels of education and higher rates of poverty. In 2000, these patterns applied to every ethnic group without exception.

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Other scholars have addressed similar questions concerning immigration and crime and concluded that increased immigration is a major factor associated with lower crime rates. In a study of 180 Chicago neighborhoods from 1995 to 2002, Robert J. Sampson and his colleagues found that Latin American immigrants were less likely than the U.S.-born to commit violent crimes even when they lived in dense communities with high rates of poverty. First-generation immigrants (foreign-born) were 45 percent less likely to commit violent crimes than were third-generation Americans (children of native-born parents), adjusting for family and neighborhood background. The second generation (those born in the United States to immigrant parents) was 22 percent less likely to commit violence than the third or higher generation (Sampson, Morenoff, and Raudenbush 2005; see also Press 2006). These findings clearly echo those reported above.

Recent empirical studies by sociologists Ramiro Martínez and Matthew Lee of homicides in three high-immigration border cities (San Diego, El Paso, and Miami) and of drug violence in Miami and San Diego came to similar conclusions, further refuting commonly presumed linkages between immigration and criminality (Martínez, Lee, and Nielsen 2004; Lee, Martínez, and Rosenfeld 2001). In addition, several other studies have examined homicide rates among the Cuban refugees who arrived in the United States as a result of the Mariel Boatlift of 1980. Although these *marielitos* frequently were depicted in the media as prolific criminal offenders, even murderers, they in fact were not overrepresented among either homicide victims or offenders. Moreover, after only a short time in the United States, they were much less likely to commit crimes than Cubans who arrived in Miami before the Mariel Boatlift. As with South Florida in general, Miami experienced a sharp spike in homicides *before* the Mariel Cubans arrived in the city. Homicide rates continued to decline throughout the 1980s despite a steady inflow of Latin American immigrants (see Martínez and Lee 2000).

Data from the National Longitudinal Study of Adolescent Health (Add Health) demonstrate the intra- and inter-generational differences in delinquency and other risk behaviors among adolescents. Add Health is a nationally representative longitudinal survey of adolescents conducted in several “waves” since 1994. Drawing upon this survey, sociologists Kathleen Mullan Harris (1999), and Hoan Bui and Ornuma Thingniramol (2005), have found that second-generation youth were significantly more prone than foreign-born youth to engage in risk behaviors such as delinquency, violence, and substance abuse—precisely the sorts of behaviors likely to lead to involvement with the criminal justice system and to cycles of arrests and incarceration. In their analyses, every foreign-born (first-generation) immigrant nationality engaged in significantly *fewer* risk behaviors than the comparison group of native-born non-Hispanic whites.

Similarly, John Hagan and his colleagues (2008) used scores from a delinquency and drug use scale of two cohorts near Toronto to examine delinquency and violent behavior among Canadian youth. They separated the first, 1.5, and second generations from third-generation Canadians. Controlling for gender, age, socioeconomic background, ethnic origin, and cohort, they found generational status to be the most significant predictor of youth delinquency. That is, the foreign-born first and 1.5 generations were significantly *less* likely than the native-born to engage in high-risk activities. As generational status increased, the odds of engaging in delinquent behavior also increased.

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Survey research has consistently shown a striking relationship between acculturation and risk behaviors, for both Hispanic and non-Hispanic ethnic groups. For example, data from the Hispanic Health and Nutrition Examination Survey (HHANES), with a large regional sample, indicated that marijuana use is five to eight times higher among highly acculturated Mexican Americans compared to those (Mexican immigrants) who are not, controlling for demographic factors. Studies based on the HHANES and more recent survey data have also documented adverse effects of acculturation among Hispanic groups with respect to cocaine use and alcohol consumption (for a summary see Portes and Rumbaut 2006).

A recent study in Washington State (Akins *et al.*, 2008), with a rural and more dispersed Hispanic population, found that acculturated Hispanics were nearly thirteen times more likely to report current illegal drug use and more than four times as likely to report current hard drug use than non-acculturated Hispanics. Acculturated Hispanics were about twice as likely to report alcohol binge drinking (consuming five or more drinks in one day) and more than three times as likely to report bender drinking (drinking for two or more days in a row without sobering up). Such findings on substance abuse support the growing body of research indicating the negative consequences of acculturation—and help in part to explain the significantly higher rates of arrest and incarceration among acculturated U.S.-born groups as compared to the foreign-born. Increased exposure to the U.S. brings, among other things, increased opportunities and risks for substance use and abuse—particularly among the U.S.-born.

In a sense, these findings should not come as news, for they are not new—merely forgotten and overruled by popular myth. In the first three decades of the twentieth century, during the previous era of mass immigration, three major government commissions came to similar conclusions. The Industrial Commission of 1901, the [Dillingham] Immigration Commission of 1911, and the [Wickersham] National Commission on Law Observance and Enforcement of 1931 each sought to measure how immigration resulted in increases in crime. Instead, each found lower levels of criminal involvement among the foreign-born and higher levels among their native-born counterparts (see Tonry 1996). As the report of the Immigration Commission concluded a century ago (1911: 168): “No satisfactory evidence has yet been produced to show that immigration has resulted in an increase in crime disproportionate to the increase in adult population. Such comparable statistics of crime and population as it has been possible to obtain indicate that immigrants are *less* prone to commit crime than are native Americans.” More than eight decades later, not surprisingly, the U.S. Commission on Immigration Reform concluded in a 1994 report that immigration is not associated with higher crime. The Commission compared crime rates in U.S.-Mexico border cities such as El Paso with cities elsewhere in the United States and found that crime rates generally were lower in border cities.

Conclusion and Implications

Because many immigrants to the United States, especially Mexicans and Central Americans, are young men who arrive with very low levels of formal education, popular stereotypes tend to associate them with higher rates of crime and incarceration. The fact that many of these immi-

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grants enter the country through unauthorized channels or overstay their visas often is framed as an assault against the “rule of law,” thereby reinforcing the impression that immigration and criminality are linked. This association has flourished in a post-September 11 climate of fear and ignorance where terrorism and undocumented immigration often are mentioned in the same breath. Thus in May 2007, as reported by the Associated Press, former U.S. Senator Fred Thompson, a star of the television series “Law & Order” and later Republican presidential candidate, blamed the Immigration Reform and Control Act of 1986 for illegal immigration, adding: “Twelve million illegal immigrants later, we are now living in a nation that is beset by people who are suicidal maniacs and want to kill countless innocent men, women and children around the world....We’re sitting here now with essentially open borders.”

But political scapegoating and hyperbole are no substitute for scientific evidence. Since the early 1990s, as the immigrant population (especially the undocumented population) increased sharply to historic highs, the rates of violent crimes and property crimes in the United States decreased significantly, in some instances to historic lows—as measured both by crimes reported to the police and by national victimization surveys. Moreover, data from the census and a wide range of other empirical studies show that for every ethnic group without exception, incarceration rates among young men are lowest for immigrants, even those who are the least educated. This holds true especially for the Mexicans, Salvadorans, and Guatemalans, who make up the bulk of the undocumented population. These patterns have been observed consistently over the last three decennial censuses, a period that spans the current era of mass immigration, and recall similar national-level findings reported by three major government commissions during the first three decades of the twentieth century, as did another U.S. commission in the 1990s.

Given the cumulative weight of this evidence, the rise in immigration is arguably one of the reasons that crime rates have *decreased* in the United States over the past decade and a half—and even more so in cities of immigrant concentration. A further implication of this evidence is that if immigrants suddenly disappeared and the U.S. became immigrant-free (and illegal-immigrant free), crime rates would likely *increase*. The problem of crime and incarceration in the United States is not “caused” or even aggravated by immigrants, regardless of their legal status. But the uncritical and evidence-optional assumption that the opposite is true persists among policymakers, the media, and the general public, thereby impoverishing a genuine understanding of complex phenomena—a situation that undermines the development of evidence-based, reasoned public responses to both crime *and* immigration.

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Endnotes

¹ As used here, “legal” immigrants consist of Legal Permanent Residents (LPRs)—about 40 percent of whom had been in the United States in other statuses (refugee, temporary, or unauthorized) before becoming LPRs—as well as former LPRs who subsequently became naturalized U.S. citizens. “Illegal” or undocumented immigrants are those who entered the country without proper authorization, or who entered the country lawfully with non-immigrant visas but subsequently over-stayed or violated the terms of their visas. Visa overstayers and violators may make up as much as 40 percent of the “illegal immigrant” population (see Passel, 2006: 16).

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