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IMPROVING US AND EU IMMIGRATION SYSTEMS

Immigration and Crime: The European Experience

by Martin Killias



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**Improving EU and US Immigration Systems' Capacity for Responding to Global
Challenges: Learning from experiences**

**Research Report
Background paper
EU-US Immigration Systems 2011/19**

**Immigration and Crime:
The European Experience**

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[Full name of the author(s)], [title], EU-US Immigration Systems [series number], Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole (FI): European University Institute, [year of publication].

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**Improving EU and US Immigration Systems' Capacity for Responding to Global Challenges:
Learning from experiences**

The project is co-funded by the European Commission in the framework of the Pilot Projects on “Transatlantic Methods for Handling Global Challenges in the European Union and United States”. The project is directed at the Migration Policy Center (MPC – Robert Schuman Centre for Advanced Studies – European University Institute, Florence) by Philippe Fargues, director of the MPC, and Demetrios Papademetriou president of the Migration Policy Institute (MPI) the partner institution.

The rationale for this project is to identify the ways in which EU and US immigration systems can be substantially improved in order to address the major challenges policymakers face on both sides of the Atlantic, both in the context of the current economic crisis, and in the longer term.

Ultimately, it is expected that the project will contribute to a more evidence-based and thoughtful approach to immigration policy on both sides of the Atlantic, and improve policymakers’ understanding of the opportunities for and benefits of more effective Transatlantic cooperation on migration issues.

The project is mainly a comparative project focusing on 8 different challenges that policymakers face on both sides of the Atlantic: employment, social cohesion, development, demographic, security, economic growth and prosperity, and human rights.

For each of these challenges two different researches will be prepared: one dealing with the US, and the other concerning the EU. Besides these major challenges some specific case studies will be also tackled (for example, the analysis of specific migratory corridor, the integration process faced by specific community in the EU and in the US, the issue of crime among migrants etc.).

Against this background, the project will critically address policy responses to the economic crisis and to the longer-term challenges identified. Recommendations on what can and should be done to improve the policy response to short-, medium- and long term challenges will follow from the research. This will include an assessment of the impact of what has been done, and the likely impact of what can be done.

Results of the above activities are made available for public consultation through the websites of the project:

- <http://www.eui.eu/Projects/TransatlanticProject/Home.aspx/>
- <http://www.migrationpolicy.org/immigrationsystems/>

For more information:

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Abstract

Crime and migration has been a subject of debate over many decades. The present review of the literature attempts to synthesize the available evidence from statistics, crime victimization surveys, self-report surveys and other sources regarding offending and victimization rates among migrants and native populations, discriminatory decision-making by victims, police and criminal justice officials, attitudes to the police and explanations. The paper concludes that crime among migrants is a problem that policy-makers should not ignore. A number of policy changes are proposed.

Introduction

Over centuries, migration within Europe remained relatively limited in quantitative terms. Of course, there were migrations of French Protestants to the Netherlands, Prussia and Switzerland in the late 17th century or of Albanians to the Kingdom of Naples and Sicily in the late 1700s. Nowhere did these migrations within Europe affect the demographic composition of countries to any significant extent, however. It was the migration to the “New World” that dominated in quantitative terms before the early 20th century. There, crime among immigrants became an issue in the late 19th century – in the United States (Sellin 1938) no less than in Argentine (Aebi 2005), while the interest in this topic remained very limited in European criminological writings before 1960 (Exner 1939 and Lombroso 1895, being among the rare exceptions). The American view, as summarized by Sellin (1938), was that overall and taking the demographic composition into account, immigrants of the “first” and the “second” generation were not disproportionately involved in crime. If immigrants were overrepresented in crime statistics, this fact was attributed to socio-economic disadvantage (Ross 1937) and their concentration in problematic neighbourhoods (Shaw and McKay 1942). While interest in this issue faded away among American scholars after World War II, given the decreasing migration from Europe to the USA and the growing concern about “race and crime”, European criminology discovered the theme of “migration and crime” after 1960 when immigration from Southern to Northern Europe reached more substantial proportions, and later on when migrants increasingly arrived in Western Europe from more remote parts of the World – often under the form of illegal migration. More recently, interest in this issue reappeared in America given the flow of (legal and illegal) migrants from Latin America, as well as in Canada and Australia and other parts of the World where migration has increased over the recent past. The debates in America, in Europe and in other parts of the World have a lot in common (Tonry 1997).

In this paper, we shall retrace the recent European debate, discuss the pitfalls of statistics and other materials and try to assess the situation given the best available evidence, both for the first and the so-called “second” generation. In doing so, we shall consider, beyond statistics, victimization surveys and studies on self-reported delinquency. Beyond describing the state of affairs, we shall also try to give an account of the best available evidence regarding explanations, obviously with the purpose of offering readers and policy-makers feasible strategies to prevention.

Migrants as offenders and victims of crime: An Overview

Difficulties of statistical comparisons

Comparisons of crime rates among immigrants and the native population are complicated by a number of factors. This starts with even trivial problems such as the inclusion of transient foreign offenders in police and court counts of suspects and convicts (i.e. the numerator), whereas such individuals are in general not included in the resident population (i.e. the denominator). In countries with substantial proportions of unregistered, but nonetheless factually resident aliens, this source of mismatch between the numerator and the denominator can lead to serious overestimates of crime among resident (official) foreign citizens. A similar problem is related to the fact that, in some countries, aliens are naturalized once they have resided there over a number of years, whereas in others, substantial proportions of the foreign population remain aliens all their life or at least over extended periods. Even more complex is the situation with respect to minors who, in some countries, acquire the nationality of their country of residence at birth, whereas they remain aliens in other parts of Europe (for details Killias, Kuhn and Aebi 2011a, 2011b). Surveys on self-reported delinquency allow overcoming these difficulties to some extent – since they allow taking into account the full (and often complex) history of migration among minors and their parents. Due to these difficulties, we shall also look at crime

victimization surveys and studies on self-reported delinquency. In the first place, however, we consider police and court statistics to assess to what extent migrant (or, rather, alien) citizens are implied as suspects or convicts of crime across Europe.

Alien suspects and convicts across Europe

For the *European Sourcebook of Crime and Criminal Justice Statistics* (2010), data on aliens as suspects and convicts of offenders across Europe have been collected. They are presented in the following Table 1 for countries with complete data on all relevant variables.

Table 1. Alien suspects and convicts (in % of all suspects and convicts, respectively), according to police and court statistics (source: *European Sourcebook 2010*, Tables 1.2.2 und 3.1.2)

Country	Foreing population (in % of total population)	Bodily injury / theft		Rape		Robbery	
		<i>Foreign suspects (in %)</i>	<i>Foreign convicts (in %)</i>	<i>Foreign suspects (in %)</i>	<i>Foreign convicts (in %)</i>	<i>Foreign suspects (in %)</i>	<i>Foreign convicts (in %)</i>
Austria	9.7 %	23 %	24 %	36 %	36 %	42 %	40 %
Czech Republic	3.1 %	7 %	5 %	16 %	16 %	n.a.	n.a.
Finland	2.4 %	8 %	6 %	22 %	24 %	11 %	18 %
France	5.8 %	14 %	12 %	14 %	8 %	14 %	n.a.
Germany	8.8 %	21 %	24 %	30 %	35 %	29 %	31 %
Switzerland	20.7 %	49 %	58 %	64 %	68 %	60 %	61 %

As a look across the several columns of Table 1 illustrates, the number of suspects and convicts is considerably higher than the proportion of the foreign population. Even keeping in mind the problems related to the denominator (given the categories of aliens not included in population counts), migrants are prosecuted or convicted of crimes (at least of those included in Table 1) at substantially higher proportions than the demographic composition of the several countries would let expect. Of course, many doubts can be raised against the way crime rates are being computed here. For example, migrant and, more generally, foreign suspects may be disproportionately reported to the police, identified as suspects and, ultimately, convicted. As far as robbery, bodily injury and rape are concerned, the number of offenders known to the police depends in the first place on victims' decision to report offences to the police. How far victims' decisions at this level are racially or ethnically biased, will be looked upon in a following section. Often it has been predicted, however, that discrimination is going on through the criminal process, from the moment the police close their investigation to the final decision by a court. In this regard, Table 1 suggests that there may not be so much bias at work. If there was much discrimination within the criminal justice system, the proportion of aliens should increase with each step of the process, i.e. the proportion of convicted foreigners should be higher than the proportion of suspects known to the police. Of 16 comparisons that can be made across Table 1, the proportion of aliens is substantially (i.e. four percent points at least) higher among convicts in two comparisons only. This does not mean that there is no racist or ethnic prejudice among police officers and prosecutors' or courts' staff, but such attitudes may, if they exist, not affect formal decisions that are largely programmed by laws and formal or informal guidelines. Studies on decision-making by

police officers (Steffen 1976), particularly if the communication by and with suspects of various ethnic backgrounds is considered (Reichertz and Schröer 1993, 1994, Vrij and Winkel 1989), prosecutors (Blankenburg, Sessar and Steffen 1978; van der Werff and van der Zee-Nefkens 1978) and sentencing judges (Hood 1992) have, in different countries and quite consistently, all reached the conclusion that discrimination is hardly at work once relevant variables are taken into account. As Blumstein et al. (1983) and Petersilia (1985) have noted for the USA, comparing decision outcomes for minority and native suspects often is misleading because apparently discriminatory tendencies at one (e.g. the sentencing) level often do simply equal out opposite mechanisms at the preceding stage – a fact that is often ignored in Europe (e.g. by Mansel 1986). The only instance where decisions are more favourable to native suspects is in connection with pre-trial detention that is more often used against suspects without roots in the country where the offence was committed (von Pollern 1997). This bias is due to structural reasons (i.e. the lack of official residence in the country of the offence) and not to intentional discrimination. The failure to discover major biases against migrant and other minority suspects within the criminal justice system seems to have diminished the interest in these issues over more recent years.

Aliens as Offenders according to Crime Victimization Surveys

Crime victimization surveys (CVS) record offences reported during interviews by respondents drawn from the general population. They allow recording also many relevant details about experiences of respondents, such as the place, time and the circumstances of offences, their consequences, reporting to the police and strategies of coping among victims. Among the many details that can be asked during interviews, from respondents of personal or contact crimes at least, are some offender characteristics. Were there several assailants or was the victim attacked by an offender acting alone? Was the offender male or female? How old might he or she have been (approximately)? Finally, it can also be asked what the victim suspects the offender's ethnic background might have been. Specifically, does the victim think he was an immigrant or a minority person? In the case of several co-offenders, were they ethnically homogeneous or heterogeneous, and, if so, of what background? In countries where race is the issue, such questions will be about the offender's racial background, whereas respondents will be asked about the offender's migrant status in countries where immigration is a significant phenomenon. In the latter situation, it may be helpful to ask also how the respondent may have reached the conclusion that the assailant was alien or native. As some surveys have shown, victims reach their impression often on the grounds of accent and language rather than based on physical characteristics. Whereas research conducted during the early years of the American National Crime Victimization Surveys (Schneider 1981) showed that judgements based on racial characteristics is not always accurate and that many victims felt uncertain about the offender's race, research in Europe may be less affected by such problems because language and accents play a great role in every-day life in the continental context. Indeed, only 10 per cent of Swiss victims (the only ones to have been asked this question) admitted being uncertain about the offender's ethnic background, and 53 per cent said having recognized the offender's background through his accent (Killias 2009). Of course, this way of "identifying" another person's ethnic (or immigrant) background relates to his social rather than to his formal status. It does not take into account that some immigrants are naturalized, whereas some persons born in a country may never have acquired its nationality. On the other hand, considering a person's "real" background rather than his or her formal status as a foreign citizen allows a far more valid analysis of the relevance of migration in the context of crime. Overall and most importantly, it can be concluded that victims' indications on offenders' ethnic backgrounds are reasonably accurate. The results of victim surveys, wherever they have assessed the ethnicity of the alleged offender, show similar proportions of alien or minority involvement in contact crime as in official statistics. Unfortunately, the international survey on violence against women did not include this variable, despite some indications of disproportionate minority involvement in some of the national samples (Johnson, Ollus and Nevada 2008).

Discriminatory reporting of offences by victims

Within crime victimization surveys, it is possible to correlate victims' indications about the offender's ethnic or racial background to their decision to (not) report the crime to the police, as measured in a different part of the questionnaire. In all surveys that have considered this aspect of reporting behaviour, it turned out that offender characteristics in general, and victims' perceptions about a suspect's ethnic or racial background in particular, had no significant impact on the decision to report once type and seriousness of the offence as well as an eventual victim-offender relationship were taken into account. This finding was first observed in the United States (Hindelang 1978) and, in Europe, in England and Wales (Shah and Pease 1992), and in Switzerland (Killias 1988, Simonin and Killias 2003, Killias, Haymoz and Lamon 2007). In Germany (Baier et al. 2009, Pfeiffer et al. 1999) and in Switzerland (Ribeaud and Eisner 2009), some studies found a tendency among (majority and minority) teenage victims to report more easily offences committed by suspects they thought belonging to the "other" group. However, none of these studies considered whether victim and offender knew each-other. This variable is indeed of great importance (according to virtually all victimization surveys), given that reporting to the police is, in case of a personally known offender, the *last* resort, whereas it is likely to be the *only* option whenever the offender is unknown. Obviously, victims and offenders belonging to the same ethnic group have a higher probability of knowing each-other personally than persons of different ethnic backgrounds. Unfortunately (and frustratingly), other countries have never cared asking victims about offender characteristics in their national crime surveys.

Considering that criminal justice systems all over the World are not offering victims particularly attractive incentives to report personal (or contact) crimes, and that such offences are generally far less often brought to the attention of the police than property offences, it is not really surprising that victims attach far more importance to personal interests rather than to political concerns (such as eventual racial prejudice). That there is no consistent discriminatory pattern in reporting crime to the police obviously does not mean that racial prejudice is inexistent. It simply means that victims attach higher priority to other (i.e. individualistic) concerns when they make the decision to report an offence to the criminal justice system. Looking at matters from this angle, it could even be that victims have better chances to obtain compensation from a majority (native) suspect than from a person without roots (and assets....) within the country.

When respondents' indications concerning the offender's ethnic or racial background are compared to police statistics, the match was quite impressive for contact crimes (where a comparison of offender characteristics between statistics and surveys is straight-forward). Hindelang (1978) found similar proportions of minority (i.e. black) offenders in police (FBI) statistics and in National Crime Victimization Surveys for all contact crimes, and the data published annually in the Sourcebook of Criminal Justice Statistics confirm this conclusion. In Europe, the same conclusion has been reached in those countries where surveys have tried to assess offender characteristics through victim accounts of their assailant, namely in England and Wales (Shah and Pease 1992) and in Switzerland (Killias, Haymoz and Lamon 2007). Even more impressive, the steady increase of foreign offenders in police statistics, as observed in Switzerland (Killias, Kuhn and Aebi 2011a, 2011b; Killias 2009), is perfectly matched by increasing proportions of offences which, during the subsequent surveys, victims report having been committed by alien suspects.

Beyond victims' decisions: Police patrol routines as a source of discrimination?

If victims are not disproportionately reporting to the police offences committed by alien suspects, there still remains room for discrimination in connection with "victimless crimes", i.e. offences that are prosecuted almost exclusively on the initiative of the police. Classical examples are traffic, public order and drug offences. Observational studies have often discovered that police officers disproportionately patrol areas with a high proportion of minorities on the streets and that they

control more regularly young men of immigrant or minority look while passing by. Such claims have been made especially during the 1970s in the United States, in England and Wales and in Germany (Feest and Blankenburg 1972). Such observational studies have not taken into account, however, the presence of persons of different ethnic backgrounds on the streets, nor the level of crime in the various neighbourhoods. It would be absurd calling for a system of random patrols across cities where quiet residential areas get the same degree of patrols (i.e. resources) as problematic neighbourhoods with soaring crime rates – this would be a form of further disadvantaging people living in already disadvantaged areas. A carefully designed observational study in the two English cities of Reading and Slough (Waddington, Stenson and Don 2004) has tried to control for the presence of several ethnic groups on the streets during the several hours of the day. Once this decisive variable has been taken into account, patrols and controls (“police stops”) were no longer disproportionately directed at minorities.

Asylum seekers and illegal migrants as offenders and victims

Since the time when European countries stopped labour migration from countries beyond the boundaries of the European Union, the only way to arrive and settle in Europe became the status of asylum seeker or illegal migrant (Barbagli 1998). Since the 1990s, the opening of borders and the improved transcontinental travelling facilities, increasing numbers particularly of young men have arrived in Europe as asylum seekers and illegal migrants. Research conducted since the 1990s has shown, in Switzerland (Eisner, Manzoni and Niggli 1998 as well as in the Netherlands (van der Leun 2003), that this population is disproportionately involved in street crime. In the mean-time, this problem may have grown in importance (de Boom, Snel and Engbersen 2010). An evaluation in Switzerland (Schenker, Herrmann and Killias 2004) found that, within one year after arriving to this country, about 30 percent of asylum seekers are known to the police for a common or a drug offence. The fact that these high rates are reached shortly after arrival, as well as the disappointing effects of programs designed to integrate asylum seekers on local labour markets (Killias and Vuille 2005), point to the possibility that crime is not necessarily the result of difficult living conditions in the asylum country, but that offending (particularly on the drug market) may have been a motivating factor before arrival. The unusually high victimization rates found among asylum seekers in shelters where they are being housed during the first months after arrival confirm the presence of multiple offenders among this group. Problems resulting from this new and largely uncontrolled migration are exacerbated by the difficulty to deport nationals from many countries for a number of reasons (Montero-Pérez de Tudela 2009, van der Leun 2010), often because countries of origin do not cooperate. The finding (reported in a previous section) that even street patrols and controls of persons on the streets (“police stops”) are not biased against migrants, suggests that the unusually high crime rates among illegal migrants are probably real and not just a result of police discrimination, and that the increasing attention this problem receives in several European countries is more than a matter of stigmatization and social panic.

Young migrants as offenders according to self-report studies

Interestingly, the great hesitation to record victims’ accounts about offender characteristics has not prevented researchers to study, through surveys of self-reported delinquency conducted in many countries, the implication of young migrants in offending. Self-report surveys have shown that immigrant juveniles usually admit, during interviews, more offences than do natives. This is true especially for violent offences and has been observed in Germany (Baier et al. 2009, Pfeiffer et al. 1999), in France (Lagrange 2010), in Switzerland (Killias, Maljevic and Lucia 2010; Ribeaud and Eisner 2009) as well as in most of the Western European countries that participated in the second international self-report study (Junger-Tas et al. 2010, 2011). The validity of these comparisons is hard to contest since checks of respondents’ accounts during interviews with police files have identified some tendency to underreport offences among minorities in America (Hindelang, Hirschi and Weis 1981; Huizinga and

Elliott 1986; Sampson and Lauritsen 1997) as well as in the Netherlands (Junger 1990). Taking differential reporting bias into account and given that self-report surveys usually show higher offending rates among minorities, there is little doubt that young migrants are indeed more often involved in offending than native youths. Interestingly, young immigrants who were born in the country of residence do not commit less offences than those who arrived during their childhood or adolescence, in Switzerland (Walser and Killias 2009) as well as more generally in Europe (Junger-Tas et al. 2011). Earlier studies that found some differences in this respect (Eisner, Manzoni and Ribeaud 2000) may no longer be valid, perhaps because the reasons and conditions of migration may have changed in the meantime. In the same line, young migrants who have been naturalized are no longer committing less offences (Walser and Killias 2009), unlike during the 1990s when naturalized migrants were less delinquent (Eisner, Manzoni and Ribeaud 2000). This may reflect the fact that naturalization policies have, in Switzerland at least, been substantially liberalized over the last decade. This, in turn, has not only multiplied the numbers of naturalizations, but also had the side-effect that they became much less selective compared to ten or twenty years ago. How the differences between alien and native juveniles, as well as the changes over time can be explained will be taken up later in this paper.

Minorities as victims of crime

Another concern that has often been expressed is that migrants might more often become victims of crime than the majority. Von Hentig (1948) and others (Schafer 1968) have made this observation more than half a century ago – even Aristotle had expressed similar ideas more than two thousand years ago (*ars rhetorica et poetica*, 12, 15). It can be assessed through crime victimization surveys – at least if researchers have cared recording respondents' personal history of migration.

Empirical research has indeed found that immigrants are disproportionately involved in homicide, both as victims and offenders. This has been observed in all countries of Europe where homicide data have been collected in a way that allows identifying victim-offender constellations, such as Finland, Sweden and the Netherlands (Ganpat et al. 2011). In a study on violent crime in the city of Basel, Eisner (1997) found that homicide is often and to a large extent intra-ethnic. More generally speaking, this may be related to the fact that homicide is, more than many other violent crimes such as robbery, the ultimate outcome of conflicts in intimate relationships (Killias et al. 2009; Leistra and Nieuwebeerta 2003). On the other hand, violent crime in general is, according to crime victimization surveys, less intra-ethnic and more evenly distributed. In England and Wales, crimes against the household and personal crime were found to be disproportionately directed against minority (Black and Asian) respondents during the 1980ies already (Mayhew, Elliott and Dowds 1989). After control of demographic and other possibly confounding variables, it turned out, however, that the higher victimization rates among minorities were largely attributable to higher crime rates in the areas where minorities tend to be concentrated (Tuck and Southgate 1981). In continental countries where the relevant variables were measured during crime surveys, minority (i.e. immigrant) respondents had similar victimization rates as the native population, at least if neighbourhood characteristics were controlled for. This was true for Germany (Kury 1989) as well as for the Netherlands (Junger and van Hecke 1988, Junger and Zeilstra 1989) and Switzerland (Killias, Haymoz and Lamon, 2007). These results confirm observations made in the United States during the 1970s already (Hindelang, Gottfredson and Garofalo 1978) and are largely consistent with the routine activities approach (Felson and Boba 2010). In countries where immigrants are not disproportionately victimized, minorities are less concentrated in disadvantaged neighbourhoods, or “bad” neighbourhoods are simply less “bad” than in countries with large ghettos. A more recent survey conducted among 23,000 minority and 5,000 majority respondents in the 27 Member States of the European Union (FRA 2009) found, however, very high victimization rates among migrants from Africa as well as among Romas. Since this survey was not a “real” crime survey, critical information is, unfortunately, missing that would allow interpreting these findings in the light of the exact circumstances of the offences. Finally, self-report studies conducted at schools have shown that minority youths are exposed to violent and other

victimizations to a similar (or even lower) extent than young people from the majority. This has been true for Germany (Baier et al. 2009, Pfeiffer et al. 1999), Switzerland (Eisner, Manzoni and Ribeaud 2000, Ribeaud and Eisner 2009, Walser and Killias 2009) and other countries that participated in the second international self-report study (Junger-Tas et al. 2011).

Minorities are rather similar to the majority with respect to reporting of crime to the police. Once the type and seriousness of the offence, as well as the victim-offender relationship are taken into account, Blacks and other minorities report victimizations to the police in very similar proportions as majority victims (Hindelang and Gottfredson 1976). The same has been observed in Switzerland (Killias, Haymoz and Lamon 2007). It can be concluded, thus, that characteristics of an offence are far more important in the reporting decision than characteristics of victims and offenders. The recent study conducted in the 27 Member States of the European Union (FRA 2009) suggests, however, that reporting offences to the police is far less common among minorities from African or Roma background. Once more, it is hard to assess this finding without information on type and seriousness of victimizations, as well as on victim-offender relationship (including personal knowledge of the offender).

Minorities and attitudes towards crime and the police

Regarding fear of crime, the different surveys conducted on the European continent have consistently found that there are no major differences between migrants and the native population, at least as long as neighbourhood characteristics are taken into account. Regarding the relationship with the police, the situation is more complex. In England and Wales, critical attitudes towards the police among minorities were reported already decades ago (Mayhew, Elliott and Dowds 1989; Tuck and Southgate 1981). This is in contrast with the experience in other countries, as for example in Switzerland, where the image of the police is even more favourable among minorities than among the native population (Killias, Haymoz and Lamon 2007). Most remarkably, majority respondents are more willing to attribute the local police discriminatory treatment of minorities than migrants. The favourable view of the police among migrants, and especially among those who arrived in the country less than five years ago, may reflect “downgrading”: many immigrants who may have experienced harsh police behaviour in their country of origin may be positively impressed by police practices in their host country. More disturbing, however, is the finding that immigrant victims are less often satisfied with the way the police handled their own case, especially if they experienced a violent offence. The local police may, eventually for linguistic reasons, face more difficulties in handling complex violent personal conflicts, especially when it is not easy to understand who actually should be seen as the victim and who as the suspect. In such situations, more police officers from minority background (with corresponding access to foreign languages) may help to manage more competently such situations.

Explanations

Two different perspectives

Any effort at explaining higher crime rates among migrants has to face the challenge that this group had lower crime rates in the past (i.e. before 1970, Ferracuti 1968; Robert, Bismuth and Lambert 1970) as well nowadays in the United States (Lee and Martinez 2009). Several hypotheses have been advanced so far. They can be summarized in two propositions:

- a) Migrants come from countries where violence is more widely accepted and practiced. Therefore, the high crime rates among migrants in the country of residence are the result of the importation of a “culture of violence”.
- b) Migrants live disproportionately in disadvantaged neighbourhoods, they have lower salaries, are more often unemployed and face many difficulties in daily life natives would not know –

in other words, they experience more strain than the majority population. According to this reasoning, migrants do not have disproportionate offending rates if their living conditions are taken into account. In other words, the cause of the higher offending rates among migrants is social disadvantage and not the fact of having moved to a different country.

Cultural diversity

The first one of these two hypotheses is derived from Sellin's (1938) culture conflict theory according to which migrants from other cultures arrive in the host country with different norms and conceptions of right and wrong. This theory has never really worked – even Sellin's own anecdotic examples were far from convincing, left alone the empirical evidence. Whether his doctoral student, Dorothy Krall who had coined the term “second-generation immigrants”, nor Sellin himself ever established that children of migrants had higher crime rates in the United States. However, current evidence in Western Europe suggests that young migrants have disproportionately high offending rates when compared to native young people. The question is, therefore, reasonable whether these patterns are somehow related to a higher acceptance of physical violence in the countries of origin. With the war in former Yugoslavia, this explanation seemed even more “logical” to many Western observers.

In this connection, two empirical tests are of interest, both financed by the Swiss Ministry of Foreign Affairs. The first one was a victimization survey, conducted in 2001 in Bosnia-Herzegovina in the context of the International Crime Victimization Surveys of 2000 (Keller, Villettaz and Killias 2002). It showed that, overall, crime (and especially robbery and burglary) was relatively low at that time when compared to Switzerland and other Western nations. The reason obviously was that, during the years immediately following the war, night-life and going out was almost inexistent in a city like Sarajevo. While the low crime rates could be attributed to an unusual opportunity structure, the second test was more convincing in the sense that it compared offending among teenagers (aged 13-15) in Bosnia-Herzegovina and in Western Europe within the context of the Second International Self-report Study (ISRD-2) in 2005 (Junger-Tas et al. 2010). Given that there are only 8 years of compulsory schooling in Bosnia-Herzegovina, only respondents in grades 7 and 8 are included in this comparison. In both countries, the surveys have been conducted nation-wide in schools that were randomly selected. The results are summarized in Table 2.

Table 2. Self-reported delinquency among juveniles in Switzerland (of whatever background) and in Bosnia-Herzegovina (7th and 8th grades). Source: Killias, Maljevic and Lucia (2010).

Offences	Juveniles in Switzerland (N=2477)	Juveniles in Bosnia-Herzegovina (unweighted) (N=1756)
Assault / Threats	1.0	0.9
Mugging	1.1	0.4**
Robbery	0.9	0.9
Theft of bicycles / motorcycles	3.2	0.4***
Shoplifting	8.9	1.8***
Drug trafficking	1.9	0.2***
Group fights	8.0	11.1**

Significant difference between rows: * $p \leq 0.05$, ** $p \leq 0.01$, *** $p \leq 0.001$

In comparison to Bosnia-Herzegovina, delinquency rates are substantially and significantly higher among youth in Switzerland (of all ethnic backgrounds), with the exception of group fights (where rates are lower) and robbery and assault (where rates are similar). This is particularly noteworthy since juveniles from the Balkan region (though not necessarily from Bosnia-Herzegovina) had, according to the same survey, substantially higher offending rates in Switzerland than young people of native or other ethnic backgrounds (Table 3).

Table 3. Self-reported delinquency among juveniles living in Switzerland who are of Swiss, Balkan and any other migrant backgrounds (students enrolled in grades 7 to 9). Source: Killias, Maljevic and Lucia (2010)

Offences	Juveniles of Swiss Background (N=2067)	Juveniles originating from the Balkan region (N=357)	Juveniles originating from other countries (N=415)
Assault / Threats	0.7	3.2□	1.5
Mugging	0.8	2.3	1.0
Robbery	0.6	1.8	1.0
Theft of bicycles /3.1 motorcycles		5.8□	3.9
Shoplifting	8.3	6.1	9.2◆
Drug trafficking	2.4	1.6	3.3
Group fights	6.1	16.0□□□	11.5◆◆◆

Difference between juveniles of Swiss and Balkan background: □ $p \leq 0.05$, □□ $p \leq 0.01$, □□□ $p \leq 0.001$

Difference between Swiss juveniles and juveniles from other countries: • $p \leq 0.05$, ◆ $p \leq 0.01$, ◆◆ $p \leq 0.001$

Difference between juveniles from the Balkan and any other countries: ◆ $p \leq 0.05$, ◆◆ $p \leq 0.01$, ◆◆◆ $p \leq 0.001$

The contrast is, thus, substantial. With the exception of shoplifting and drug (i.e. mostly cannabis) trafficking (which both may be more inhibited in a partially Moslem milieu), juveniles from the Balkan region commit more violent offences than juveniles from other countries or of Swiss background (Table 3). However, this picture disappears completely when self-reported offending among juveniles in Bosnia-Herzegovina is compared with the behaviour of young people in Switzerland in general (i.e. of all ethnic backgrounds, Table 2). For some offences, such as shoplifting and drug trafficking, the opportunity structure may be different, self-service shops being probably less popular and cannabis being less available in Bosnia-Herzegovina. For violent offences, however, the results in Tables 2 and 3 do not support the hypothesis that high violent offending rates among young people from the Balkan region in Switzerland are related to an “imported culture of violence”. The same is true with the hypothesis that migrant youths are, so to speak, a negative, i.e. more delinquent selection out of the population of their country of origin. Migrant juveniles living in Switzerland were often born there or arrived during early childhood – a fact that makes the idea of a deliberate selection (of more delinquent subjects) impossible. The findings also disconfirm the popular idea that high violent rates among Balkan juveniles may be late outcomes of war traumas. Whatever the consequences of such traumas, they cannot explain why juveniles living (or even born) in Switzerland admit more violent offences than their cousins living in Bosnia-Herzegovina who certainly must have been far more often exposed to such adverse influences.

However, the style of education and control over juveniles (at least of the age-group included here) may be far less permissive in Bosnia-Herzegovina than in Western countries. The same may be true for other Eastern European countries where self-reported offending among high-school students could be studied in the same context, such as Armenia (Margaryan and Gabuzyan 2010) and Russia (Konnev et al. 2010) where juvenile delinquency rates were also found to be surprisingly low. Therefore, it is plausible that juveniles of this age-group (13 to 16) are far more rigidly controlled in Eastern Europe than in Western countries. This, in turn, suggests that juveniles from migrant families living in Switzerland (and possibly other European countries) face more problems in adapting to a highly permissive society – a “World full of opportunities” – their parents may be less able to prepare them for. Particularly going out during late evenings and all sorts of deviant (including gang) activities may be hard to control for their parents who never were exposed to such influences during their own adolescence. The attention of policy-makers should, therefore, be more focused on the conditions of successful integration in the host country – and less on cultural and ethnic aspects. There are, for example, some indications that juveniles from ethnic minorities are more than others involved in local gangs (Haymoz Pantillon 2010). Assisting migrant parents in finding adequate local leisure-time activities for their off-spring may be a suitable way to improve social integration and to prevent violence among this group.

Migration, crime and social disadvantage

The second hypothesis does not really fit the experience of before 1970 when migrants had lower crime rates than natives of the same sex and age in Western Europe. Indeed, earlier migrants experienced probably far more strain, disadvantage and discrimination at that period than later generations – if strain is the reason of crime, it is not easy to understand why this did not result in disproportionate crime rates during the 1960s. Multivariate analyses conducted in the context of the second international self-report study (Junger-Tas et al., 2011) have shown that migration (i.e. being born abroad, or having parents who were born abroad) is significantly related to “versatility”, i.e. having committed offences of various types, which is a particularly valid measure of a more seriously delinquent profile. This holds true for all multivariate models – with the exception of the “full” (final) model where 14 independent variables in all were considered simultaneously. However, the variables that are the most strongly correlated with delinquency (i.e. versatility), such as having delinquent friends, school disorganization, neighbourhood disorganization, truancy and parental supervision are all substantially correlated with migrant status. Since it is not possible to identify causal effects in a cross-sectional (rather than longitudinal) study like the international self-report project, it is difficult to say to what extent the fact of having, for example, delinquent friends or being member of a gang (Haymoz Pantillon 2010) is independent of having a background of migration. It may be safer to conclude that migrants are more often living in disadvantaged neighbourhoods where schools face many more problems and where, as a result, a successful school career is more difficult to achieve, while truancy and finding delinquent friends is more likely. In sum, social disadvantage (as, later in life, unemployment) may be hard to disentangle from ethnic background, while the relationship with crime may often be mediated by social variables.

Further, these observations hold only for adolescents (aged 13 to 16) and it is not clear to what extent they would apply also for adults. As found in a recent study in Belgium (Bircan and Hooghe 2011), adult crime may be more related to unemployment or other measures of strain, but the recent European experience with illegal migrants and asylum seekers (as described above) shows also the limits of such an approach. The pre-1970 experience in Europe, as well as recent American data on (low) crime rates among migrants to the USA (Lee and Martinez 2009), suggest that the context of migration may be of utmost importance. Indeed, American migrants today, as those coming to Northern Europe before 1970, experience(d) migration as part of a job career and finding new opportunities. With the closing of borders around 1975 throughout Western Europe, this “easy” form of migration has come to an end.

A recent Dutch study (Jennissen 2009) on crime among different ethnic groups over their lifespan offers challenging new insights. In the Netherlands, offending rates among Moroccans and migrants from the Dutch Antilles are far higher than those among native Dutch of same age and gender. However, crime rates among these groups do not differ only in size, but also in relation to the age-curb. Whereas it has often been suggested that the age-crime curb is invariant across periods, countries and cultures (Hirschi and Gottfredson 1983), Antilleans show a distinctively different pattern in the sense that their offending rates start decreasing only beyond the age of 40. Actually, this deviant pattern is not exceptional among highly delinquent populations, as a review of longitudinal studies has been able to document (Killias, Redondo and Sarnecki 2011). Jennissen (2009) explains the unusual age-crime curb among Antilleans by the exceptionally high prevalence of broken families among this minority whose members often live in female-based households. With largely disorganized families, individuals (especially men) may be inadequately integrated into the social web. If even more mature Antillean men rarely have a family of their own may reduce the social costs of offending, a finding that is in line with more recent research on (positive) effects of marriage (Theobald and Farrington 2011). Regarding Moroccans, Jennissen (2009) observes that their crime-age curb does not differ as much from what has been observed with other groups, but that delinquency rates are particularly high among their teenagers. This is explained by “cultural dissonance” especially among young Moroccans, given that they grow up in the Netherlands with the conflicting expectations of two highly different cultural normative systems.

In sum way, this reasoning brings culture back into the picture. Perhaps, culture is indeed relevant, although not as simply as culture conflict theory would have predicted. One aspect of it are, particularly in connection with violent offences, norms of masculinity that play a far greater role among young migrants from certain regions than among native adolescents in Germany (Aronowitz 1988; Spies 2010) and in France (Lagrange 2010). In Germany, an interesting observation has also been made regarding religion – whose implications are not entirely clear so far. According to a major self-report survey, religiosity seems to go along with reduced levels of offending among Christian students, whereas opposite effects have been observed among young Moslems (Wetzels and Brettfeld 2003). Given the strong nexus between religion, culture and gender roles, there is an obvious need for further research on violence and delinquency in relation to such variables. As things stand, it would be premature to formulate policy conclusions in this respect.

Discussion

It has become usual to depict migration as being completely independent of negative side-effects such as higher crime rates. The research that has been reviewed in this paper does not warrant such a conclusion, however. Not at all periods (i.e. not before 1970) and not everywhere (not in the USA), but in most European countries of the present period, crime is more prevalent among minorities. The higher offending rates among migrants according to court and police statistics cannot be explained away by disproportionate risks of being reported to the police, to be known to the police as an offender, to be prosecuted or convicted – and finally sentenced to custody. This is not to say that there are no discriminatory attitudes among officials of all levels as well as in the general (native) population – the fact, however is, that such attitudes, provided they are real, do not produce much effect at individual decisions that are highly pre-determined by judicial rules that are inspired by the principle of equality before the law. Migrants themselves experience these aspects apparently not too differently: to the extent attitudes were measured comparatively, they are rather less critical towards the police than natives, and they expect the police less to act in a discriminatory way than natives. Neither are they disproportionately victims, with the exception of disadvantaged neighbourhoods where many of them are concentrated. In sum, the general climate in Europe seems to be less hostile than often depicted, as far as the general contact between minorities and the police (or other institutions) is concerned.

Accepting the empirical fact offending rates are higher among migrants is not a way of blackmailing them even further. Rather, it is the precondition to develop strategies of prevention that may greatly improve the quality of life both for the majority and the minorities. It should not be left out of sight that a life of crime is everything but a fortunate fate (Welsh and Farrington 2007). Denying this reality may not only retard policies that might improve social integration among migrants, but they may, perhaps even worse, increase tensions across ethnic groups within society. If the public may well accept that politics and policies are not capable of settling certain social problems (such as crime), they may be less willing to tolerate that the existence of obvious problems is being denied or ignored (Barbagli 1999). In the following paragraph, we shall present a summary of feasible policy conclusions that are supported by research reviewed in this paper.

Policy conclusions

Assuming that migration has many causes that are difficult to influence, and given that crime in host countries is related to migration to a very limited extent, policy conclusions should focus on improving social integration of (young) migrants and reducing social harms. There are a few conclusions that result from several studies that can be presented in this context.

1. The context of migration matters. Whether migrants find jobs or are excluded from the labour market has major consequences for their integration including crime. In Europe of the pre-1970 period, as well as in the United States today, migration was (is) hardly related to crime.
2. This holds probably also with respect to illegal migrants. As the American experience (with substantial numbers of unofficially arriving migrants) illustrates, crime is not a major problem even among this group as long as they successfully integrate into the local labour market. In Europe, however, crime rates among illegal migrants are high, and often they “integrate” shortly after their arrival in local black markets (especially of drugs). Thus, measures to curb drug markets may also be a promising way to reduce attraction of illegal migrants into this labour market, especially if official jobs are being offered that may open an attractive alternative.
3. Migrants often concentrate in disadvantaged neighbourhoods where black markets, drugs, crime and other social order problems prevail. Thus, measures to reduce the concentration of migrants and minorities in certain neighbourhoods may be a promising way of reducing exposure of young migrants to crime, drugs, gangs and disorder that may act as a powerful “alternatives” to a successful career at school or on the job market.
4. Schools in disadvantaged neighbourhoods are notoriously under-equipped and confronted with many additional difficulties. Thus, measures to increase the resources allocated to schools with high proportions of minority students may be promising to achieve higher rates of academic success and reduce social disorganisation including truancy.
5. In order to increase social, cultural and linguistic heterogeneity of students, it may be advisable to reconsider the principle according to which all students are to be sent to nearby schools. With improved public transport facilities in most European cities, it might be feasible to offer all students (and not just those from disadvantaged neighbourhoods) the chance to attend schools in a variety of urban areas at some distance from their homes. This might have the advantage to increase students’ contacts with children from other urban areas beyond their own neighbourhood.
6. The focus should not be directed at school programs and the school environment only. Offering students – and especially those from minority background – attractive leisure-time activities (sports of all sorts, including individual sports, as well as education in music and other arts) may well be a promising way to reduce time spent in the streets. Funding such recreational activities (lessons in music, dancing, theatre, skiing, riding or tennis) may seem expensive, but well be worth the investment in children’s future and reduced social problems of society at large.

7. Beyond policy conclusions, there are also a few desiderata concerning research. The most important one is to overcome taboos about studying aspects of migration and ethnicity in connection with crime and justice. It is inadmissible that ethnic and migrant backgrounds cannot be studied in many European countries. Such taboos serve rumours and prejudice rather than rational policies. In sum, measuring migrant status in surveys should become common practice in European studies on crime and criminal justice. So far, such information has been collected only in the United States, in Britain, in Switzerland and, irregularly, in Germany and the Netherlands. Data collections that isolate aspects of ethnicity and migration (as the FRA survey) are no substitute to encompassing crime surveys gathering data also on such backgrounds.

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