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Trump's claim that immigrants bring 'tremendous crime' is still wrong

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"The Democrats are really looking at something that is very dangerous for our country. They are looking at shutting down. They want to have illegal immigrants; in many cases, people that we don't want in our country. They want to have illegal immigrants pouring into our country, bringing with them crime, tremendous amounts of crime."

— **President Trump, in remarks at the White House, Dec. 6**

Trump earned Four Pinocchios the last time we looked into his claim that immigrants cause crime rates to rise in the United States. Fresh data and several new studies have been released since that fact-check in 2015, and we took another look at the body of knowledge to see how the president's view holds up.

When we fact-checked him as a candidate in 2015, Trump spoke of immigrants generally and without distinguishing between legal and unauthorized residents. But in his most recent statements on Dec. 6, the president narrowed it down to "illegal immigrants ... bringing with them crime, tremendous amounts of crime." (We're not evaluating Trump's claim that Democrats "want to have illegal immigrants.")

Is Trump on solid ground now when he says unauthorized immigrants make the country less safe?

The Facts

As we found in 2015, it's all but impossible to determine whether Trump's statement is accurate concerning either legal or undocumented immigrants.

The Department of Justice says 90 percent of prisoners are housed at the state or local levels. That's because almost all crimes are prosecuted by state and local law enforcement agencies, not the federal government.

States generally do not track how many of their prisoners are undocumented immigrants. But most states do report their total number of noncitizen prisoners every year to the Justice Department, without breaking down their legal status.

Noncitizens accounted for 4 percent of the total prison population in the states, according to reports from the Bureau of Justice Statistics from 2013 to 2016, the most recent year for which

data are available. (This figure excludes California and a handful of other states that did not provide data on noncitizen prisoners to the Justice Department.)

At the federal level, noncitizens made up 11 percent to 12 percent of the total prison population from 2013 to 2015, the reports show. The Bureau of Justice Statistics changed its methodology in 2018 at the request of the Justice Department, said Elizabeth Ann Carson, the bureau's statistician. So in the 2016 report, the number of noncitizen federal prisoners jumped from 21,479 to 39,956, or from 11 percent of the federal prison population to 21 percent, because of this methodology change, she said.

The difference is that the Bureau of Justice Statistics previously reported the number of noncitizens housed in federal prisons, but now it adds those in privately run or community correctional facilities. The BJS data do not factor in persons detained by the Department of Homeland Security, which enforces immigration laws.

The 21 percent rate now appears to track with separate data from the U.S. Sentencing Commission, which found that noncitizens accounted for 20 percent of total federal prison sentences in fiscal year 2016, excluding immigration offenses.

Trump's campaign pointed to Sentencing Commission data to support its claims in 2015. The White House did not respond to a request for comment.

Some experts say the BJS data are unreliable because, among other reasons, state officials ask prisoners to self-report whether they are legal or undocumented residents. As we noted, a handful of states do not report their number of noncitizen prisoners to the Justice Department, which means the BJS data undercount the total.

But since it's the closest thing to a yardstick provided by the federal government, it's worth analyzing the data. (Incidentally, the Homeland Security and Justice departments "are working to develop a reliable methodology for estimating the status of state and local incarcerated populations in future reports," according to a December report they released.)

Excluding five states that did not provide data, state and federal correctional facilities in 2016 housed 1.3 million prisoners, of which 83,556, or 6 percent, were noncitizens, according to the latest BJS report. The total immigrant population stood at 43.7 million in 2016, or 13.5 percent, according to Census data.

A comparison of these figures shows that noncitizens are far underrepresented in the prison population at the state level (4 percent), overrepresented at the federal level after excluding immigration offenses (21 percent), and far below their share of the population when combining both state and federal prisons (6 percent).

Let's move on to the new research studies released since our fact-check from 2015.

The majority of the research available on this question continues to show that immigrants are less likely to commit crimes than the native-born and that overall crime rates decline in areas where immigrants settle. However, many of these studies use statistical modeling in the absence of reliable and standardized state-level data about immigrant prisoners or convicts.

A March 2017 study by the pro-immigration Cato Institute found that “all immigrants are less likely to be incarcerated than natives relative to their shares of the population” and that “even illegal immigrants are less likely to be incarcerated than native-born Americans.”

Analyzing Census data from the 2014 American Community Survey, authors Michelangelo Landgrave and Alex Nowrasteh found that 2,194,435 individuals were incarcerated in 2014. The imprisonment rate for unauthorized immigrants was 0.85 percent, and 0.47 percent for legal immigrants, they found. Subtracting immigration-related offenses, the rate was lower for unauthorized immigrants: 0.5 percent.

The American Immigration Council, another pro-immigration group, estimated that there were 11.2 million undocumented immigrants in 2013. The total population that year was 316.2 million, according to the Census, which means illegal immigrants made up 3.5 percent of the total population when using the council’s estimate.

Cato’s study suggests that unauthorized immigrants are dramatically underrepresented in the U.S. prison population, including or excluding immigration offenses. Meanwhile, 45 percent of Americans say immigrants make the crime situation worse, 9 percent say they make the crime situation better, and 43 percent say there is not much effect, according to a Gallup survey from 2017.

“We’re running against the popular current,” Nowrasteh said. “We’re not running against the weight of empirical evidence on this claim. Our findings are actually pretty consistent with those in peer-reviewed journals as well as other scholarly publications.”

According to “The Integration of Immigrants into American Society,” a 2015 peer-reviewed study of years of academic research, the perception that immigrants bring crime to the United States has been popular for nearly a century and “is perpetuated by ‘issue entrepreneurs’ who promote the immigrant-crime connection in order to drive restrictionist immigration policy.”

“Far from immigration increasing crime rates, studies demonstrate that immigrants and immigration are associated inversely with crime,” the study, published by the National Academy of Sciences, concludes. “Immigrants are less likely than the native-born to commit crimes, and neighborhoods with greater concentrations of immigrants have much lower rates of crime and violence than comparable nonimmigrant neighborhoods. However, crime rates rise among the second and later generations, perhaps a negative consequence of adaptation to American society.”

But, once again pointing to the dearth of good data, the authors added: “While the research is conclusive on the statistical relation between immigration and crime, there is still a lot to be learned because of limitations in the available data. The extent to which this relationship is truly generalizable or robust for all immigrant groups needs further study.”

As the Fact Checker reported in 2015, one study showed that between 1990 and 2013, “the foreign-born share of the U.S. population grew from 7.9 percent to 13.1 percent and the number of unauthorized immigrants more than tripled from 3.5 million to 11.2 million.

“During the same period, FBI data indicate that the violent crime rate declined 48 percent — which included falling rates of aggravated assault, robbery, rape, and murder. Likewise, the property crime rate fell 41 percent, including declining rates of motor vehicle theft, larceny/robbery, and burglary,” according to the American Immigration Council.

In short, the violent crime rate was cut nearly by half during a period in which unauthorized immigrants tripled, according to the council.

Some experts caution that this study and Cato’s — which are based on Census data — and the Bureau of Justice Statistics figures should all be taken with a heavy dose of salt. State authorities and census workers are relying on offenders to self-report whether they are legal residents or undocumented, which is not an easy proposition for those facing possible deportation.

“Is the ACS doing a good job of capturing the foreign-born? It didn’t in the past,” said Steven A. Camarota, the research director at the Center for Immigration Studies, which has documented several issues with the quality of Census data on immigrant prisoners. “The question is, How good is it now? ... What I can say is that the incarceration data in the ACS looks more consistent over time, but that sometimes means it could be consistently undercounting.”

Across the spectrum, experts agree that Trump’s claims are nearly impossible to verify without reliable and standardized data on state-level offenders who are undocumented immigrants.

Camarota’s group opposes sanctuary city policies and advocates for less legal immigration. He added that without solid data from the states, it’s not possible to reach sound conclusions on immigrant crime rates. “It is not our contention that the data is clear that immigrants commit a disproportionate share of crime,” Camarota said.

John R. Lott of the Crime Prevention Research Center in December released a study of prisoner data from the Arizona Department of Corrections. “The murder and manslaughter rate for illegal immigrants is 2.7 times higher than the average for U.S. citizens,” Lott said of the study, which maps 32 1/2 years of prisoner statistics in a state with a history of making headlines for its tough immigration enforcement policies.

“While undocumented immigrants from 15 to 35 years of age make up a little over 2 percent of the Arizona population, they make up almost 8 percent of the prison population,” Lott found. “These immigrants also tend to commit more serious crimes.”

He added that undocumented immigrants in the Arizona data, which cover 1985 to 2017, had the highest incarceration rate compared with legal immigrants and U.S. citizens. Legal immigrants had a lower rate than U.S. citizens, he said.

“What we’re finding is that people who are legal immigrants tend to be extremely law-abiding,” Lott said. “But illegal immigrants commit crimes at extremely high rates. And when you lump them together you get something in the middle.”

The Arizona figures are “great data in the sense that it doesn’t lump the two together” and because they do not rely on offenders self-reporting their immigration status, Lott said.

Lott's review appears to be unique — no other comparable research on state correctional data has been conducted — and an outlier, since the majority of other studies have come to diametrically opposite conclusions, including those in peer-reviewed publications.

The Pinocchio Test

Trump for years has argued that immigrants pose a threat to public safety, bringing higher crime to the communities where they settle. When we last fact-checked his statements in 2015, Trump was speaking about immigrants generally and without separating legal residents from unauthorized ones. Most recently, on Dec. 6, the president said “illegal immigrants” were “bringing with them crime, tremendous amounts of crime.”

The Justice Department reports that 90 percent of U.S. prisoners are housed in state or local institutions, and because states generally do not report data breaking down how many of their prisoners are undocumented immigrants, experts on several sides of the immigration debate say it is not possible to verify Trump's claim. The admittedly incomplete data that the Justice Department does publish on noncitizen prisoners does not support Trump's claims.

Almost all the independent research on this question — do immigrants bring more crime? — contradicted Trump in 2015 and continues to do so today as we look at newer studies. One report based on Arizona reaches a different conclusion: that undocumented immigrants do commit crimes at higher rates than U.S. citizens or legal immigrants. But it's not scientific to extrapolate Arizona's figures to form nationwide conclusions.

The bottom line is that a great majority of research on this question contradicts Trump's claim, even in its narrower form focused only on “illegal immigrants.” There is a possibility that Census data on which many of these studies are based could be giving an inaccurate count of who is and is not undocumented. But there is no way to prove it because of the lack of reliable, standardized data from the states, where 90 percent of prisoners are housed. As always, the burden of proof rests with the speaker, so the president once again earns Four Pinocchios.