

## THEMATIC ARTICLES: IMMIGRATION POLICIES AND ATTITUDES TOWARDS IMMIGRANTS

### Immigration Policies and Criminal Justice Outcomes: The Case of Cuban Immigrants in United States

*Viviana ANDREESCU, Dan M. TSATAROS*

**Abstract.** The immigration-crime nexus plays a central role in the United States' current political debate. The Trump administration's recent restrictive immigration policies are mostly motivated by the belief that immigrants, especially undocumented immigrants of Latino/Hispanic origin, contribute to crime rate increases. When assessing the potential effects of immigration policy on immigrants' behavioral outcomes, Cuban immigrants in the United States are of particular interest because until recently they benefitted from a preferential immigration policy that conferred them a special immigrant status and protected them from deportation if they broke the law. Therefore, compared to other immigrants, Cuban immigrants could be expected to have a higher involvement in the criminal justice system and be overrepresented among offenders because they did not face the crime-deterrent threat of permanent removal from the country. Based on a review of prior research and available statistical information we did not find evidence that this would be the case.

**Keywords:** *US immigration policies, immigrants and crime; Cuban immigrants; deportation, immigrants' criminal justice outcomes*

### Introduction

A recent analysis of the US Census Bureau's American Community Survey shows that about 44,410,000 foreign-born individuals are currently living in United States. Although the percentage of first-generation immigrants (13.6%) in United States is almost three times higher than it was in 1970, the share of the foreign-born population is currently lower in the United States than in other immigrant-receiving countries, such as Australia (29%), New Zealand (23%) Canada (21%), or Switzerland (30%), Austria (19%) and Sweden (18%) in Europe. The current share of the immigrant

population is also lower than it was in 1890, when the foreign-born population represented 14.8% of the total population of the United States (Connor and Budiman 2019).

Although in the nineteenth century the United States had an open immigration policy, over the past one hundred years, the policy consistently reflected the American government's ambivalent feelings toward immigration and immigrants. While several more restrictive immigration laws have been adopted, bills providing legal status to illegal aliens have been enacted as well. In 1924, for instance, a national-origin quota system had been established, favoring immigration from Northwest Europe. This immigration system remained in place until 1965, when the US Congress enacted the *Immigration and Nationality Act*, which replaced the national origins system with a preference system mainly designed to unite immigrant families. As a result, despite a limited number of immigrant visas issued annually for family reunification, immigration from Asia and Latin America increased substantially over the decades that followed. Even if in 1980 a general policy governing the admission of refugees (*The Refugee Act*) was established, in 1986, US Congress passed the *Immigration Reform and Control Act* (IRCA), which in addition to providing legal status through amnesty to approximately three million immigrants, also contained enforcement provisions meant to deter illegal immigration (Center for Immigration Studies 2018).

Immigration statutes were reformed in the 1990s and 2000s as well and the enactment of conflicting legislative acts continued (e.g., *The 1990 Immigration Act; the Illegal Immigrant Reform and Immigrant Responsibility Act* in 1996; the *Legal Immigration Family Equity Act* in 2000). One month after the terrorist attack of 9/11/2001, US Congress passed the PATRIOT Act, meant to improve US law enforcement's ability to detect and deter terrorism. Legislation to further tighten immigration control and the reorganization of the US immigration and naturalization bureaucracy within the new Department of Homeland Security followed. But examples of post-2001 pro-immigrant measures exist as well. Despite the fact that US Congress rejected the project, in 2012, for instance, President Obama established through an executive order the *Deferred Action for Childhood Arrivals* (DACA) program, which permitted certain undocumented immigrants who arrived in the United States as juveniles to obtain work authorization and to be considered for a two-year renewable deferred removal action (Center for Immigration Studies 2018; Portes and Rumbaut 2014).

Since 2017, however, Americans have been witnessing significant controversial changes to the United States' immigration system, which reflect the current administration's anti-immigrant sentiments. For instance, one week into his presidency, President Trump took action according to the promises he made while campaigning (i.e., to build a wall that would prevent immigrants to cross illegally the Mexico – United States border, deport all illegal immigrants, cut funding of sanctuary cities, ban Muslims from entering the country, limit legal immigration, and increase significantly the number of Immigration and Customs Enforcement (ICE) agents) and issued a travel ban, which prevented the citizens of seven countries to enter legally into the United States. Additionally, the administration announced plans to phase out DACA, which would increase the recipients' risk for removal and also instituted a major asylum reform, which could effectively close the southwest border to potential refugees seeking asylum in United States (Center for Immigration Studies 2018; Pierce 2018). In summary, immigration plays a central role in the current administration, as demonstrated by the 35-day partial federal government shutdown (from 22 December 2018 to 25 January 2019) over funding (\$5.7 billion) requested by the President for a border wall with Mexico (Meissner and Pierce 2019). It should be noted that a 2018 Gallup poll found that most Americans (57%) opposed the construction of walls along the US-Mexico border. Additionally, 75% of those interviewed considered immigration a "good thing" for the United States (Gallup n. d.).

The recent restrictive immigration measures meant to ensure Americans' security and safety are mostly motivated by the belief that immigrants, especially undocumented immigrants of Latino/Hispanic origin, contribute to increases in crime in general and violent crime in particular. Nonetheless, macro-level research conducted in United States and elsewhere did not find that crime levels increase with an increase in the size of the immigrant population (Adelman, Reid, Markle, Weiss, and Jaret 2017; Bell and Machin 2011; Berardi and Bucerius 2013; Eastman 2017; Kubrin 2013; Martinez and Lee 2000, 2009; Ousey and Kubrin 2009; Reid, Weiss, Adelman, and Jaret 2005; Stowell, Messner, McGeever, and Raffalovich 2009). Additionally, research generally concluded that immigrants are underrepresented in criminal justice statistics (Butcher and Piehl 1998; Ewing, Martinez, and Rumbaut 2015; Rumbaut and Ewing 2007; Rumbaut, Gonzales, Komaie, and Morgan 2006) or that their involvement in crime is significantly lower than the natives' participation in criminal activities (Bersani 2014; Bui and Thingniramol 2005; Morenoff and Astor

2006; Sampson, Morenoff, and Raudenbush 2005). Moreover, a recent longitudinal state-level analysis that examined the macro-level relationship between undocumented immigration and violence from 1990 to 2014 concluded that an increase in the estimated size of the unauthorized population is actually associated with a decrease in violent crime rates in United States (Light and Miller 2018). Similarly, Sampson (2017, 11) argued that empirical evidence demonstrates that immigration should be included among the factors that contributed to the nation's crime decline and urban revitalization.

Yet immigrants should not be treated as a homogenous group. Even when using pan-ethnic identifiers, such as Hispanic/Latino, Caribbean, or Asian, research may conceal important cultural, structural, and political differences that influenced the assimilation and adaptation processes of the foreign-born persons in the receiving country (Bursik 2006, 29; Portes, Fernandez-Kelly, and Haller 2009, 1101), which may also impact the immigrants' criminal justice outcomes. By focusing only on one group of immigrants (i.e., Cuban immigrants and natives of Cuban descent), this paper intends to overcome this limitation and contribute to the literature (e.g., Butcher and Piehl 1998; Nielsen and Martinez 2011; Portes et al. 2009; Rumbaut and Ewing 2007; Rumbaut et al. 2006) that took into account the subjects' ethnicity when examining the immigrants' involvement in illegal activities.

From 1960 until 2015, the number of Cuban immigrants increased from 163,000 to 1.2 million (Meissner 2017) and about two million immigrants of Cuban ancestry are currently living in United States. Persons of Cuban descent are the seventh largest immigrant-origin group in the country and account for 2.8% of the total US immigrant population (Rusin, Zong and Batalova 2015). After Mexicans, Puerto Ricans, and Salvadorans, immigrants of Cuban origin represent the fourth largest Hispanic group in the United States. Recent estimates indicate that more than half (57%) of Cuban-origin immigrants are first-generation immigrants (Krogstad 2017).

When assessing the potential effects of immigration policy on immigrants' behavioral outcomes, Cuban immigrants in the United States are of particular interest because until recently (see Meissner 2017; White House 2017), they benefitted from a preferential immigration policy that treated them as political refugees and not as economic migrants. As a result of this special immigrant status, Cuban immigrants in United States did not have to fear deportation if they broke the law. Consequently, compared to other immigrants of Hispanic origin, Cuban

immigrants could be expected to have a higher involvement in the criminal justice system because they did not face the crime-deterrent threat of permanent removal from the country. Based on a review of prior research and available statistical information, we will try to determine if this is the case.

As recommended by Portes and his colleagues (Portes et al. 2009, 1101), in order to better understand the criminal justice outcomes pertaining to Cuban immigrants, we will first provide a brief historical overview of the political and social contexts of exit associated with various waves of the Cuban immigration to the United States. Additionally, we include factual data that reflect in a comparative perspective the over-time changes in the socio-economic profile of the Cuban ethnic minority in the United States. The Cuban immigrants' involvement with the US Criminal Justice System will be further explored.

### **Global migration flows today**

The term “globalisation” has been interpreted in different ways, and as globalisation scholars Held and McGrew (2002:2) have noted, there is no single account of globalisation that is regarded as academic orthodoxy. Globalisation can be thought of “the intensification of economic, political, social, and cultural relations across borders” and the onset of a “borderless world” (Dickinson, 2017:4). To discuss the globalist claim that we are moving towards a borderless world, a good starting point would be some statistics regarding global migration flows today. In a 2015 United Nations report on international migration, it was observed that international migration is a modern reality touching nearly all parts of the world.<sup>1</sup> The number of international migrants worldwide has grown rapidly from 173 million in 2000 to 244 million in 2015, an international migrant being defined as one who lives outside his or her country of birth.<sup>2</sup> High-income countries host the majority of the world’s international migrants, with 71% of international migrants living in them.<sup>3</sup> Much of the growth in the global population of international migrants has also been concentrated in high-income countries, with migration to high-income countries accounting for 81% of the

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<sup>1</sup> United Nations, *International Migration Report 2015: Highlights*, New York: United Nations at p2

<sup>2</sup> *Ibid* at p5

<sup>3</sup> *Ibid*

growth in the number of international migrants worldwide from 2000 to 2015.<sup>4</sup> 65% of international migrants come from middle-income countries.<sup>5</sup>

Yet, as a 2009 United Nations Development Programme Human Development Report reminds us, international migration is far from a new or novel phenomenon. European colonization, the slave trade and the use of Chinese and Indian contract labourers in Southeast Asia and the Americas all resulted in large migration flows.<sup>6</sup> Taking a longer-term historical view, human migration from one place to another has been theorized to have been taking place since 50,000 years ago.<sup>7</sup> Despite the tendency for historical shortsightedness, Dickinson observes that every person today has an ancestor who migrated from one place to another – the question is only how far back in one’s genealogy one needs to go to find that migrating ancestor (Dickinson, 2017:23).

Demographically, there is a wide disparity between developed and developing countries. The working-age population in developed countries is expected to decline by 2050,<sup>8</sup> and in some of them, such as Germany, Japan and South Korea, their populations are expected to shrink.<sup>9</sup> The aging of populations, especially in developed countries, will pose issues such as the funding of care for the elderly as the number of dependents increases vis-à-vis the working-age population.<sup>10</sup> On the other hand, the working-age population in developing countries is expected to increase in 2050.<sup>11</sup> This demographic disparity between developed and developing countries is expected to widen in the future – a decline in the number of people of working-age in developed countries occurs at the same time as an increase in the working-age population in developing countries. It is on this basis that the 2009 United Nations Development Programme Human Development Report predicts that the demographic pressure for international migration flows is likely to increase.<sup>12</sup>

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<sup>4</sup> *Ibid* at p6

<sup>5</sup> *Ibid* at p14

<sup>6</sup> Human Development Report 2009, *Overcoming Barriers: Human Mobility and Development*, New York: UNDP at p28

<sup>7</sup> *Ibid* at p29

<sup>8</sup> Human Development Report 2009, *Overcoming Barriers: Human Mobility and Development*, New York: UNDP at p43

<sup>9</sup> *Ibid*

<sup>10</sup> *Ibid* at p44

<sup>11</sup> *Ibid*

<sup>12</sup> *Ibid* at p46

Economically speaking, there remains vast inequality in wealth between developed and developing countries. As Milanovic (2016:132) observes, the country where one lives has an extremely significant impact on one's lifetime income – more so than class, at least for the time being. Given that 97% of the world's population lives in the country where they were born, Milanovic (2016:132) proposes the concept of citizenship 'premiums' and 'penalties'. Through pure circumstance, one who is born in a developed country like Sweden can be said to enjoy a 'citizenship premium', while conversely a person born in a developing country like Pakistan suffers a 'citizenship penalty' (Milanovic, 2016:131). The disparity can be large indeed. To take his extreme example, on average, merely being born in the United States as opposed to Congo would multiply one's lifetime income 93 times (Milanovic, 2016:133). Migrating to another country can thus be extremely attractive to potential migrants, offering the potential migrant the opportunity to greatly increase his income (Milanovic, 2016:134).

Apart from the traditional explanations of wage differentials and a lack of economic development in poor countries, Massey (1990:68) suggests that the increase in capital-intensive economic development in developing countries as a result of globalization has caused economic uncertainty which makes international migration an attractive option. So long as economic development among countries remains uneven, the existence of migrants who wish to improve their economic position with higher wages, coupled with the demand for cheap labour in developed countries, is likely to continue to create economic pressure for migration. The number of people who wish to migrate is thus likely to far exceed the number that receiving countries are willing or able to accept (Weiner, 1996:18).

### **Migratory trends and the United States' immigration policy toward Cubans**

In search of political stability and economic opportunities, Cubans started to migrate to the United States in the early nineteenth century (Garcia 1996) and a few decades later, important Cuban immigrant communities could be found in Florida (Tampa and Key West), and in New York. The opening of cigar factories in Key West and later in Tampa prompted the immigration of many Cuban workers and businesspersons, especially after 1885. Levine and Asis (2000, 3) noted that during Cuba's struggle for independence from Spain (1868-1898), approximately 10% of Cuba's population took refuge in US cities.

Migratory flows from Cuba intensified toward the end of the nineteenth century and during the first decade of the twentieth century, following the 1898 Spanish-Cuban-American war, the first US administration of Cuba, the first Cuban government, and the second US administration of Cuba. Official records show that from 1896 to 1910, 55,718 Cuban nationals migrated to United States (Perez 1986, 127-128). Yet many of these Cuban exiles returned to Cuba after the country became independent in 1902 (Levine and Asis 2000). Based on Portes and Bach's (1985, 84) estimates, prior to the 1959 revolution, there were about 30,000 Cuban immigrants living in the United States.

### ***Post-revolution immigration waves***

Cuban out-migration increased in the second half of the twentieth century, particularly after the 1959 Castro-led Cuban revolution that prompted a dramatic regime change. In summary, for the past six decades, when large migratory movements from Cuba occurred, they have been prompted by internal socio-political and economic factors, by geopolitical circumstances (e.g., Cold War tensions; the collapse of communist regimes in Eastern Europe; the disintegration of the Soviet Union), and by changes in the US immigration policies and the American Government's relations with Cuba.

While the first post-revolution immigration wave (1959-1962) included an exodus of upper and upper-middle class Cuban families that feared persecution and tried to escape the communist regime and a radicalized society, a second immigration wave (1965 – 1973) included mainly middle and working class Cuban families (Pew Hispanic Center 2006). From 1959 to 1962, about 212,000 Cuban nationals migrated to the United States (Perez 1986, 131). Statistical information indicates that approximately 37% of the Cuban household heads who relocated to the United States between 1960 and 1962 were proprietors, managers, or professionals while in Cuba, based on 1953 census data, only 10% of the labor force had a similar socioeconomic status. The highly educated were also overrepresented among these early immigrants (i.e., 12.5% had a college degree or more, while in Cuba, in 1953, only 1% of the population had similar education levels) (Perez 1986, 129).

In 1965, the first Cuban 'boatlift' occurred when the Cuban government opened the port of Camarioca and allowed Cubans willing to migrate to the United States to leave the country. About 5,000 Cuban rafters managed to float to Florida before the boatlift had been suspended and replaced in December 1965 with an



orderly airlift, which was the result of a US– Cuba agreement meant to prevent people from traveling overseas in unsafe vessels (Perez 1986). From 1965 to 1973, about 300,000 Cuban immigrants were allowed to fly to Miami on US-government chartered flights (i.e., the “Freedom Flights”) (Rosenblum and Hipsman 2015; Rusin et al. 2015). Portes and Bach (1985, 84) contended that from 1959 until 1980, more than 800,000 Cubans left their country. About 85% of these immigrants relocated to the United States and Puerto Rico.

Significant changes that occurred in the mid-1960s in the US immigration policy vis-à-vis Cuban immigrants parallel this second increase in the number of Cuban nationals seeking asylum in the United States. In 1966, a federal law was enacted (*Cuban Adjustment Act*), allowing all Cuban emigrants seeking entry into United States to be treated as political refugees and to become eligible for permanent residency only one year after their arrival. No other immigrant group received such a privileged treatment at the time or later (Meissner 2017).

### ***The third immigration wave***

In a thorough analysis of the post-1959 Cuban migration to United States, Garcia (1996) noted that Cuban immigrants who left the country during the first fifteen years of the Castro regime were welcome with sympathy and admiration by most Americans. They were perceived as heroes and patriots, who were fleeing communism. Consequently, the US Government rewarded them with a relief package and benefits programs meant to facilitate their integration into the American society. However, when the third massive immigration flow from Cuba occurred a few years later, the Americans’ and even the Cuban-immigrant communities’ reactions toward the newcomers were very different. They were no longer welcoming.

In general, the Cuban Government has heavily criticized the US immigration policies toward Cuban immigrants and the Castro administration considered Cuban nationals who succeeded to immigrate traitors to the revolution (Meissner 2017). Yet, in April 1980, Fidel Castro allowed Cubans wishing to migrate to the United States to do that. For several months, about 1,700 overcrowded boats (so-called *Freedom Flotilla*), carrying approximately 125,000 Cuban refugees left the Cuban port Mariel and reached Florida, the American state located at only 90 miles (about 145 kilometers) north of Cuba (Schmidt 1985). Known as the *Mariel Cubans*, these new immigrants, who constitute the third wave of Cuban refugees, represented all social classes, including the poor (Pew Hispanic Center 2006). About 30% of the

Mariel Cubans were non-whites, while in the earlier cohorts less than 5% of the Cuban immigrants belonged to racial minority groups (Portes and Bach 1985: 88).

In October of 1980, a mutual agreement between the United States and Cuba ended the six-month exodus of the Mariel Cubans. Later accounts indicate that some of these refugees have been released from Cuban prisons or mental health facilities, making them ineligible for US permanent residency. Garcia (1996) noted that felons have been expelled from Cuba not only to antagonize the US government, but also to discredit the Cuban immigrant community in the United States. Nonetheless, as part of the first formal accord between the American and the Cuban governments since the Reagan Administration took office in 1981, Cuba agreed in December of 1984 to the repatriation of 2,746 undesirable Cuban refugees, who had been in custody since their arrival in United States. The deportation procedures started in February of 1985. In return, the United States government promised to accept each year 20,000 Cubans immigrants. Immigration officials estimated at the time that the Federal Government's expenditures associated with the continuing incarceration of the Cuban aliens were \$41 million a year (Schmidt 1985). While almost 2,000 Cubans included on the 1984 list were eventually deported to Cuba, during the past three decades, the Cuban government accepted the deportation of only five Cuban immigrants who were convicted of crimes in United States and were not among the Mariel Cubans (Alvarez and Hussey 2015).

### ***Cuban migration to United States in the 1990s***

The fourth wave of Cuban refugees arrived in United States after the collapse of the Soviet Union. During the Clinton administration, following the 1994 US – Cuba refugee agreement, a special visa lottery system was implemented and in 1995, a revision of the 1966 Cuban Adjustment Act (CAA) was made. The policy known as “*wet foot, dry foot*” allowed Cuban nationals who reached the United States by land to be legally admitted into the country, while those caught in transit at sea were to be returned to Cuba or to a third country. The illegal Cuban immigrants’ detention costs at the Guantanamo naval base were estimated at about \$1 million per day. As a result, in May 1995, the Clinton administration decided to grant immigration status to 21,700 Cuban rafters (*balseros*) who did not want to return to Cuba and could not be sent to a third country because no country was willing to accept them. Simultaneously, the administration announced that in the future, all *balseros* would be returned to Cuba as illegal aliens and that temporary refugee status would be granted only to persons able to demonstrate they suffered religious or political

persecution (Garcia 1996, x). In 2004, out of the 913,000 foreign-born Cuban immigrants living in the United States at the time, 30% immigrated before 1980, 12% entered the country between 1980 and 1990, and 21% were admitted into United States after 1990 (Pew Hispanic Center 2006). More recent data indicate that the foreign-born Cuban population in the United States increased from 737,000 in 1990 to 1,144,000 in 2013 (Rusin et al. 2015).

### ***Recent migratory trends***

For more than five decades the US immigration policy “has been far more welcoming towards Cubans than to any other migrants from Latin America (Pew Hispanic Center 2006, 2).” Nonetheless, recent important changes in US – Cuba relations prompted by President Barack Obama’s and President Raúl Castro’s historic decision in December 2014 to normalize relations between Cuba and United States (see Rusin et al. 2015) impacted population movements from Cuba to the United States as well. They occurred in anticipation of potential changes to the US immigration policy toward Cubans willing to migrate to the United States and toward those who were already in the country.

Based on data provided by the US Customs and Border Protection agency, in 2016, 56,406 Cubans entered the United States by land. Compared to 2014, when the number of Cubans entering the United States (24,278) was already higher than in previous years (also due to the 2013 Cuban government’s removal of travel restrictions for Cuban nationals), the number of Cuban immigrants who accessed the United States via various ports of entry increased by 31% in 2015 and by 78% in 2016 (Krogstad 2017). Additionally, the number of Cuba-born individuals applying for and obtaining lawful permanent resident status significantly increased from 32,219 in 2013 to 46,679 in 2014, and to 54,396 in 2015 (US Department of Homeland Security 2016: 12). It should be also noted that the number of Cuban nationals determined inadmissible by US immigration authorities also increased significantly from 7,759 in 2012, to 17,679 in 2013, 24,285 in 2014, and 43,158 in 2015. While the total annual number of aliens declared inadmissible into United States remained relatively stable over the past decade, the proportion of Cuban nationals out of the total number of aliens not granted entry gradually increased from 3.6% in 2012, to 8.7% in 2013, 11% in 2014 and 17% in 2015 (US Department of Homeland Security 2016, 98).

Fifty-four years after the United States severed diplomatic relations with Cuba, in July of 2015, full diplomatic ties between the two countries were restored (Renwick, Lee and McBride 2016). As part of the normalization of US – Cuba relations

and prompted by the Cuban government's agreement to accept Cuban deportees (Meissner 2017), on January 12, 2017, eight days before the end of his presidency, President Obama announced the ending of the "wet foot / dry foot" policy. Under the new regulations, Cuban nationals, whether they arrive by sea or port of entry, need a visa in order to be legally admitted into the country. President Obama also stated that Cuban immigrants who attempt to enter United States illegally and those who do not qualify for humanitarian relief<sup>13</sup> will be subject to removal. Additionally, the Department of Homeland Security (DHS) ended the *Cuban Medical Professional Parole Program*<sup>14</sup> (White House 2017). President Donald Trump upheld these decisions. It remains to be seen how the new legislation and upcoming developments of the United States – Cuba relations will impact future migratory trends from Cuba and the criminal justice behavioral outcomes of the population of Cuban origin in United States.

### **Socio-demographic characteristics of the Cuban immigrants in United States: Brief historical overview**

Based on an analysis of 1980 census data, collected before the arrival of the Mariel Cubans, Perez (1986) noted that over 97% of people of Cuban descent lived in large metropolitan areas, being mostly concentrated in three urban areas (Miami – Fort Lauderdale, Greater New York, and Greater Los Angeles). Describing the Cuban community in Miami in the late 1980s, Portes and Zhou noted:

Over time, Cubans created a highly diversified and prosperous ethnic community that provided resources for the adaptation process of its second generation. By

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<sup>13</sup> Cuban nationals could claim and obtain a refugee status, if admitted into the US Refugee Admissions Program. Nonetheless, the website of the US Embassy in Cuba indicates that the US Refugee Admissions Program "is not currently accepting new applications or processing cases in Havana."

<sup>14</sup> In August 2006, the Department of Homeland Security (DHS) in conjunction with the Department of State announced the establishment of the Cuban Medical Professional Parole (CMPP) Program. According to this program, United States Citizenship and Immigration Services (USCIS) allowed US entrance to eligible health-care providers who were Cuban nationals (e.g., physicians, nurses, paramedics, physical therapists, sports trainers, etc.). These persons have been sent by the Castro regime to work or study in a third country, but have often been denied permission by the Cuban Government to migrate to the United States, even if they were legally eligible to do so (US Department of State 2009). Referring to this controversial program, Erisman (2012, 270) noted that CMPP was actually an example of "brain-drain politics" meant to undermine the worldwide political influence the Castro regime was trying to achieve.

1989, the family income approximated the family income of the native-born population; in 1987 there were 30,000 Cuban-owned small businesses that formed the core of the Miami ethnic enclave; in parallel the rise of the private school system oriented toward the values and political outlook of this community. In terms of the typology of vulnerability and resources, well-sheltered Cuban American teenagers lack any extensive exposure to outside discrimination, they have little contact with youth from disadvantaged minorities and the development of an enclave creates economic opportunities beyond the narrowing industrial and tourist sectors on which most other immigrant groups in the area depend. (Portes and Zhou 1993, 91)

The residential pattern of Cuban communities in the United States did not change much over the past four decades. Currently, over 77% of persons of Cuban descent reside in Florida, the Greater Miami and New York metropolitan areas being the US cities with the largest concentration of Cuban immigrants (Rusin et al. 2015). Compared to other Hispanic groups in United States, in the late 1970s, Cubans counted a higher proportion of elderly persons, the median age of the Cuban population was 38, while the median age corresponding to persons of Mexican and Puerto Rican origins was 22. Additionally, Cuban immigrants had lower fertility rates and a lower sex ratio (number of males to 100 females) than Puerto Ricans and persons with Mexican ancestry (Perez 1986, 132-133). In 2013, the median age of Cuban immigrants (52 years) continued to be higher than the median age of the foreign-born population (43 years) in United States (Rusin et al. 2015).

Regarding educational attainment, in 1980, the proportion of Cuban-origin persons with a college degree was similar to the proportion of the US population who completed four or more years of college and higher than the percentage of other highly educated Hispanics. Yet, the proportion of Cubans with eight years of school or less was much higher than the corresponding figure in the overall population (Perez 1986). In 2013, 21% of foreign-born Cuban immigrants (age 25 and over) had a college degree, compared to 28% of the foreign-born population in United States, and 30% of the natives (Rusin et al. 2015). However, compared to other Hispanics, in 2004, the percentage of first and second-generation Cubans with college degrees (25%) was twice higher. At the time, about 39% of US-born Cubans had a college degree or more vs. 22% of foreign-born Cubans. However, Cubans who entered the country between 1980 and 1990 had the lowest educational achievements (Pew Hispanic Center 2006). Nevertheless, in 2013, the percentage of first-generation Cuban immigrants in managerial, business, science, and arts occupations (25%) was lower than the percentage of natives (38%) and the

percentage corresponding to the overall foreign-born population (30%) in these occupations (Rusin et al. 2015).

In 1979, the median income for Cuban families (\$18,245) was slightly lower than the median family income (\$19,917) for the general population, but higher than the figure corresponding to families of Hispanic origin (\$14,712) (Perez 1986, 135). In 2004, the overall median household income for Cubans (\$38,000) was lower than the median household income for non-Hispanic whites, but higher than the median income corresponding to other Hispanic households. Nonetheless, US-born individuals of Cuban parentage had at the time a higher median household income (\$50,000) than non-Hispanic whites (\$48,000) (Pew Hispanic Center 2006). Recent data indicate that the income gap gradually increased, especially when first-generation Cuban immigrants are compared to natives and other foreign-born individuals. In 2013, households headed by foreign-born Cuban immigrants had on average a lower median income (\$35,400) than the overall foreign-born population in US (\$48,000), than native-born households (\$53,000) (Rusin et al. 2015), and also lower than the median income Cuban immigrants had a decade ago.

Although in 1979, 11.7% of the Cuban families were below the poverty level (compared to 9.6% nationwide), in 2013, 23% of first-generation Cuban immigrants lived in poverty, a value much higher than the figures corresponding to natives (15%) and the overall foreign-born population in the United States (19%). This might be due in part to the fact that in 2013, only 57% of Cuban immigrants age 16 and older were in the civilian labor force vs. 67% of the total foreign-born population and 63% of the natives (Perez 1986; Rusin et al. 2015).

Research conducted in the 1980s, shows that Cuban immigrants in United States had a high degree of retention of the culture of their native country; they tended to speak predominantly Spanish at home and, for the most part, had a below-average ability to speak English (Rogg and Cooney 1980 cited in Perez 1986, 136). Recent research concluded that Cuban immigrants (ages 5 and over) had higher limited-English proficiency rates (LPR) than the overall foreign-born population in the United States (e.g., 62% of Cubans vs. 50% foreign-born people declared that they speak English less than very well) (Rusin et al. 2015). Some might interpret these figures as indicators of the Cubans' lower degree of assimilation to the host society. However, the National Survey of Latinos conducted in 2006 by the Pew Hispanic Center showed that the majority of Cubans (52%) acknowledged United States (and not their country of origin) as being their "real homeland." This figure was

significantly higher than the percentage corresponding to immigrants from Mexico (36%), immigrants from Central and South America (35%), and Puerto Ricans (33%), who are actually US citizens by birth (Pew Hispanic Center 2006, 4).

### **Cuban immigrants' involvement with the U. S. Criminal Justice System**

The number of studies examining the Cuban immigrants' involvement in crime is relatively small. With few exceptions (e.g., Butcher and Piehl 1998; Nielsen and Martinez 2011; Rumbaut and Ewing 2007), most of the works published over the past two decades that focus on immigrants' criminal behavior in United States tend to contain statistical information that refers to different pan-ethnic groups (e.g., Hispanic, Asian, Caribbean, etc.), which comprise persons ethnically related, but who belong to various nationalities. When information about Cuban immigrants' involvement with the criminal justice system is included, it generally refers to the first-generation of immigrants and/or to young males only, female offenders being disproportionately underrepresented in both immigrant and non-immigrant populations of Cuban descent.

Using 1980 and 1990 data from the 5% Public Use Microdata Samples (PUMS), Butcher and Piehl (1998) identified the institutionalization rates for foreign-born immigrants compared to natives. Because institutionalization refers to persons in correctional facilities, detention centers for visa violations, homes for the aged, and other institutions (e.g., hospitals, drug treatment centers, etc.), the authors selected data corresponding to males aged 18 – 40, for whom institutionalization was clearly a negative outcome (i.e., 70% of persons in this group were in correctional facilities).

Results showed that foreign-born individuals had on average lower institutionalization rates than natives, both in 1980 (0.69% vs. 1.35%) and in 1990 (1.49% vs. 2.16%). Among first-generation immigrants, in 1980, Cuban and Mexican immigrant males had similar institutionalization rates, 0.57% and 0.55%, respectively, which were slightly lower than the average institutionalization rate (0.69%) for the foreign-born subsample. In 1990, the institutionalization rate for Cuban immigrants (3.57%) increased significantly, being higher than the corresponding rates for natives and all immigrants. The authors observed that among Cuban immigrants institutionalized in 1990 there were included Mariel

Boatlift Cubans that had the highest institutionalization rate (8.6%) among immigrants (Butcher and Piehl 1998, 658 – 660).

Although Mariel Cubans have been associated with drug-related violence (Martinez 2002, 2) and in the early 1980s, they had relatively high rates of homicide victimization and offending that approached those of African Americans, by 1985, the Mariels' involvement in lethal violence declined to levels similar to those corresponding to other Hispanics and non-Hispanic whites (Martinez 2006, 4). Nonetheless, Bureau of Justice Statistics (BJS) data show that in 1994, out of 8,594 noncitizens convicted of an offense in US district courts, 3.9% were Cuban nationals (Scalia 1996, 3). It should be noted that historical census data (see Gibson and Lennon 1999) indicate that in 1990, first-generation Cuban immigrants (N = 736,971) represented 3.7% of the total foreign-born population in United States.

In 2000, the incarceration rate for males age 18 to 39 was 3.04% in United States. The incarceration rate for young males of Cuban descent was 3.01% (2.2% for first-generation Cuban immigrants and 4.2% for Cubans born in United States). In summary, young males of Cuban origin had incarceration rates approximately equal to the average rate corresponding to the overall population under study and about three times lower than the African - American males' incarceration rate (10.9%). However, Cuban immigrant males had higher incarceration rates than their non-Hispanic white and Asian counterparts. Except Puerto Ricans, whose incarceration rate was 5.6%, young Cuban males also had higher incarceration rates than other young males of Hispanic origin (Rumbaut et al. 2006).

A summary of the academic research findings regarding Cuban immigrants' criminal justice outcomes is presented in Table 1. Although these studies did not offer details regarding the type of offenses immigrants had committed, as Alvarez and Hussey (2015, para 17) noted, "Cuban crime enterprises, particularly involving fraud and theft, have long been a concern for law enforcement" in United States. In support of this assertion, investigative journalists stated in a three-part series published in 2015 in the Sun Sentinel (the largest-circulation newspaper in South Florida) that over the past two decades, Cuban immigrants in United States defrauded US businesses and taxpayers of more than \$2 billion (Kestin et al. 2015).



**Table 1. Cuban immigrants in the criminal justice system**

Authors	Data source	Unit of analysis	Main findings
Perez (1986)	1980 Census Data	Persons in group quarters (including inmates)	The percentage of residents of Cuban ancestry in group quarters (1.3%) is much lower than the percentage of other Hispanics (3.5%) and US total (5.9%).
Butcher and Piehl (1998)	US Census 1980 and 1990; 5% PUMS	Institutionalization of males, age 18-40.	In 1980 and 1990, the foreign-born had much lower institutionalization rates than natives. In 1980, 0.6% of those institutionalized were immigrants from Cuba (vs. 1.35% natives); in 1990, the institutionalization rate of Cuban immigrants (3.6%) surpassed the natives' institutionalization rate (2.16%).
Scalia (1996)	US Sentencing Commission, Monitoring data file, annual	Non-citizens in the federal justice system 1984-1994	In 1994, 3.9% of those convicted of an offense in US district courts were immigrants from Cuba; almost 49% of those convicted were from Mexico and 10% were from Columbia. The proportion of convicted Cuban immigrants corresponded to the proportion of Cubans (3.7%) among the foreign-born in the overall population.
Rumbaut et al. (2006)	US Census 2000; 5% PUMS	Males 18-39 incarcerated in US	The average incarceration rate for the foreign-born (0.86%) is much lower than the natives' incarceration rate (3.51%). First generation Cuban immigrants have much lower incarceration rates (2.2%) than natives of Cuban descent (4.2%). Overall, Cubans have lower incarceration rates (3.01%) than the population average (3.04%).
Nielsen and Martinez (2011)	City of Miami Police Department (MPD) arrest data 2000-2004	11, 000 arrests for robbery and aggravated assault; the unit of analysis is the individual offender.	Immigrants from Cuba represented 9.3% of those arrested for robbery and 15.9% of those arrested for aggravated assault. Compared to US natives, Cuban immigrants were significantly less likely to be arrested for robbery. First-generation Cuban immigrants were underrepresented among offenders who committed assault or robbery.

Based on 2000-2014 federal and local (Miami-Dade County) arrest data, Kestin and her colleagues acknowledged that Cuba-born immigrants were overrepresented among those arrested for certain crimes. Although first-generation Cuban immigrants represent 24% of the population in Miami-Dade County, more than 70% of persons arrested since 2000 by local law enforcement for federal health-care fraud, cargo theft,

and fuel theft were immigrants from Cuba. Cuban immigrants were also overrepresented among those arrested for marijuana-related offenses (59%), insurance fraud (53%), and credit card fraud (46%). At the national level, first-generation Cuban immigrants, who represent less than 1% of the US population were disproportionately represented among federal arrests for health-care fraud (41%), cargo theft (23%), credit card theft (10%), and marijuana trafficking or production (9%). The analysis showed that between 2000 and 2014, 6,880 first-generation Cuban immigrants have been charged with these crimes in federal or state courts. The study did not collect information regarding the criminal activity of US-born persons of Cuban descent (Kestin et al. 2015).

Although the previously mentioned study gives numerous examples of Cuban immigrants' participation in organized criminal activities, these are for the most part property and white-collar crimes. No references to Cuban immigrants' involvement in violent crimes have been made. Nielsen and Ramirez's (2011) study based on 2000-2004 arrest reports provided by the city of Miami Police Department (MPD) shows that out of 10,767 individuals arrested for robbery, aggravated assault, or both, Cuban immigrants represented 14.3% of the arrestees. Considering the fact that in 2000, almost 60% of Miami's residents were first-generation immigrants and that Cuban immigrants represented about 51% of the foreign-born population in the city (Nielsen and Martinez 2011, 349), it can be concluded that Cuban immigrants were underrepresented among persons arrested for the two types of violent crimes included in the analysis.

A 2016 report on prison population in United States (Carson and Anderson 2016), shows that in 2015, Florida hosted 6.64% of the prison population in United States, but 11% of the noncitizen (foreign-born) prisoners under the jurisdiction of state and federal correctional authorities. It should be also noted that at the end of 2015, out of 46 US states with complete data, after Texas (N = 8,448), Florida had the second largest number of noncitizen prisoners (N = 7,193). Foreign-born inmates represent 7.1% of the population incarcerated in Florida, they are predominantly males (96.8%), and only 1.8% of them are age 17 or younger. Although Florida changed its reporting system in 2013 and the country of birth of noncitizen prisoners is no longer reported (see Carson and Anderson 2016), 2013-2017 foreign-born population estimates in Florida indicate that about 20.2% of the residents are first-generation immigrants (United States Census 2018). This suggests that overall, immigrants, including first-generation Cuban immigrants, were underrepresented among prison inmates.

Nevertheless, an article published in March, 2016 in *Miami Herald* stated that 28,400 Cuban nationals currently living in United States served prison terms in

this country for committing various crimes (including over 2,000 murders) (Weaver and Mazzei 2016). As previously noted, until recently, the US immigration policy toward Cubans was unique in United States. One of its consequences was that Cuban immigrants who were not American citizens and committed crimes on US soil could not be deported to their home country, even if they pleaded guilty to a criminal offense and/or agreed to be deported, because the Cuban government would not accept them. No longer immune to repatriation, noncitizen Cuban immigrants who committed serious or less serious offenses may soon be removed from the country. However, in 2016, out of 340,056 non-citizens removed from the country only 45 were aliens from Cuba (67% of them were deported because they had a prior criminal conviction and 33% for committing non-criminal violations). The number of Cuban immigrants removed from the country was particularly low, especially when compared to the number of immigrants from Mexico deported in 2016 (i.e., 245,306). Yet, as of December 2017, official data showed that 37,218 Cuban immigrants were facing final deportation orders (Gamez Torres 2017; US Department of Homeland Security 2017).

## **Conclusion**

This paper briefly presented some of the turning point events that impacted the Cuban immigration to the United States. It also tried to determine if based on factual data it can be concluded that US immigration policies related to Cuban immigrants appear to have influenced the Cuban immigrants' criminal justice outcomes. Although for decades immigrants of Cuban decent were the beneficiaries of a preferential treatment in United States and did not have to fear deportation if they committed illegalities, for the most part, the literature and the available statistical information reviewed here (e.g., arrest and incarceration rates) do not indicate that Cuban immigrants were overrepresented among those involved in delinquent and criminal activities (especially, violent crimes) officially recorded in United States over the past three decades or that they committed criminal offenses at a significantly higher rate than immigrants from other countries.

A recent secondary analysis of panel data collected from 1992 to 2003 from a sample of immigrants and children of immigrants belonging to 77 nationalities (Portes and Rumbaut 2012) also supports this assertion. For instance, when subsamples of first and second-generation immigrants of Cuban and Mexican ancestry were compared, results of multivariate analyses showed that Cuban

immigrants had a significantly lower risk of arrest in early adulthood than their counterparts of Mexican origin. It should be noted that the samples were similar in terms of age and gender distribution and (pre)adolescence (i.e., family of origin structure, school performance, and delinquent behavior) and early-adulthood characteristics (e.g., job instability, marital status). Respondents of Cuban descent were, however, more likely to be college graduates, they attended safer schools, and the incidence of arrest among family members (the strongest predictor of the respondent's arrest status) was significantly lower (Andreescu and Grossi 2018).

Based on these findings and the additional information examined, it seems plausible to conclude that variations in immigration policy might play a secondary role in the assimilation processes experienced by immigrants in United States. Contextual factors such as immigrant concentration at the community level (see Wolff et al. 2018) and the socioeconomic characteristics of the immigrant community one belongs to, the immigrants' ties to their community, to the main socializing institutions such as the family, school, and peer groups are probably more important in shaping the immigrants' life trajectories in the receiving country than immigration policies are. Nonetheless, systematic research is needed to better determine the long-term direct and indirect effects of immigration policies on behavioral outcomes. Additionally, future comparative studies should examine potential generational differences in the immigrant populations' criminal behavior, when controlling for one's ethnic ancestry.

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