

The Issue of Policing Immigration

Daniel C. Durham

Arizona State University

### The Issue of Policing Immigration

After a litany of broken promises by both the President and Congress, changes to the decades-old immigration policy of the United States have been delayed until after the 2014 mid-term election period. As this saga of political posturing and infighting continues, an additional sixty thousand immigrants will be deported by the end of 2014 and the eleven million undocumented immigrants currently residing in the United States must continue to wait for a path to citizenship (New York Times, 2014). Complicating changes to the immigration issue is the effort of some Congressional leaders to mold public opinion, in a manner which borders on attempting to create a moral panic, by inferring that undocumented immigrants present a threat to the safety and values of American society (Messina, 2014). Contrary to this politically charged contention of public safety being at risk, contemporary research suggests that changing social processes associated with the current period of immigration in the United States has contributed to a reduction in crime (Stowell, Messner, McGeever & Raffalovich, 2009).

### Examination of the Immigration Issue

Despite the absence of a consistent national policy, many local police agencies are being challenged by political leaders to more aggressively enforce federal immigration laws while continuing to manage community-oriented policing strategies (Decker, Lewis, Provine & Varsanyi, 2013). Inherent to the concept of community policing is the ability of local police offices to establish a partnership with citizens which promotes a sense of mutual trust to reduce criminal activity necessary to ensure public safety. As such, community policing efforts in communities with an immigrant population can be exceedingly difficult given the ever-present threat of deportation and alleged discriminatory practices and the use of excessive force by U.S. Customs and Border Protection agents (Nevins, 2012).

**Local Police Policy Standards for Illegal Immigrants**

In 2011 the foreign-born population in the United States increased by more than thirty percent in more than two-thirds of the states to include rural communities and suburbs as well as larger cities (Homeland Security, 2013). When this increase is viewed in the context of an estimated eleven million undocumented immigrants currently residing in the United States, there is an obvious need for a consistent national police policy to address issues associated the immigrant population in American society. The local police challenge of enforcing immigration laws while simultaneously attempting to build trust within immigrant communities presents numerous barriers for police efforts which includes: the fear of deportation; past experiences with the police in other countries; communication barriers; and cultural differences (Khashu, 2005). In an effort to develop a partnership approach to address enforcement issues, police in many jurisdictions have been successful in implementing policies within immigrant communities that includes the use of dedicated community liaisons and multicultural advisory councils. However, efforts of this nature are not always effective given cultural differences in which cooperation with the police is not a customary practice. This consideration is supported by research studies conducted in New York and Phoenix which identify that some cultures place more importance on feelings of empowerment in a community than issues associated with police efforts to control crime and enforce immigration laws (Davis & Henderson, 2003; Menjvar & Bejarano, 2003). Given the varied cultural beliefs of a diverse immigrant population, policies which have proven effective in some jurisdictions include training that enables the police to better understand barriers that adversely impact citizens perceptions of the goal and function of law enforcement (Heslop, 2006). This consideration is supported by research studies which indicate that differences continue to exist in the manner that immigration enforcement is perceived by police and the community (Decker et al., 2013).

**Community Opinion of Police Immigration Enforcement Efforts**

In examining the reason why a given community may not be in favor of enforcing immigration laws, it becomes readily apparent that a common cause is associated with the fear of deportation. Studies indicate that even the mere perception on the part of community members that local police are cooperating with federal immigration control agents can have an adverse impact on the trust and cooperation with local authorities (Provine & Varsanyi, 2012). An essential consideration in this regard within American society is that many undocumented immigrants live in the same household or community as those who have lawfully become American citizens through the naturalization process (Fix & Zimmermann, 2001). As a result, the immigration enforcement efforts often have the effect of extending beyond the impact upon the undocumented immigrants to adversely impact family members and neighbors. The relevance of this issue becomes more clear upon considering that there are approximately four million children who were born in the United States, who are considered to be citizens, that have at least one parent that is an undocumented immigrant (Passel, 2011). Accordingly, immigration enforcement efforts which target the adult population can have a significant impact on children as well present the potential that husbands and wives will be separated when the undocumented individual is deported. Additionally, the complexity of immigration laws often results in mistakes in which citizens have been improperly detained and, in some instances, deported (Yablon-Zug, 2012). While seemingly incomprehensible, oversights within the immigration service can occur based in no small part upon the overburdened judicial system and the fact that immigrants are not typically represented when appearing before a judge (Murray-Tjan, 2013). In the final analysis, some communities are not in favor of enforcing immigration laws due to a fundamental lack of trust as federal immigration issues are increasingly becoming a responsibility of local police (Decker et al., 2013).

**Analyzing Selected Immigration Research Studies**

The two studies by identified for inclusion in this paper were associated with the enforcement of immigration laws and the relationship between immigration and violent crime. In general terms, the research studies are associated with the crime control efforts and policy guidance for the enforcement of immigration laws by local police agencies. More importantly, the studies reconfirmed the compelling need for improving the United States immigration policy.

**Research designs.** The two immigration studies are dissimilar in design based predominantly upon the method selected for obtaining data. The study concerning enforcement of immigration laws was accomplished through a national survey of the leader, chief or equivalent position, of medium to large police departments in the United States (Decker et al., 2013). Conversely, the study concerning the relationship between immigration and violent crime rates used data collected from population surveys and indicators of criminal behavior obtained from the Federal Bureau of Investigation's Uniform Crime Reports (Stowell et al., 2009).

**Similarities and differences in findings.** The findings of each study were rooted in the manner that undocumented immigrants have become ingrained in the social fabric of American society. More specifically, the study concerning the enforcement of immigration laws identified a difference from the policy beliefs of immigration goals as compared to the perception of the community as a whole (Decker et al, 2013). In a similar vein, the study concerning the relationship between immigration and violent crime identified issues with the manner in which immigration altered the social conditions of a community which resulted in a reduction of criminal conduct. The studies were dissimilar in that one concentrated upon the enforcement of immigration laws by police, and the other was focused upon the correlation between immigration and a reduction in crime (Stowell et al., 2009).

**Why immigration responsibilities have been relinquished to the local level.** Given the estimated eleven million undocumented immigrants currently within the United States, it is evident that the federal government is unable to prevent illegal immigration. However, the responsibility to enforce federal immigration laws is not that of state and local police agencies (Koper, Guterbock, Woods, Taylor & Carter, 2013). The study involving enforcement of immigration laws and the study of immigration and violent crime provided a connection to the efforts of local police agencies to combat crime at the local level. Accordingly, given that undocumented immigrants have become a part of local communities, local police agencies are compelled to address issues with criminal conduct. As such, local police agencies have no choice but to assume some degree of responsibility for immigration control as part of the core police order maintenance and crime control functions.

### **Conclusion**

Even though the United States is a nation of immigrants, many individuals are somewhat oblivious to the issues associated with the current period of immigration in American history. However, for an ever-increasing number of the American population, the immigration policy of the United States is more than merely an abstract policy. More significantly, research studies of violent crime provide an indication that the fears of many Americans concerning the criminal tendencies of immigrants may no longer be a valid reason for continuing to retain prejudicial beliefs. As such, within the United States, there is a dire need for improved immigration policies at a national level as well as recognizing the importance of the immigration issue to local communities.

### **References**

- Davis, J. C., & Henderson, J. (2003). Evidence on the political economy of the urbanization process. *Journal of Urban Economics*, 53(1), 98-125. Retrieved September 12, 2014, from [http://dx.doi.org/10.1016/S0094-1190\(02\)00504-1](http://dx.doi.org/10.1016/S0094-1190(02)00504-1)
- Decker, S., Lewis, P., Provine, D., & Varsanyi, Monica. (2013). Policing immigration: Federal laws and local police. In *The criminal justice system: Politics and policies* (10th., ed., pp. 184-198). Belmont, CA: West/Wadsworth Pub.
- Fix, M., & Zimmermann, W. (2001). All under one roof: Mixed-status families in an era of reform. *International Migration Review*, 35(2), 397-419. Retrieved September 12, 2014, from <http://dx.doi.org/10.1111/j.1747-7379.2001.tb00023.x>
- Homeland Security. (2013). *Estimates of the unauthorized immigrant population residing in the United States: January 2011*. Retrieved September 12, 2014, from <https://www.dhs.gov/publication/estimates-unauthorized-immigrant-population-residing-united-states>
- Heslop, R. (2006). Humanistic education and diversity in police training. *The Police Journal*, 79(4), 331-342. Retrieved September 12, 2014, from <http://dx.doi.org/10.1350/pojo.2006.79.4.331>
- Khashu, Anita. (2005). *Building strong police-immigrant community relations: Lessons from a New York City project* (2003HSWXK042). Retrieved from Vera Institute of Justice website: [http://www.cops.usdoj.gov/Publications/Building\\_Police\\_Immigrant\\_Relations.pdf](http://www.cops.usdoj.gov/Publications/Building_Police_Immigrant_Relations.pdf)
- Koper, C. S., Guterbock, T. M., Woods, D. J., Taylor, B., & Carter, T. J. (2013). The effects of local immigration enforcement on crime. *Criminology & Public Policy*, 12(2), 239-276. Retrieved September 12, 2014, from <http://dx.doi.org/10.1111/1745-9133.12022>
- Menjvar, C., & Bejarano, C. (2003). Latino immigrants perceptions of crime and police

- authorities in the United States: A case study from the Phoenix Metropolitan Area. *Ethnic and Racial Studies*, 27(1), 1-1. Retrieved September 12, 2014, from <http://dx.doi.org/10.1080/759053711>
- Messina, A. M. (2014). Securitizing immigration in an age of terror. *World Politics*, 66(3), 530-559. Retrieved September 2, 2014, from <https://www.10.1353/wp.2014.0014>
- Murray-Tjan, L. (2013, September 18). When will we stop deporting U.S. citizens? *Huffington Post*. Retrieved September 12, 2014, from [http://www.huffingtonpost.com/laura-murraytjan/when-will-we-stop-deporti\\_b\\_3942843.html](http://www.huffingtonpost.com/laura-murraytjan/when-will-we-stop-deporti_b_3942843.html)
- New York Times: Another broken promise on immigration. (2014, September 9). *New York Times*, p. 2.
- Passel, J. S. (2011). *Unauthorized immigrant population: National and state trends, 2010*. Retrieved from Pew Hispanic Center website: [ttp://www.immigrationpolicy.org/just-facts/unauthorized-immigrants-today-demographic-profile](http://www.immigrationpolicy.org/just-facts/unauthorized-immigrants-today-demographic-profile)
- Provine, D. M., & Varsanyi, M. W. (2012). Perspectives on state and local creation and enforcement of immigration law. *Law & Policy*, 34(2), 105-112. Retrieved September 12, 2014, from <http://dx.doi.org/10.1111/j.1467-9930.2011.00357.x>
- Stowell, J., Messner, S., McGeever, K., & Raffalovch, L. (2009). Immigration and the recent violent crime drop in the United States. *Criminology*, 47(3), 889-028. Retrieved September 12, 2014, from [https://myasucourses.asu.edu/bbcswebdav/pid-9412052-dt-content-rid-36693423\\_1/courses/2014FallA-X-CRJ501-78570/2014FallA-X-CRJ501-78570\\_ImportedContent\\_20140610111822/Week%203/Week%203/embedded/IMMIGRATION%20AND%20THE%20RECENT%20VIOLENT.pdf](https://myasucourses.asu.edu/bbcswebdav/pid-9412052-dt-content-rid-36693423_1/courses/2014FallA-X-CRJ501-78570/2014FallA-X-CRJ501-78570_ImportedContent_20140610111822/Week%203/Week%203/embedded/IMMIGRATION%20AND%20THE%20RECENT%20VIOLENT.pdf)
- Yablon-Zug, M. (2012). Separation, deportation, termination. *Boston College Journal of Law*

*and Social Justice*, 32(1), 63. Retrieved September 12, 2014, from [http://asu.summon.serialssolutions.com/2.0.0/link/0/eLvHCXMwVZ3BCsJADEQX8ehJUDz2BwpNN5vNnsXiB\\_QHNk3izf8\\_moIg\\_sS8GQZmUhpInbx1ZWdhRGXxalA6VAv8b\\_5Xw5x-4rWc08Hel7Quj\\_X-HL9nAOOLGoyGLXvNc1YNSotHLIHZeGPiorZvhpOHNW8k4r0HVL06b9jR2LCSwTUdI0](http://asu.summon.serialssolutions.com/2.0.0/link/0/eLvHCXMwVZ3BCsJADEQX8ehJUDz2BwpNN5vNnsXiB_QHNk3izf8_moIg_sS8GQZmUhpInbx1ZWdhRGXxalA6VAv8b_5Xw5x-4rWc08Hel7Quj_X-HL9nAOOLGoyGLXvNc1YNSotHLIHZeGPiorZvhpOHNW8k4r0HVL06b9jR2LCSwTUdI0)