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Improving Crime Victimization Data for Noncitizen Populations

Accurate and comprehensive crime data are vital to understanding the scope of criminal victimizations in the United States, including those affecting noncitizens and immigrant communities. These data may be particularly important in the case of noncitizens, as there are several forms of immigration relief available to noncitizen victims of crime (e.g., the U and T nonimmigrant statuses; for more information, see CRS Report R47404, *Immigration Relief for Noncitizen Crime Victims*). By improving the quality of data on noncitizen crime victims, policymakers could develop immigration policy that more precisely reflects their needs and experiences.

There are several federal programs that collect and publish crime data, including the Federal Bureau of Investigation's (FBI's) National Incident-Based Reporting System (NIBRS) and the Bureau of Justice Statistics' (BJS') National Crime Victimization Survey (NCVS) (for more information on both programs, see CRS Report R46668, *The National Incident-Based Reporting System (NIBRS): Benefits and Issues*). However, not all data collection programs include information on noncitizen victimization. For example, NIBRS, the FBI's primary crime data program, does not collect information on the citizenship status of crime victims or offenders. Congress may consider these information gaps when looking to data that can inform federal policies and programs to measure as well as respond to crime against noncitizens.

Federal Data on Criminal Victimations Involving Noncitizens

The NCVS is an annual survey administered by BJS of a representative sample of U.S. households. All household members aged 12 and older report information on nonfatal victimizations (i.e., sexual assault, robbery, aggravated/simple assault, and personal larceny) and household property crimes (i.e., frequency, characteristics, and consequences) they experienced, including those reported and unreported to police. The NCVS added a question about citizenship status starting with the 2017 survey. From 2017 to 2021, NCVS data have shown a slightly lower violent victimization rate for noncitizens compared to U.S. citizens. Additionally, from 2019 to 2021, the violent victimization rate (this includes incidents of rape/sexual assault, robbery, and both simple and aggravated assault) among noncitizens declined from 17.7 per 1,000 people to 9.8; for U.S. citizens, that rate declined from 21.1 per 1,000 people to 16.9.

The National Violent Death Reporting System (NVDRS) is a Centers for Disease Control and Prevention (CDC) program that collects national data on violent deaths, including homicides and suicides. These data are collected

from death certificates, coroners/medical examiners, and law enforcement agencies and include information on *foreign-born* (i.e., not born in the United States or U.S. territories) decedents. Approximately 49% of the foreign-born population are not naturalized citizens. NVDRS data is in a restricted access database, but a 2022 study found that 8% of the homicides captured in the 2017 NVDRS data were of foreign-born victims. Estimates indicate that the foreign-born population at this time made up about 14% of the U.S. population. (For more information on the foreign-born population, see CRS In Focus IF11806, *Citizenship and Immigration Statuses of the U.S. Foreign-Born Population*.)

Congress has shown an interest in addressing human trafficking (both labor and sex trafficking), including providing immigration relief for certain noncitizen trafficking victims (i.e., the T visa); however, there are no federal data collections directly capturing trafficking victims' experiences. Although NIBRS collects data on trafficking offenses, it does not collect information on the citizenship status of crime victims. While the frequency of human trafficking of noncitizens is unknown, the number of applications for T nonimmigrant status for those who are victims of severe forms of human trafficking generally increased from 2012 to 2020, with a 35% increase between 2020 and 2021. (For more information on human trafficking data, see CRS Report R47211, *Criminal Justice Data: Human Trafficking*.)

Concerns Regarding Citizenship and Immigration Status Data

Although adding citizenship or immigration status questions to national crime data collection programs has the potential to improve the understanding of victimizations of noncitizens in theory, in practice these questions may affect participation rates. For example, citizenship questions may discourage noncitizens from participating in national surveys or from reporting offenses to law enforcement agencies that would be reflected in data collected through programs like NIBRS. Policymakers might consider how to balance participation (by eliminating questions that may discourage noncitizens or other populations from reporting criminal victimizations) and data granularity (by adding questions that will allow for more detailed understanding of crime, including rates of noncitizen victimization).

A similar issue arose after the Department of Commerce announced its intention to add a citizenship question to the 2020 Census. The Census is meant to count every resident in the United States (regardless of legal status), and has many uses including informing public policy, shaping congressional districts and the apportionment of seats in the

House of Representatives, and determining funding allocations for many federal programs. The possible addition of this question raised concerns among some that noncitizens would not participate in the Census. As with adding a citizenship question to the Census, including a citizenship question in NIBRS raises the issue of whether to prioritize counting the largest number of offenses possible or to maximize the detail captured regarding citizenship. In the end, the citizenship question was not included in the 2020 Census. (For more information on the 2020 Census, see CRS In Focus IF11015, *The 2020 Decennial Census: Overview and Issues*.)

As previously stated, since 2017 the NCVS has included a citizenship question. However, the NCVS is a survey of representative U.S. households, meaning that these data, unlike the Census, are not gathered from *all* households. They are sample data from which estimates are made about the overall population. The NCVS is more appropriately compared with the Census Bureau's American Community Survey (ACS), which is also a survey of representative U.S. households that captures population and housing data and includes a citizenship question. The Census may be more appropriately compared to NIBRS. NIBRS is intended to capture complete, or near complete, data about crimes reported to law enforcement agencies across the United States, which are also used to determine funding allocations for certain federal law enforcement programs like the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. (For more information on the JAG program, see CRS In Focus IF10691, *The Edward Byrne Memorial Justice Assistance Grant (JAG) Program*.) Therefore, any decision to add citizenship questions to NIBRS may be considered in the context of balancing participation versus detail.

As NIBRS collects data on offenses reported to law enforcement agencies, including a citizenship question would require police to ask this information from crime victims. This raises an initial concern about how accurate responses from noncitizens to this question may be, as well as concerns about whether this might discourage noncitizen victims from reporting crimes to police. Thus, the potential downstream consequence of un- or underreported crime and the possibility of reduced funding for law enforcement agencies in communities with decreased reporting may factor into decisions about the value of adding these types of questions to NIBRS.

NCVS data demonstrate that a significant number of crimes are not reported to the police, and there are mixed results from studies about whether noncitizen populations are more or less likely to report their victimizations to law enforcement than U.S. citizens. For example, a study of NCVS data from 2017 to 2021 found that foreign-born populations (including both noncitizens and naturalized citizens) were just as, if not more, likely to report offenses to police than native-born U.S. citizens. Foreign-born participants reported 62% of serious crimes (felony violent and property crimes) to the police, noncitizens reported 57% of all serious crimes, and U.S. born citizens reported 53% of all serious crimes. However, other studies (e.g., one from Reva Dhingra, Mitchell Kilborn, and Olivia

Woldemikael in 2022) have found evidence of hesitation to report crimes to law enforcement agencies, particularly among Hispanic populations and in communities where local law enforcement agencies cooperate with U.S. Immigration and Customs Enforcement. Congress could fund or expand existing grant programs to foster improved community-law enforcement relations and to encourage reporting criminal victimizations to law enforcement.

Pathways to Improving Crime Victimization Data

Crime victimization data regarding noncitizens could be improved by mandating that federal crime data programs collect data on citizenship status. For example, Congress could require the FBI to add citizenship questions to NIBRS, or BJS to conduct a study of criminal victimizations of noncitizens. Alternatively, Congress could require the National Institute of Justice (NIJ) to develop a solicitation for a nongovernmental body to conduct a study of criminal victimizations of noncitizens. This approach may address concerns about adding citizenship questions to data collections conducted directly by government agencies or law enforcement.

Using Crime Victimization Data to Inform Immigration Policy

In light of the unique vulnerabilities of some noncitizens, as well as the desire to improve enforcement of criminal laws by strengthening the trust between law enforcement agencies and immigrant communities, Congress has created avenues for immigration relief for certain noncitizens who have been victims of crime. Strengthening data collection about noncitizen victims of crime may aid in developing these immigration policies.

For example, the U nonimmigrant status may be available to a broad range of noncitizen crime victims, and the T nonimmigrant status is for certain noncitizen trafficking victims. The U status has a statutory cap of 10,000 a year, whereas the T status has a cap of 5,000. For over a decade, the U status has reached the cap and there is currently a backlog. As of the cover date of this In Focus, for those entering the backlog, it can take more than 17 years to receive U status after conditional approval. Meanwhile, the T status has not reached its cap over the past decade. Congress may want to examine the utilization of these statuses, and it could be aided by better data on noncitizen victims of crime. For instance, Congress could use the data gathered from the programs described previously to determine whether to adjust the statutory caps, eligibility criteria, or other related policies. (For more information, see CRS Report R47404, *Immigration Relief for Noncitizen Crime Victims*; and CRS Report R46584, *Immigration Relief for Victims of Trafficking*.)

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