THE IMMIGRATION-CRIME
NEXUS AND POST-DEPORTATION
EXPERIENCES: EN/COUNTERING
STEREOTYPES IN SOUTHERN
CALIFORNIA AND EL SALVADOR

M. KATHLEEN DINGEMAN*
RUBÉN G. RUMBAUT**

Most of our attention to crime among immigrants has not been
due to a desire to try to understand crime. Our judgments have
been colored by our prejudices . . . and evidence to the contrary
is neither sought nor welcome.¹

The continued indictment for criminality of those just arrived is
as old as the history of our country, and has been directed,
during each period, with greatest vehemence against that
national group whose migration here has been the most recent
and the most marked . . . Twenty years back the Federal
Immigration Commission reported that all the evidence then
available indicated a lesser criminality on the part of the
immigrant group as a whole. Succeeding studies have supported
this conclusion. That an adverse view of the foreign born should
persist in the face of presumably impartial and expert testimony
is a tribute to the strength of a strongly rooted “stereotype.”²

¹ Carl Kelsey, Immigration and Crime, 125 ANNALS AM. ACAD. POL. & SOC. SCI.
165, 166 (1926).
Rev. 99 (1931).

* M. Kathleen Dingeman, M.A., is a Ph.D. student in the Department of Sociology at the
University of California, Irvine. Correspondence: mdingema@uci.edu.
** Rubén G. Rumbaut, Ph.D., is a Professor of Sociology at the University of California,
Irvine. Correspondence: rrumbaut@uci.edu.
INTRODUCTION: ENDURING STEREOTYPES

During the last era of mass migration to the United States, three major commissions created by the U.S. Congress—the nineteen-volume Industrial Commission (1899–1902), the forty-one-volume [1908–1911 Dillingham] Immigration Commission, and the fourteen-volume [1929–1931 Wickersham] National Commission on Law Observance and Enforcement—each devoted a volume to ascertaining how immigration led to increases in crime. Instead, each found lower levels of criminal involvement among the foreign born and higher levels among their native born counterparts. As the opening lines of the report of the Dillingham Commission put it in 1911:

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.

Two decades later, the first fifty-five pages of the Wickersham Commission’s “Report on Crime and the Foreign-Born,” written by Edith Abbott, provided a historical assessment of public opinion about “the theory that immigration is responsible for crime” from the colonial period to the Revolution to the Civil War to the “modern period of federal control.” Struck by the enduring character of the stereotype, she observed that “[it] is important that we remember that the charges now made against the Italians, or even the Mexicans, are not different in kind from those made earlier against the Irish,” adding that “we should not forget that Negroes are still burned at the stake in southern cities where the inhabitants are old American stock. Surely we do not
attribute such lawless cruelty to any ‘inherent criminality.’” 10 Eight decades later, those admonitions remain seemingly unheeded.

Historically, periods of accelerating immigration have been accompanied by nativist alarms, perceptions of threat, and pervasive stereotypes of the newcomers, particularly during economic downturns or national crises, and when immigrants have arrived en masse and differed from the native born in language, race, religion, and national origin. 11 The present period is no exception, as shown by the results of the 2000 General Social Survey conducted by the National Opinion Research Center, which interviewed a nationally representative sample of adults to measure attitudes toward and perceptions of immigration in the United States. 12 Asked whether “more immigrants cause higher crime rates,” 25% said “very likely” and another 48% said “somewhat likely”—i.e., approximately three-fourths (73%) of Americans believed that immigration was causally related to more crime. 13 That was a much higher proportion than the 60% who believed that “more immigrants were [somewhat or very] likely to cause Americans to lose jobs,” or the 56% who thought that “more immigrants were [somewhat or very] likely to make it harder to keep the country united.” 14 A year later, the attacks of September 11 and the political and media reaction in the wake of the “war on terror” exacerbated public fears of the foreign born and conflated “illegal immigration” not only with crime but with potential terrorism.

The stereotypical belief that immigration leads to increased crime is not solely a U.S. phenomenon; similar trends are seen internationally as well. In a 2002 national poll in Spain for example, 60% of Spaniards believed that immigrants were causing increases in the crime rate, while in a similar survey in Italy, 57% of Italians agreed that “the presence of immigrants increases crime and delinquency.” 15 Those beliefs were in
A content analysis of newspapers in southern Italy found that 78% of the articles regarding immigration were crime related, while another study found that 57% of television reports on immigrants dealt with crime. In such contexts, moral panics can be spread by “agents of indignation” (the media, pundits, and political figures) and serve to propel public support for the need to “police the crisis.”

Stereotypes about immigrants and crime not only take root in public opinion and popular myth, but can also provide the underpinnings for public policies and shape political behavior. Such stereotypes, fueled by media coverage of singular events and reinforced in popular culture, project an enduring image of immigrant communities permeated by criminal elements. California’s Proposition 187, which was passed in 1994 with 59% of the statewide vote, asserted in its opening lines that “the people of California . . . have suffered and are suffering economic hardship . . . 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 many such ordinances passed by local councils across the country—declared that “illegal immigration leads to higher crime rates” and accordingly sought 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.” Both Proposition 187 and the Hazleton ordinance were found unconstitutional by federal courts, but neither judicial decision made a dent in public perceptions.

Immigrants to the United States are commonly stereotyped as more likely to become involved with crime and to be arrested and incarcerated. This is especially true for Mexican and Central American immigrants, who are often young men from racialized

16. Id.
22. See Rumbaut & Ewing, supra note 11, at 1.
minorities with little formal education coming to work in low-wage manual labor jobs. 23 The fact that many of these immigrants enter the country through unauthorized channels or overstay their visas is further framed as an assault against the “rule of law,” reinforcing the impression that immigration and criminality are linked. 24 Furthermore, those who are detained and deported from the United States are perceived as not only “undocumented laborers” but “criminal aliens.” 25 Perhaps the most vivid and fearsome exemplar has been the Mara Salvatrucha youth gang, or MS-13, which originated in the Salvadoran barrios of Los Angeles in the 1980s. 26 Its exploits have been sensationalized by the media, amplifying its mystique. By 2005, Newsweek had dubbed it “The Most Dangerous Gang in America,” 27 and a National Geographic documentary later upped that to “The World’s Most Dangerous Gang.” 28

In what follows, we report research findings of prevailing and persistent stereotypes about immigration and crime in Southern California and deportation and crime in El Salvador. With respect to the former, we “en/counter” enduring stereotypes and public perceptions of crime and immigration that are in sharp contrast to available evidence on crime and incarceration rates. We focus on the experiences of young adult children of immigrants in Southern California, especially Mexicans, Salvadorans and Guatemalans (and now increasingly Hondurans), who together account for two-thirds or more of the undocumented immigrant population in the United States. 29 With respect to the latter, we focus on the experiences of men, including former gang members, who have been deported to El Salvador on criminal and non-criminal charges, and we challenge the stereotype of deportees as increasingly hardened criminal actors who, once removed, primarily focus their efforts on establishing and strengthening transnational criminal organizations. 30 But first we provide some basic

23. See id. at 4.
24. Id.
25. Id. at 2.
27. See id.
29. RUMBAUT & EWING, supra note 11, at 3–4.
information about the size and composition of the immigrant population of the United States and of a rapidly growing U.S. born second generation.

I. IMMIGRATION AND ITS TYPES

The present era of mass migration has now spanned four decades.31 This time, the flows have come largely from Latin America, the Caribbean and Asia, not from Europe.32 In 1970, the foreign born population of the United States numbered 9.6 million, a mere 4.7% of the national total population—the lowest proportion since the census started collecting country of birth data in 1850.33 But, by 1990 the foreign born population had doubled to 19.8 million (7.9%) and by 2006 it had doubled again to approximately 38 million (12.5%), and was growing by over 1 million per year.34 Since the early 1990s, the number of immigrants coming to the United States—in varying legal statuses—has been the largest in history in absolute, if not in relative, terms. The U.S. born second generation today exceeds 30 million, so immigrants and their children together add up to about 70 million persons. Less than one-fourth of the U.S. population, but more than half of all Californians, are foreign born or of foreign parentage, including more than 75% of all Hispanics and more than 90% of all Asians.35 What happens to these immigrants and their descendants, and to the communities where they settle, is a complex question fraught with public policy significance—yet, as noted, it is more often than not wrapped in myth and stereotype.

California is home to more than one-fourth of all immigrants in the United States, and more than one-fourth of California’s population is


32. Id. at 7–8.


foreign born (a much greater share than any other state).36 Southern California is home to the largest concentrations of Mexicans, Salvadorans, Guatemalans, Filipinos, Koreans, Vietnamese, and many other nationalities found outside of their respective countries of origin.37 Indeed, most of the largest immigrant nationalities that have settled in the United States over the past few decades—including the largest concentrations of refugees, immigrant professionals, and undocumented laborers—have established their primary settlements in the greater Los Angeles area.38 They differ not only by national origin but especially by socioeconomic and legal statuses. By far the most educated and the least educated groups in the United States today are immigrants, as are the groups with the highest and the lowest poverty rates—a reflection of polar opposite types of migrations.39 They are inserted in bifurcated labor markets which attract both immigrant professionals and undocumented laborers.40 They come through regular immigration channels, without legal authorization, or as state-sponsored refugees—legal statuses which interact with their human capital to shape distinct modes of incorporation.41

37. Rumbaut et al., supra note 35.
39. Id. at 4.
40. Id.
41. Id.
Table 1 examines the largest immigrant nationalities in the United States and in California, and identifies three main types based on: (1) their legal status at entry as classified by the government (with or without authorization, or state-sponsored refugees), and (2) their level of education (reflecting the class composition of the flows, ranging from professionals to manual laborers). Type I is typified by groups composed of a majority of unauthorized laborers with less than a high school education (Mexicans, Salvadorans and Guatemalans, who have the lowest levels of education in the United States); Type II is exemplified by groups composed of a majority of legal permanent residents with college degrees or more advanced credentials (Filipinos, Chinese, Koreans, Indians); and Type III comprises groups admitted with refugee status (Vietnamese and Cubans being by far the largest). While the nearly 38 million foreign born in the United States in 2006 came from some 190 countries, 11.5 million (31%) came from only one: Mexico. Another 10 million (over 26%) came from El Salvador, Guatemala, the Philippines, China (including Taiwan), India, Korea, Vietnam, and Cuba. Thus, more than half (57%) of the total foreign born population, and three-fourths of the 9.9 million foreign born in California, had come from these nations alone, as shown in Table 1. Moreover, between one-third and one-half of the populations of each of

---

42. See supra Tbl. 1, p. 370.
43. See id.
these foreign born groups is concentrated in California (the Indians, who are more dispersed and the most highly educated, are an exception, as are the Cubans, who are concentrated in Florida).

The Department of Homeland Security estimated the unauthorized population of the United States in 2006 to be 11.5 million—almost quadrupling since the early 1990s.\textsuperscript{44} Thus, perhaps 30% of the foreign born are undocumented and potentially subject to deportation; those figures are unprecedented. Astonishingly, the 2007 National Survey of Latinos found that 53% of all Hispanic adults in the United States feared that they, a family member or a close friend would be deported.\textsuperscript{45} Fifty-seven percent of all Mexican immigrants in the United States and 53% of all Salvadoran and Guatemalan immigrants in the United States are undocumented—together they account for about two-thirds of the unauthorized population—although, as Table 1 also shows, substantial proportions of the Koreans (over 20%), Indians (18%), Filipinos (17%), Vietnamese (14%) and Chinese (10%) are similarly undocumented.\textsuperscript{46} Put differently, most of the principal sources of legal immigration to the United States are also among the top sources of illegal migration. The Salvadorans and Guatemalans, who form the largest flows from Central America, share with the Mexicans the fact that a sizable proportion of them remain in unauthorized legal statuses, and share with the Vietnamese the fact that in the 1980s most came as refugees from the Central American wars of the era—but were not recognized as refugees by the U.S. government.\textsuperscript{47} Both the Salvadorans and Guatemalans, with scarcely a visible presence in the United States until 1980, have grown very rapidly since and are disproportionately located in the Los Angeles area.\textsuperscript{48}

Still, the undocumented immigrant population is disproportionately made up of poor young males who have recently arrived from Mexico, El Salvador, Guatemala, Honduras, and a few other Latin American countries to work in low-wage jobs requiring little

\textsuperscript{44} Michael Hoefer et al., U.S. Dep’t of Homeland Sec., Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2006 2 (2007). In its January 2010 report, the Office of Immigration Statistics estimated that the unauthorized population had dropped to 10.8 million in 2009, a decrease presumably reflecting the severe economic recession and intensified enforcement and deportation measures. Id.


\textsuperscript{46} See supra Tbl. 1, p. 370.

\textsuperscript{47} Rumbaut, supra note 38, at 12.

\textsuperscript{48} Id.
formal education. These migrants have been 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. As the Congressional Budget Office noted in a 2005 report:

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 United States labor force will come from immigration by the middle of the century.

II. IMMIGRATION AND CRIME RATES

If immigration (legal or illegal) were associated with increasing crime rates, as enduring stereotypes would have it, the official crime statistics should reveal it. FBI statistics consistently show that males in their late teens and young adult years exhibit the highest rates of violent and property crimes. Conventional wisdom presumes a connection between young males who are poor, minority, high school dropouts—characteristics 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 males are unauthorized migrants. However, the opposite is the case.

From the early 1990s to the present, the same time period that legal and illegal immigration reached and surpassed historic highs, national crime rates declined—most notably in cities and regions of high immigrant concentration (including cities with large numbers of undocumented immigrants, such as Los Angeles, the border cities of San Diego and El Paso, as well as New York, Chicago, and Miami). This is evident from national level data on crimes and arrests reported by local and state law enforcement agencies to the FBI and released.

49. RUMBAUT & EWING, supra note 11.
50. Id.
53. RUMBAUT & EWING, supra note 11, at 4.
each year in the FBI’s Uniform Crime Reports. From 1994 to 2006, property crimes and violent crimes reached historic lows in the United States. That decline applied especially to homicide, robbery, and assault rates; serious violent crimes committed by juveniles also decreased.

Even more impressive reductions in serious violent crime and property crime during the same period were measured by the National Crime Victimization Survey (NCVS), an annual household survey ongoing since 1973 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). NCVS data provide a more precise estimate of crimes that often go unreported to the police (in 2005, for example, only 47% of all violent victimizations and 40% of all property crimes were reported to the police). The victimization 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 between 1993 and 2005. Overall, the violent crime rate decreased 58%, from fifty to twenty-one victimizations per 1000 persons age twelve or older. Property crime declined 52%, from 319 to 154 per 1000 households.

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 to 38 million people in the United States (a 71% increase), and the Hispanic population grew from 26 to more than 43 million people (a 62% increase). 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 many
instances to historic lows. Indeed, the decline in crime rates has continued into 2010, even amid the Great Recession.63

III. IMMIGRATION AND INCARCERATION RATES

On the other hand, the new era of mass immigration, accelerating since the 1970s, coincided with an era of mass imprisonment in the United States. The number of adults incarcerated in federal or state prisons or local jails in the United States skyrocketed during this period, quadrupling from just over 500,000 in 1980 to over 2.2 million in 2006.64 (Those figures do not include the much larger number of those on probation or parole; when they are added to the incarceration totals, over 7 million adults were under correctional supervision in the United States in 2006.)65 Indeed, the U.S. incarceration rate has become the highest of any country in the world.66 The United States, with less than 5% of the world’s population, now has almost one-fourth of the world’s prisoners.67 The U.S. incarceration rate was relatively stable at approximately 110 prisoners per 100,000 people from 1925 to 1975, but then it began increasing sharply.68 Between 1980 and 2005, the rate grew from 139 prisoners per 100,000 people to 491 prisoners per 100,000 people.69 Of the more than two million people behind bars, two-thirds are in federal or state prisons and one-third are in local jails.70 The vast majority are young men between eighteen and thirty-nine, overwhelmingly high school dropouts, and disproportionately black or Hispanic (as classified in official correctional data).71

Once again, inasmuch as the incarcerated population is overwhelmingly composed of less educated young adult males from ethnic minority groups—a profile disproportionately fitting the

64. Rumbaut et al., supra note 35.
65. Id.
66. Id.
69. Id.
70. RUMBART & EWING, supra note 11, at 6.
undocumented immigrant population—it follows that immigrants would be expected to have higher incarceration rates than natives. Moreover, besides possible racial profiling and police bias at the arrest stage, pretrial detention policies and practices operate to the disadvantage of immigrant groups; being detained before trial increases the chances that a prison sentence will be imposed after trial. Undocumented immigrants in particular are much less likely to be able to post bail or to have the community ties often required for release; they are more likely to be judged potential “flight risks” from arrest to final court disposition, and thus not to be released from jail pending trial.\footnote{John Hagan & Alberto Palloni, \textit{Sociological Criminology and the Mythology of Hispanic Immigration and Crime}, 46 \textit{Soc. Probs.} 617 (1999).} For all of these reasons, immigrant Mexican men—\textit{who comprise fully one-third of all immigrant men in the United States between eighteen and thirty-nine}—would be expected to have the highest incarceration rates, along with Salvadorans and Guatemalans. This hypothesis is examined empirically in Table 2.\footnote{See infra Tbl. 2, p. 376.} Data from the 2000 Census are used to measure the institutionalization rates of immigrants and natives, focusing on males eighteen to thirty-nine, among whom the vast majority of the institutionalized are in correctional facilities.\footnote{See id.} The results turn conventional wisdom on its head.
As Table 2 shows, 3% 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%) was five times the rate of the foreign born (0.68%). The latter was less than half the 1.71% incarceration rate for non-Hispanic white natives, and far less than the 11.6% incarceration rate for native black men. The advantage for immigrants versus natives applies to every ethnic group without exception. Notably, the lowest incarceration rates among Latin American immigrants were seen for the least educated groups, who are also the groups which account for the majority of the undocumented immigrants: the Salvadorans and Guatemalans (0.52%), and the Mexicans (0.70%). For all ethnic groups, as expected, the risk of imprisonment is highest for men who are high school dropouts (6.9%) compared to those who are high school graduates (2.0%).

However, the differentials in the risk of incarceration due to level of education are observed principally among native born men, not

75. See id.
76. See id.
77. See id.
78. See id.
79. See supra Tbl. 2, p. 376.
immigrants. The advantage for immigrants remained when broken down by education for every ethnic group.

Moreover, for every foreign born group without exception, the longer immigrants had resided in the United States, the higher their incarceration rates were. The incarceration rates are much higher for U.S. born co-ethnics than foreign born: only 0.5% of foreign born Salvadoran and Guatemalan men age eighteen to thirty-nine were incarcerated, compared to 3.0% of the U.S. born; only 0.7% of Mexico born men were incarcerated, compared to 5.9% of U.S. born Mexican Americans; and only 0.5% of Vietnamese born men were incarcerated, compared to 5.6% among the U.S. born. Thus, while incarceration rates are found to be very low among the immigrants, they rise in the U.S. born generations, especially among the poorest groups. Except for the Chinese, Indians, Koreans, and Filipinos (who tend to be the children of more educated immigrants), the rates of other U.S. born Latin American and Asian groups exceed that of the referent group of non-Hispanic white natives.

We also examined the same Census data for California, the state with by far the greatest number of immigrants, legal and illegal (over one-quarter of the national total), and the state with the greatest number of persons in prisons and jails (California has one of the highest inmate populations in the world, along with one of the toughest mandatory-sentencing “three strikes” laws in the country). Overall, native born men age eighteen to thirty-nine in California have higher incarceration rates than the rest of the United States, while the foreign born have lower rates in California compared to the rest of the United States. The total incarceration rate for the U.S. born is more than one percentage point higher in California than in the rest of the United States (4.5 compared to 3.4). In contrast, the incarceration rate for the

80. See id.
81. See id.
82. See id.
83. See id.
87. RUMBAUT & EWING, supra note 11, at 8.
88. Id.
foreign born in California was less than half the foreign born incarceration rate in the rest of the country (0.4 compared to 1.0). 89

IV. INTERGENERATIONAL DIFFERENCES IN ARREST AND IMPRISONMENT

The incarceration rates above were estimated from 2000 Census data on the institutionalized population. 90 We can get more direct evidence of actual lifetime experiences with the criminal justice system from comprehensive surveys of immigrant-origin populations. Two major surveys of the adult children of immigrants were recently carried out in Southern California, the region with the greatest number of immigrants: the Immigration and Intergenerational Mobility in Metropolitan Los Angeles (IIMMLA) Survey, carried out in 2004; and the third wave of the Children of Immigrants Longitudinal Study (CILS), carried out in San Diego, which is a decade-long panel study whose last phase of data collection ended in 2003. 91 The two data sets were merged in this analysis because they are based on representative samples evenly divided by gender, are of the same approximate age (mean age = 27.5) and national origins, and were surveyed at about the same time in Southern California (the six contiguous counties of Los Angeles, Orange, San Diego, Riverside, San Bernardino, and Ventura, where one of every five immigrants in the United States resides). 92 The surveys collected data on criminal justice involvement of foreign-parentage (1.5-generation and second-generation) young adults, compared to their native-parentage (third-generation and beyond) white, black, and Mexican American peers. 93 On average, the immigrant parents of the 1.5-generation respondents had been in the United States for twenty-one years, and the immigrant parents of the second-generation respondents had been in the United States for thirty-

---

89. Id.
90. Id. A related study by economists Kristin Butcher and Anne Morrison Piehl based on data from the U.S. Censuses demonstrates that these results are not due to increased deportations of non-citizen criminals or the impact of harsher immigration laws in deterring immigrants from committing crimes. Kristin F. Butcher & Anne Morrison Piehl, Why are Immigrants’ Incarceration Rates So Low? Evidence on Selective Immigration, Deterrence, and Deportation 2 (Federal Reserve Bank of Chicago Working Paper No. 2005-19, 2005), available at http://www.chicagofed.org/digital_assets/publications/working_papers/2005/wp2005_19.pdf. 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.” Id. at 5.
91. See supra Tbl. 2, p. 376.
92. Rumbaut, supra note 84, at 196.
93. Id.
one years—i.e., they were not recent immigrants.\textsuperscript{94} We focus here only on the arrest and incarceration histories of the males in the sample (n=2971) since the preponderant majority of entanglements with the criminal justice system occurred among them.\textsuperscript{95}

Table 3\textsuperscript{96} looks at whether the men had ever been arrested or incarcerated, and separates these results into categories of ethnicity, generation, and level of education (high school dropout versus college graduate).\textsuperscript{97} There are striking differences between ethnic groups and generations in all of these variables.\textsuperscript{98} Intergenerational differences are strongly significant overall, with the U.S. born (second and third-generation and beyond) much more likely to become ensnared in the criminal justice system than the foreign born (the 1.5-generation who came to the United States as children), continuing the national patterns noted earlier among young adult men age eighteen to thirty-nine. The patterns are linear, but the outcomes worsen over time and generation in the United States: among the 1.5-generation, 13% had been arrested and 8% had been incarcerated, compared to 21% and 12% respectively in

\begin{table}[h]
\centering
\begin{tabular}{|l|c|c|c|c|c|c|c|}
\hline
\multirow{2}{*}{Ethnicity} & \multicolumn{3}{c|}{Ever arrested, by generation} & \multicolumn{3}{c|}{Ever incarcerated, by generation} & \multicolumn{2}{c|}{Education} \\
\cline{2-8}
 & 1.5 & 2nd & 3rd+ & 1.5 & 2nd & 3rd+ & High school dropout, \% & College graduate, \% \\
\hline
Total (males 20-39) & 2,971 & 13.2 & 20.7 & 36.3 & 7.8 & 12.1 & 23.8 & 10.6 & 38.7 \\
\hline
\textit{Latin American:} & & & & & & & & & \\
Mexican & 787 & 22.3 & 29.8 & 39.6 & 11.9 & 20.4 & 26.6 & 24.1 & 19.2 \\
Salvadoran, Guatemalan & 187 & 21.3 & 36.7 & & 11.2 & 17.3 & & 16.0 & 17.0 \\
Other Latin American & 107 & 17.4 & 21.3 & & 15.2 & 11.5 & & 8.4 & 34.7 \\
\textit{Asian American:} & & & & & & & & & \\
Chinese & 245 & 5.8 & 7.4 & & 2.9 & 1.9 & & 2.1 & 37.4 \\
Korean & 201 & 11.6 & 18.1 & & 3.9 & 2.8 & & 0.4 & 83.3 \\
Filipino & 475 & 13.3 & 9.6 & & 8.2 & 5.7 & & 2.0 & 74.8 \\
Vietnamese & 294 & 8.1 & 12.7 & & 5.8 & 9.9 & & 4.1 & 50.3 \\
Cambodian, Laotian & 88 & 8.4 & 20.0 & & 8.4 & 20.0 & & 6.8 & 12.8 \\
\textit{All other nationalities} & 200 & 12.3 & 21.7 & & 7.6 & 11.9 & & 5.0 & 48.9 \\
\textit{Other:} & & & & & & & & & \\
White, non-Hispanic & 201 & 29.4 & & 18.1 & & & 12.3 & 46.6 \\
Black, non-Hispanic & 186 & 40.4 & & 27.3 & & & 15.8 & 24.8 \\
\hline
\end{tabular}
\caption{Arrest and Incarceration among Young Men in Southern California, by Ethnicity and Generation}
\end{table}

Source: Adapted from Rumbaut, 2008.

\textsuperscript{94} 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.

\textsuperscript{95} The attainment of 4-year college degrees or more is reported only for males 25 or older.

\textsuperscript{96} See supra Tbl. 3, p. 379.

\textsuperscript{97} See id.

\textsuperscript{98} See id.
Indeed, the overall rates for the immigrants and U.S. born children of immigrants in this sample are lower than the rates for native-stock whites. The rates of arrest and incarceration were highest by far for native-parentage African Americans, and lowest for Asians, with whites and Hispanics in between. Among native-stock black men, 40% had been arrested at some point by the police and 27% had been incarcerated; among both native-parentage whites and Hispanics, 29% had been arrested and 18% had been incarcerated; and among Asians, the respective figures were 10% and 6%.

For the Mexicans and Central Americans, the groups with the lowest levels of education, the intergenerational patterns are clear: among the Salvadoran and Guatemalan 1.5-generation, 21% had been arrested and 11% had been incarcerated (significantly lower than the rates for native whites), compared to 36% and 17% respectively in the second-generation. Among the Mexican born 1.5-generation, 22% had been arrested and 12% had been incarcerated (again significantly lower than the rates for native whites), compared to 30% and 20% respectively in the second-generation (about the same as the rates for native whites), and almost 40% and 27% in the third-generation and beyond. The latter figures are virtually identical to those for African American men—the highest observed in this sample and nationally. Given the size of the Mexican-origin second-generation, compared to other groups in the United States, 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 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 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

---

99. See id.
100. See id.
102. See supra Tbl. 3, p. 379.
103. See id.; see supra Tbl. 2, p. 376.
more weakly by those with only one immigrant parent.\textsuperscript{104} 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 of incarceration.\textsuperscript{105} Ethnicity washed out of the equation once the other predictor variables were controlled—despite the fact that blacks and Mexicans had the highest rates of arrest and incarceration—suggesting that those predictor variables, and not ethnicity, accounted for the association. These results not only confirm but underscore the patterns estimated earlier with national-level incarceration data.\textsuperscript{106} For every ethnic group studied, arrest and incarceration rates among young men were lowest for immigrants, even those who were the least educated. This held true for the Mexicans, Salvadorans, and Guatemalans who make up the bulk of the undocumented population, with the caveat of worsening outcomes among U.S. born generations.

V. EVIDENCE VS. THE “IMMIGRANT AS CRIMINAL” STEREOTYPE

The evidence demonstrating lower rates of criminal involvement and imprisonment among immigrants is strongly supported by a growing number of contemporary studies. Taken together with the findings presented above, as well as those reported by major government commissions a century ago, these recent studies provide consistent and compelling evidence that crime and incarceration rates are lower among immigrant men than the national norm despite their lower levels of education and higher rates of poverty. A few examples will suffice.

Some scholars who have addressed the immigration-crime nexus have concluded that increased immigration is in fact a major factor associated with lower crime rates.\textsuperscript{107} For example, a sophisticated study recently tested the hypothesis that increased immigration reduces crime, using national data rather than data from specific metropolitan areas, and concluded that “the broad reductions in violent crime during recent years are partially attributable to increases in immigration.”\textsuperscript{108} At the local level, a major study of 180 Chicago neighborhoods from 1995 to

\begin{thebibliography}{9}
\item \textsuperscript{104} See supra Tbl. 3, p. 379.
\item \textsuperscript{105} Rumbaut, supra note 84, at 230.
\item \textsuperscript{106} Id.
\item \textsuperscript{107} Robert J. Sampson, Rethinking Crime and Immigration, CONTEXTS 28, 32; see also Eyal Press, Do Immigrants Make Us Safer?, N.Y. TIMES MAG., Dec. 3, 2006, at 20.
\item \textsuperscript{108} Jacob I. Stowell et al., Immigration and the Recent Violent Crime Drop in the United States: A Pooled, Cross-Sectional Timeseries Analysis of Metropolitan Areas, 47 CRIMINOLOGY 889, 890 (2009).
\end{thebibliography}
2002 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. The immigrants (foreign born) were 45% less likely to commit violent crimes than were third-generation and beyond Americans (children of native born parents), adjusting for family and neighborhood background. The second-generation (born in the United States to immigrant parents) was 22% less likely to commit violence than the third or higher generation. Similarly, a study of two cohorts near Toronto examined delinquency and violent behavior among Canadian youth, using scores from a delinquency and drug use scale. The investigators 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. These results, in different cities (and countries), using different methods, clearly echo those noted above.

Recent studies 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. Other studies 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

110. Id. at 229.
111. Id.
113. Id. at 102.
114. Id. at 102–03.
115. Id. at 103.
116. Id.
prolific criminal offenders, even murderers, they in fact were not overrepresented among either homicide victims or offenders.\textsuperscript{119} 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.\textsuperscript{120} As with south Florida in general, Miami experienced a sharp spike in homicides \textit{before} the Mariel Cubans arrived in the city.\textsuperscript{121} Homicide rates continued to decline throughout the 1980s despite a steady inflow of Latin American immigrants.\textsuperscript{122}

Still, none of this evidence seems to have dented stereotypic public opinion about immigrants and crime that often drives policies and politics. Fear may trump facts, even as facts debunk enduring stereotypes. Laws passed in 1996 (in the wake of Proposition 187 in California), and what followed in the aftermath of September 11, offer a sobering case in point. And so does the nation’s latest experience with deportation.

\section*{VI. CRIMMIGRATION}

Since the failure of the 1986 Immigration Reform and Control Act (IRCA) to stem undocumented migration,\textsuperscript{123} and even more so after the national security crisis prompted by September 11, the U.S. Federal Government has capitalized on nativist fears to regulate migration through crime. In an effort to appear in control of the nation’s borders and tough on crime, a series of increasingly draconian immigration policies and enforcement practices have been enacted. Indeed, the confluence of immigration and criminal law into parallel systems has become so strong that it collectively has come to be referred to as “crimmigration” law.\textsuperscript{124} In 1996, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) and the Anti-Terrorism and Effective Death Penalty Act (AEDPA) were signed into law under rhetoric of “get tough on crime” and “immigration control.”\textsuperscript{125} The

\bibliographystyle{chicago}

\begin{thebibliography}{125}
\bibitem{119} Id.
\bibitem{120} Id.
\bibitem{121} Id.
\bibitem{122} Id.
\bibitem{124} Id.
\end{thebibliography}
laws increased the categories of people who could be deported and the crimes for which they could be deported from the United States.¹²⁶

As Figure 1 shows, between fiscal years 1995 and 2008, formal removals increased 585%, from approximately 50,924 to 358,886.¹²⁷ In spite of promises that violent offenders would be the target of immigration enforcement, nonviolent offenses and immigration violations redefined as aggravated felonies have formed the basis of the vast majority of these deportable crimes.¹²⁸ Since 1996, only 14% of criminal deportations have been for offenses involving violence against persons.¹²⁹ Conversely, immigration violations such as illegal entry and the use of false documents have nearly quadrupled.¹³⁰ According to

¹²⁶. 18 U.S.C. § 1182; 18 U.S.C. § 2332. IIRIRA and AEDPA redefined “aggravated felony” to include twenty-eight additional types of crimes and mandated that any crime associated with a minimum sentence of a year or more in prison or probation is grounds for deportation. This decision was applied retroactively, making individuals who had already completed their criminal sentences suddenly deportable and subject to a ban on re-entry from five years to life. Judicial review and discretionary authority were also exterminated, leaving deportable noncitizens without any real chance to fight or appeal their cases and sentences. See Nancy Morawetz, Understanding the Impact of the 1996 Deportation Laws and the Limited Scope of Proposed Reforms, 113 HARV. L. REV. 1936 (2000).

¹²⁷. See supra Fig. 1, p. 384.


¹²⁹. Id. at 37.

¹³⁰. Id. at 49.
Jennifer M. Chacón, “immigration prosecutions are now the most common federal criminal prosecutions, outstripping federal drug and weapons prosecutions, and dwarfing many other forms of federal criminal prosecutions.”

In addition to the changes in deportation law, the last decade has seen an astonishing rise in the funding of immigrant enforcement agencies. Since 1998, the budget of INS and ICE increased approximately 600%, from approximately $3.6 billion to nearly $22 billion. The U.S.-Mexico border became militarized and interior enforcement efforts — in the form of immigration raids and anti-gang operations — proliferated. An immigrant industrial complex has also emerged in which public and private sectors are highly invested in the criminalization of undocumented migration, immigration law enforcement, and the reification of undocumented migrants into “criminal” and “illegal” beings.

The series of immigration policies and enforcement practices that emerged in recent decades threaten the inclusionary model of membership that has defined the United States for the past five decades. It creates a sense of “assimilation anxiety” and a state of “deportability,” the effects of which reverberate beyond the construction and meaning of immigration and criminal laws. As noted earlier, more than half of Hispanic adults worry that they, a family member, or a close friend could be detained and/or deported. Moreover, those who committed minor, nonviolent crimes and/or grew up in the United States are frequently returned to countries with which they may have little or no familiarity and which the State Department declares too

---

131. JENNIFER M. CHACÓN, IMMIGRANTS ON A SILVER PLATTER?: INTERIOR IMMIGRATION ENFORCEMENT AND CRIMINAL PROCEDURE NORMS (forthcoming 2010).
132. Id.
133. Id.
137. Id. at 5–9; see De Genova, supra note 135.
138. PEW HISPANIC CENTER, supra note 45, at 5.
dangerous for travel. 139 Spouses and children, many of whom are U.S. citizens, are left behind to cope with the loss of a primary breadwinner and parent.140

Myopic understandings of deportation assume that once an individual is removed, society is effectively cleansed of unwanted, generally criminal, migrants and the cycle of migration ends. The story of crimmigration, however, continues beyond and constantly reshapes national borders in a way that continues to question the confluence of migrants and criminal behavior. The case of Salvadoran deportees provides critical insight into the little understood, but frequently stereotyped, reality of individuals affected by and challenging the effectiveness of the current deportation regime.141

VII. SALVADORAN MIGRATION AND DEPORTATION

El Salvador is among the smallest countries in Latin America, yet Salvadorans compose one of the largest immigrant groups in the United States. 142 Reports suggest that 20% to 35% of persons born in El Salvador are living abroad, primarily in the United States. 143 With approximately 1,100,000 immigrants in the United States, the Salvadoran community is now larger than the respective Vietnamese, Korean, and Cuban foreign born populations. 144 Salvadorans thus constitute the fifth largest foreign born and the second largest Latin American and undocumented population in the United States. 145

144. GRIECO, supra note 142, at 5.
Contemporary Salvadoran migration is rooted in the brutal civil war that plagued El Salvador from 1980 to 1992. During this time, people from every socioeconomic sector and political perspective migrated to escape political repression, armed conflict, and economic disruptions associated with the war. As political migrants, the vast majority of them arrived to the United States without proper legal documentation, a problem only partially rectified by immigration and asylum law. During the civil war, the U.S. government financially and militarily supported the right-wing government of El Salvador responsible for the vast majority of wartime atrocities. This geopolitical interest led directly to the systematic denial of refugee status and political asylum to Salvadoran migrants fleeing wartime conditions. In the wake of this decision, advocates working on behalf of the Salvadoran community successfully negotiated a patchwork of immigration protections that partially rectified the undocumented status of many Salvadorans, but often lacked a direct pathway to citizenship. As a result, over 50% of the population remains in legal limbo and 75% is at risk for deportation.

Faced with a hostile context of reception in the United States, the ethnic community has been incapable of buffering the emergence of ethnic street gangs, such as *Mara Salvatrucha* (MS-13) and *Barrio 18* (18th Street), that arose in Los Angeles largely as a reaction to inner city ethnic tensions. Salvadoran gangs have since been the subject of

146. [Beth Baker-Cristales, Salvadoran Migration to Southern California: Redefining El Hermano Lejano 31 (Kevin A. Yelvington ed., 2004).](#) In recent years, postwar economic restructuring of the Salvadoran economy shifted Salvadoran immigration from primarily politically-motivated to primarily economically-motivated. *Id.* at 156–57.

147. [Carlos B. Cordova, The Salvadoran Americans (Ronald H. Bavor ed., 2005).](#)

148. [Alison Mountz et al., Lives in Limbo: Temporary Protected Status and Immigrant Identities, 2 Global Networks 335 (2002).](#)

149. [Nora Hamilton & Norma Stoltz Chinchilla, Seeking Community in a Global City: Guatemalans and Salvadorans in Los Angeles (2001).](#)


151. [See United Nations Development Program, supra note 143.](#)

152. [Id.](#)

153. [Cecilia Menjivar, Fragmented Ties: Salvadoran Immigrant Networks in America (2000).](#)

media sensationalization and politicization, serving to stereotype the Salvadoran migrant community as criminal, justify increased funding of special anti-gang operations (such as Operation Community Shield), and contribute to making Salvadorans the fourth most deported immigrant group from the United States (20,031), behind Mexico (246,851), Honduras (28,851), and Guatemala (27,594). Gang members have since come to typify the average Salvadoran deportee in the popular imagination and academic literature in both the United States and El Salvador. Contrary to this stereotype, however, the vast majority (76%) of Salvadoran deportees are removed from the country as a result of immigration violations, not criminal convictions.

VIII. THE CONTEXT OF RETURN

Popular thought generally presupposes one of two scenarios related to deportees’ experiences after deportation. The first assumes that return to one’s country of birth is natural. Once removed, deportees should successfully reinsert themselves with few cultural, political, or socioeconomic barriers. The second focuses on the stereotype of the deportee as criminal. It exaggerates the percentage of criminal deportees, stresses the existence of high levels of stigmatization and discrimination in the home country, and assumes that deportees will resort to criminal, often gang-related, activity in their countries of origin. However, the context to which Salvadoran deportees return is complex and post-deportation outcomes are not reducible to simplistic explanations. Postwar El Salvador is still struggling with many of the social, economic, and political divisions that initially triggered both the civil war and subsequent waves of migration to the United States. It is also a society in transition. In particular, two transitions condition the diverse—and seemingly paradoxical—reintegration experiences of Salvadoran deportees.

155. Office of Immigration Statistics, Dep’t of Homeland Sec., 2008 Yearbook of Immigration Statistics 108 (2009). The Salvadoran government argues that it is incapable of reintegrating the large numbers of deportees and has thus negotiated a cap on the number of deportations each year. Without these negotiations, the rate of deportation would likely be second behind Mexico. Id.


First, the former wartime repression against the Left has been transformed into overt targeting and criminalization of gang members and deportees. In the mid-1990s, when deportations began to emerge on a large scale, immigrant gang members who had grown up in the United States were deported to El Salvador. They brought gang culture to a postwar society marked by extreme poverty, disenfranchised youth, and the ready availability of American weapons. These conditions resulted in a proliferation of American-style street gangs in El Salvador. Reacting against the emergence of these gangs, the Salvadoran government made gang membership illegal and enacted a series of zero tolerance policies, which specifically targeted individuals with the presumed visual and auditory markers of gang involvement—including tattoos, baggy jeans, and an English accent. Deportees from the United States were targeted for random strip searches and imprisonment, as well as widespread prejudice and discrimination in other spheres of society. They also became the targets of gang members, who sought to initiate and/or threaten them. This made reintegration particularly difficult for deportees who had migrated to the United States at a young age and grew up there.

Second, the Salvadoran economy has transformed from an agrarian economy largely supported by coffee exports to one dependent on migrant remittances and has increasingly integrated with the economy of the United States in other ways. According to recent reports, migrant remittances to El Salvador have surpassed national exports as a source of foreign exchange, composing 18.2% of the nation’s GDP, making them “the single largest source of income for the Salvadoran

---

160. Id. at 761.
162. Id.
164. SPRING MILLER & JAMES L. CAVALLARO, INT’L HUM. RTS. CLINIC, NO PLACE TO HIDE: GANG STATE, AND CLANDESTINE VIOLENCE IN EL SALVADOR (2009).
165. Kovacic, supra note 30.
Since 1989, El Salvador has also actively pursued neoliberal economic policies which have served to integrate the U.S. and Salvadoran economies. The government aggressively promoted tariff reform, privatization of state enterprises, investments in public infrastructure and education, liberalization of trade agreements, the establishment of free trade zones, and even the dollarization of the economy. As elaborated below, the customer service industry has emerged as a strategic site that creates an alternate opportunity structure for highly stigmatized deportees otherwise likely to immediately enter gangs after deportation.

IX. A CASE STUDY OF SALVADORAN DEPORTEES

Our analysis draws primarily on in-depth interviews conducted with a sample of twenty-nine deportees in El Salvador during the summer of 2008. Since the population is vulnerable and scattered throughout the country, local Salvadoran nonprofit organizations assisted with recruitment of interviewees. Representatives from Bienvenidos a Casa (a program formerly contracted by the Salvadoran government to assist with deportee reinsertion), El Centro de Intercambio y Solidaridad (an organization facilitating international exchange and social justice projects), and Alcance Victoria (a religiously affiliated alcohol and drug rehabilitation program) located deportees residing in San Salvador. A public defender located deportees in the Salvadoran countryside. The deportees were each interviewed in their preferred language for an average of 1.5 hours. Interviews followed a semi-structured, life-history format. Questions were designed to capture a wide range of experiences, including:

1) memories of life in El Salvador prior to migration;
2) migration to and acculturation in the United States;
3) detainment and deportation;

169. Id.; Baker-Cristales, supra note 146.
171. Id. at 31.
172. Id. at 12.
173. Id. at 16.
174. Id. at 17.
175. Id.
176. The majority of interviews were conducted in English. Whenever the preferred language of a deportee was Spanish, a native Salvadoran translator provided certified interpretation services.
4) barriers and opportunities experienced upon return to El Salvador;
5) strategies utilized to negotiate life in El Salvador; and
6) goals and/or plans for the future.

The deportee interviews were supplemented with information obtained through expert interviews, participant observation, and interviews with local Salvadoran citizens. Six expert interviews were conducted with individuals with years of experience working with and advocating on behalf of the Salvadoran deportee population. The interviewees included government officials, nonprofit directors, and social workers recruited by the same organizations assisting with deportee referrals. Over a period of two months of participant observation in San Salvador, informal interviews were also conducted with activists, academics, vendors, and people encountered in places such as restaurants and buses, centered on their perceptions of deportees from the United States and their treatment in El Salvador.

The formal interviews with deportees and experts were recorded and transcribed verbatim. They were analyzed alongside fieldnotes compiled during participant observation and informal interviews utilizing open and focused coding techniques. In an effort to ensure confidentiality, throughout the text the real names of interviewees, their specific location, and their place of employment were omitted.

X. TYPES OF DEPORTEES

The sample is generally representative of what is known about the characteristics of Salvadoran deportees from the United States, with three critical exceptions. First, although approximately 5% of deportees from the United States to El Salvador are women, they were excluded from this study because they were difficult to locate and unwilling to participate. Second, with an average of fourteen years in the United States, interviewees in the sample spent significantly longer time abroad

178. It is presumed that women are deported at a lesser rate because of the types of jobs they occupy in the United States, which make them less visible to immigration authorities and less likely to be taken during a raid. They also have lower levels of gang membership and activity, making them less likely than men to be deported for criminal convictions. Female deportees may also be less visible in El Salvador because they may lack the tattoos that often distinguish men. Future research should seek to obtain female informants and analyze the gendered aspects of the process of deportation and reintegration.
than the average deportee to El Salvador. Finally, despite the fact that 77% of Salvadoran deportees are removed for noncriminal immigrant violations, 48% of the deportees in this sample were deported for gang-related criminal offenses. The sample thus reflects the experiences and outcomes of stereotypical Salvadoran deportees more than the average Salvadoran deportees.

Table 4 provides a profile of the interviewed deportees. The first column presents basic characteristics of the total sample. On

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Total sample</th>
<th>Adult Migrants</th>
<th>Child Migrants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age (years)</td>
<td>Mean 31</td>
<td>29</td>
<td>32</td>
</tr>
<tr>
<td>Age at arrival in U.S.</td>
<td>Mean 13</td>
<td>22</td>
<td>8</td>
</tr>
<tr>
<td>Years in U.S.</td>
<td>Mean 14</td>
<td>3.5</td>
<td>18</td>
</tr>
<tr>
<td>Incarcerated in U.S.</td>
<td>% 69%</td>
<td>33%</td>
<td>95%</td>
</tr>
<tr>
<td>Reason deported</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Immigration violation</td>
<td>% 24%</td>
<td>67%</td>
<td>0%</td>
</tr>
<tr>
<td>Criminal violation</td>
<td>% 76%</td>
<td>33%</td>
<td>100%</td>
</tr>
<tr>
<td>Involved in gangs in E.S.</td>
<td>% 10%</td>
<td>0</td>
<td>15%</td>
</tr>
<tr>
<td>Education:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GED or more</td>
<td>% 55%</td>
<td>22%</td>
<td>70%</td>
</tr>
<tr>
<td>4th to 10th grade</td>
<td>% 45%</td>
<td>78%</td>
<td>30%</td>
</tr>
<tr>
<td>Language:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>English only</td>
<td>% 10%</td>
<td>0</td>
<td>15%</td>
</tr>
<tr>
<td>Bilingual</td>
<td>% 62%</td>
<td>22%</td>
<td>80%</td>
</tr>
<tr>
<td>Spanish only</td>
<td>% 28%</td>
<td>78%</td>
<td>5%</td>
</tr>
<tr>
<td>Work status in El Salvador:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unemployed</td>
<td>% 24%</td>
<td>22%</td>
<td>25%</td>
</tr>
<tr>
<td>Salvadoran labor market</td>
<td>% 45%</td>
<td>78%</td>
<td>30%</td>
</tr>
<tr>
<td>&quot;U.S.&quot; labor market</td>
<td>% 36%</td>
<td>0%</td>
<td>45%</td>
</tr>
</tbody>
</table>

* Adult Migrants = over 18 at arrival in U.S.; Child Migrants = under 18 at arrival in the U.S.

180. Id.
181. Dingeman, supra note 170, at 52.
182. See supra Table 4, p. 392.
average, the deportees first migrated at the age of thirteen, spent fourteen years in the United States, and were thirty-one years old in 2008. The second and third columns break down the sample by generational cohort. Except for average age, the characteristics of those who migrated at eighteen or older as adults (the “1.0 generation”) sharply diverge from those who migrated under eighteen as children and adolescents (the “1.5-generation”). Among the adult migrants, their average age at arrival in the United States was twenty-two and their length of stay was 3.5 years (although most were removed within a year of their arrival). Conversely, among child migrants, their average age at arrival was eight and the average length of stay in the United States was eighteen years. Table 4 also reveals that adult and child migrants differed from each other on educational attainment, language proficiencies, history of gang involvement, reason deported, and the sector of the labor market to which they were employed in El Salvador. Consistent with past research, age at migration is not only a primary factor shaping divergent acculturation experiences and outcomes among Salvadoran migrants in the United States, but the deportees’ acculturation experiences upon their return to El Salvador as well. In the qualitative interviews, generational cohort status also played a critical role in shaping reintegration outcomes once these migrants are deported to El Salvador.

The majority of the interviewees who initially migrated to the United States under the age of eighteen did so with their families during the Salvadoran civil war in the 1980s. They spent an average of eighteen years in the United States, and most were returned to El Salvador as a result of both gang-related and non-gang-related criminal convictions. They had largely become fluent in English and adapted to American norms over the averaged eighteen year stay. Many did not have memories of El Salvador, did not sustain transnational family ties, and had no intentions of returning to settle in El Salvador. Three deportees could not speak Spanish conversationally, and one did not even know he was a Salvadoran national until he was in deportation proceedings. The group as a whole largely described their

185. Id. at 7.
186. Id. at 21.
187. Id. at 26.
188. Id. at 22.
acculturation, identities, and loss of Salvadoran connections in the United States as a process of “becoming American.” Approximately half of the interviewees believed permanent residency guaranteed them protection from deportation and never made the effort to naturalize. The other half were undocumented and thus ineligible to adjust their legal status. When they were deported, all left family members and other loved ones behind.

The majority of interviewees who initially migrated to the United States at eighteen or older were labor migrants during the post-civil war era. In contrast to the child migrants, they were deported shortly on arrival for immigration violations. Prior to their deportations, they intended to work for a few years, send remittances home, and eventually return to El Salvador to settle. Due to their older age at arrival and short stay in the United States, they generally did not improve their educational level or become fluent in English. The adult migrants were aware of the possibility that they could be deported, understood the context to which they would return, and had maintained their El Salvador-based social support networks to a greater degree than the child migrants.

XI. STIGMATIZATION AND DISCRIMINATION

Migration scholars have frequently observed that voluntary and forced-return migrants often experience prejudice and discrimination in their home societies. Deportee accounts from our interviews consistently demonstrate that deportees of all types confront barriers and challenges as they attempt to reintegrate into Salvadoran society. However, stigmatization was neither applied nor experienced uniformly. Once deported, those who migrated as children experienced stigmatization more intensely than those who migrated as adults.

When the adult migrants failed to accomplish their goals and were quickly returned to El Salvador as deportees, they sometimes felt
ashamed or embarrassed that they were unable to provide needed remittances for their families. Fearful that they would be perceived as failed émigrés, most initially attempted to control information about their deportation status, preferring that only close friends and relatives know the truth of their story. Within a matter of weeks, however, these deportees learned that they were not visually identifiable from the general population. They reported that they were not treated differently by regular citizens and did not encounter problems with police officers or gang members.\footnote{Dingeman, supra note 170, at 24.} They also discovered that, besides what is described as harmless teasing by coworkers and friends, they are not treated differently by those who know the truth about their deportation. Sergio, a twenty-four year old deportee who first migrated to the United States at age twenty-one, attested:

\begin{quote}
You know, because we don’t really look any different or sound any different, the society, it just treats us the same as everyone else. Even if they know we came deported, they just see us as people who were unlucky, that’s it. We are not confused with the gangsters. We just didn’t have the luck. \footnote{Id.}
\end{quote}

Conversely, after deportation, child migrants reported high levels of stigmatization in El Salvador.\footnote{Id. at 34.} They consistently stated that they are identifiable by how they walk, as well as their English- and Mexican-influenced accents, lighter color skin, style of dress, and visible tattoos.\footnote{Id. at 35.} These physical and audible markers of otherness immediately cast them as violent gangsters who intend to spread and strengthen gangs, even if they were never involved in a gang in the United States and/or had no intentions of entering gang life in El Salvador. The conflation of deportee status and criminality is felt strongly by many deportees who claimed that the general Salvadoran public gives them dirty looks, refuses to sit next to them on the bus, maintains a safe distance while walking in the street, and frequently calls the police.\footnote{Id. at 36.} These deportees also reported being regularly stopped, strip searched, and detained by police officers and vigilantes posing as police.\footnote{Id.} Finally, they are sometimes targeted by gang
members who either want them to join the gang or are threatened by their presence. Drawing on his experiences of racialization in the United States, Giovanni, a thirty-one year old who migrated to the United States at age five, stated:

They real racist about this here, the tattoos. It’s a big change [from the U.S.] . . . . Look, me, I didn’t want to adjust my tattoos and my way of dressing. They don’t understand about that. You know, [in the U.S.] you don’t have to be a gangster or be bad to wear some jewelry or a basketball jersey and show off your tattoos. You do that here, you walk two blocks, and the third block, you are dead. Or the cops got you all wrapped up and they gonna take you downtown . . . . And the people look at you like, “Oh, you gangster, you gangster, watch out!” And you might not even be one, but just because you a little baggy, watch out! Or they call the cops on you and you might not even be doing nothing! Sometimes that happened to me a lot. It still happens to me . . . Man, with all the shit I’ve been through down here, I would be Rodney King up there.

XII. GANG INVOLVEMENT VS. LABOR MARKET REENTRY

Given the history of the spread of gangs to El Salvador and the stigmatization of many deportees as gangsters, it is tempting to argue that Salvadoran deportees immediately enter gang life once in El Salvador. Contrary to this notion, our analysis is consistent with a human rights report suggesting that gang violence in El Salvador may be shifting from a phenomenon once dominated by deportees to one largely plaguing local disenfranchised non-migrant youth. It is likely that many deportees still resort to gang violence and other delinquent activity in El Salvador. However, all of the deportees interviewed for this study—regardless of age at migration—reported that they had no intention of joining a gang upon arrival in El Salvador. Rather, they all attempted to legitimately enter the Salvadoran labor market.

203. Id.
204. Id. at 28.
205. Kovacic, supra note 30; Portes, supra note 156.
206. See generally Miller & Cavallaro, supra note 164.
207. Id. (discussing while local youth are often targeted for initiation, deportees frequently hold positions of power within increasingly organized gangs, such as Mara Salvatrucha 13 and Barrio 18).
208. Dingeman, supra note 170, at 26.
209. Id. at 29.
was the case with stigmatization, once deported, child and adult
migrants experience labor market reentry differently.

When adult migrants are removed to El Salvador shortly after their
arrival in the United States, they often return having incurred large
amounts of debt to pay for their migration. Consequently, they may
return to a worse economic situation than prior to migrating north. It is
because of this that they stress the imperative of finding a job
immediately upon their return to El Salvador. High rates of
unemployment and underemployment make it hard at first to find
employment. Fortunately, pre-established social support networks
frequently assist them in finding a job. After an initial period of
unemployment, most adult migrants reported that they were able to
secure jobs in the Salvadoran labor market. Unfortunately, due in
part to their lower levels of education, these deportees were only able to
find employment in positions paying the minimum wage of
approximately $8/day—a wage not nearly sufficient to support families
or pay off migratory debt. As it is nearly impossible for these
deportees to take time off from work to pursue more education, they are
often left in a situation where they must either accept their fate or
attempt to remigrate to the United States. With great frustration,
Enrique, a twenty-five year old who migrated to the United States at the
age of twenty-two and was deported a month later, complained:

Things for me, they are exactly the same as when I left. I knew
that when I was deported, I would come back and I would help
my family by making bricks. I would probably live with my
mom. I always lived there. And it is the same. I got the same
job at the same company. I make the same money . . . $40 each
week. It is all exactly the same. The problem is that there are
eight people living in my house . . . [and] together we make like
$120 each week. It is very hard. And it is hard work too. I am
not happy. I face a critical financial situation and I don’t know
what I can do anymore . . . . I know I will have to try to go the
U.S. again. I don’t know when. One day at a time.

210. Id. at 30.
211. Id.
212. Id.
213. Id.
214. United Nations Development Program, supra note 143. See generally Miller &
Cavallaro, supra note 164.
Like adult migrants, the child migrants frequently complained that labor market reentry is the largest barrier to successful reintegration into Salvadoran society.\textsuperscript{216} After deportation, they are often dependent upon remittances sent by family and friends in the United States.\textsuperscript{217} Most reported, however, that they wished to be financially independent.\textsuperscript{218} Despite higher levels of education obtained in the United States, their lack of pre-established social network ties combined with high levels of stigmatization made entry into the Salvadoran labor market difficult.\textsuperscript{219} Deportees consistently complained of being denied employment due to a lack of Salvadoran educational credentials, poor outcomes on mandated lie detector tests, and experiences of being partially strip searched for tattoos that would identify gang membership, show them to be criminals, and justify declinations for employment.\textsuperscript{220}

While these systematic barriers to labor market reentry among deportees who had migrated as children are egregious, their salaries in the Salvadoran labor market were even more problematic. Owing to years of employment and decent wages in the United States, most child migrant deportees rejected entry into the Salvadoran labor market as much as it rejected them.\textsuperscript{221} This mutual rejection made them more likely to consider gang involvement. Yet, even those who were heavily involved in Salvadoran gangs in the United States continued to search for ways to avoid gang life in El Salvador—a culture that they consider to be “a whole other beast.” Mauricio, who migrated at age five, got involved in gangs in the United States and was deported twenty-two years later for a gang-related offense, provided an alarming explanation for his avoidance of gang life in El Salvador:

If you had been a true gangster over there, I don’t think you would like the life they live here. The gangster life here is like a cheap life. They go around asking for money and doing stupid things. They kill people for nothing. Over there [in the U.S.], if we do that, we do it for a reason . . . . At least over there, you can get money. Over here, you can’t do that. It’s just stupid. No, not a true gangster! . . . . Over there, I remember, we used to make around $500 in a couple hours, selling dope. We used

\begin{itemize}
\item \textsuperscript{216} Id. at 33.
\item \textsuperscript{217} Id. at 34.
\item \textsuperscript{218} Id.
\item \textsuperscript{219} Id.
\item \textsuperscript{220} Id. at 35.
\item \textsuperscript{221} Dingeman, \textit{supra} note 170, at 35.
\item \textsuperscript{222} Id. at 36.
\end{itemize}
to make a lot of money in the streets. $200 or $300 you could get in one sale. You can’t get that money here. If you are a gang member here, you can’t expect nothing—nothing good anyway.223

Interestingly, the increasing integration of the Salvadoran and U.S. labor markets has resulted in an alternate opportunity structure for stigmatized child migrants seemingly at risk for gang involvement in El Salvador.224 According to most of the deportees, American telecommunications firms—dubbed “call centers”—recruit from this population because of their bilingual and computer skills.225 While they do check for Salvadoran criminal records, call centers reportedly accept educational credentials and references from the United States and do not openly discriminate against deportees for the presence of tattoos.226 Call center jobs are scarce and competitive.227 But, if employed, they emerge as a place where otherwise dispersed and stigmatized deportees may establish an alternate American reality, recreating it outside the physical territory of the United States. Child migrant deportees reported that, while working in call centers, they earn significantly more money than the average Salvadoran, establish friendship and emotional solidarity, and help each other avoid entry into gangs and other delinquent activity.228 Mateo, an individual who migrated to the United States at age four, spent twenty-two years in the United States and had been living as a deportee in El Salvador for seven years, explained the labor market experiences he and his brother encountered post-deportation:

It took us awhile to get jobs here. We tried to go to see what kinds of jobs you can get in, but they see you with tattoos, and there isn’t nothing you can do . . . . Plus, the majority of the jobs here, you have to do a polygraph test. They ask you if you have tattoos, use drugs, and stuff . . . . But, see, where we are working right now [at the call center], that is what I like about it, they don’t discriminate there. Basically you have to do a test to

223. Id. at 37.
224. Id.
225. Id.
226. Id.
228. Dingeman, supra note 170, at 38.
see if you qualify. During the training, they can see if you are capable of doing the job. It’s kinda like a trial period . . . . They are deciding if they want to invest in this person. That’s good. I have been there for like a year and a half now. I am happy . . . . The salary for the Salvadoran people is not really good. So, we are doing really good. We are making like $500 a month. That is not bad here! I mean, it’s not the States, but . . . (laughter).229

CONCLUSIONS AND IMPLICATIONS

The evidence presented in this Article rebuts and debunks conventional notions and popular myths that immigrants and deportees are more prone to criminal behavior than natives and citizens. Nationally, rates of incarceration among immigrant men are lower than among their U.S. born counterparts—a pattern that seems to apply for every ethnic group.230 That was true during the last era of mass migration in the early twentieth century, and it remains so today. In fact, instead of being responsible for increasing crime in the United States, immigrants may be a factor in reducing it. Since the early 1990s, 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 many instances to historic lows, and those decreases have been especially noticeable in cities and areas of immigrant concentration.231 Additionally, survey data from the Los Angeles metropolitan area showed lower rates of arrest and incarceration among the foreign born (including the groups with the highest proportion of undocumented immigrants) than among native born young men.232 The problem of crime in the United States is not caused by immigration, and never has been. That is largely a bogus claim, albeit a persistent one—an enduring stereotype.

Post-deportation experiences in the case of El Salvador further challenge associations between migration and crime. Only 14% of total removals from the United States are the result of violent crimes,233 and among Salvadorans in particular, more than three-fourths are deported for immigration violations and minor offenses redefined as criminal

229. Id. at 35.
230. Rumbaut et al., supra note 35.
231. RUMBAUT & EWING, supra note 11, at 4.
232. See Tbl. 2, supra note 73, at p. 376.
233. HUMAN RIGHTS WATCH, supra note 128, at 37.
violations. Since the start of large-scale migration from El Salvador to the United States, the Salvadoran economy has come to rely upon migrant remittances from the United States. Ironically, post-1996 deportation policies specifically targeting undesirable “criminal aliens” have created a form of involuntary “social remittances” to El Salvador in the form of former gang members who grew up in the United States. Some of these deportees, already a small segment of all Salvadoran deportees, instigated the spread of increasingly sophisticated American-style gangs in Central America, helping to create what has come to be considered by many the number one security concern in the region. Despite this history and contrary to the prevailing stereotype of deportees as criminal gangsters, our evidence suggests that deportees from the United States do not necessarily become involved in delinquent or criminal activity in El Salvador. Men with prolonged exposure to life in the United States are more likely to consider involvement in gangs than those who first migrate as adults and are deported for immigration violations shortly thereafter. Yet, despite stigmatized experiences, many of these deportees defy stereotypes as they actively pursue employment in transnational telecommunications firms as a way to avoid entry into gang life. The findings challenge overdrawn linkages between deportee status and criminality in El Salvador. While the deportation from the United States of criminally charged gang members by definition focuses on the foreign born, and thus invites an association between immigration and gangs, the findings presented in this article challenge the overdrawn linkages between deportee status and criminality in El Salvador. The evidence suggests that, like crime generally, the problem of gangs in the United States is primarily one that involves the U.S. born, who as citizens are not deportable—facts that too often disappear from view in both official data and public debates.

Findings from El Salvador also demonstrate that despite the intentions of public policies attempting to remove problematic “criminal” and “illegal” beings, deportation is not the end of the cycle of migration. As many as 80% of Salvadoran deportees, regardless of their age at original migration and experiences of stigmatization in El Salvador, attempt to remigrate to the United States. Because of

234. Id.
235. Dingeman, supra note 170, at 14 (citing Hagan et al., supra note 112, at 78; Baker-Cristales, supra note 146, at 48).
236. Human Rights Watch, supra note 128, at 37.
formal bans on reentry and threats of additional incarceration and deportations, those who reenter do so under more dangerous, clandestine, and criminalized circumstances. This time, however, the migrants may be increasingly hardened by their multiple experiences of dislocation and thus more likely to pose a threat to public safety than they would have prior to removal. In this way, removal policies can become self-fulfilling prophecies, expanding and exacerbating that which they attempted to detain, deport, and deter.

This study has shown that stereotypes that form and inform immigration and deportation policies in the United States are misguided. Such stereotypes may endure because they serve basic defensive social functions, maintain belief consistency, and preclude cognitive dissonance; stereotypes are rooted in emotion, and impervious to fact. A politics of fear, xenophobia, and hyperbolic moral indignation about “law breaking” by “illegal aliens” may help “rally the base,” especially in times of rapid demographic change and perceived social and economic threats. But it is no substitute for scientific evidence and reasoned analysis in law making, formulation of policy, and the understanding of complex social problems.

238. See Dingeman, supra note 170; Hagan et al., supra note 179, at 65.