EMBEDDED CRIMES? – ON THE OVERLAPPING PATTERNS OF DELINQUENCY AMONG LEGAL AND ILLEGAL IMMIGRANTS IN THE NETHERLANDS

Abstract

The prevalence of crime among illegal immigrants in the Netherlands appears to have risen. Primary and secondary analyses of police data showed that the involvement in crime among illegal immigrants (aged 12 to 25) reflects the patterns of delinquency among legal migrants of comparable age and country of origin. At present, the (rising) crime rate among illegal immigrants is perceived as (an increase of) 'survival crime' that is caused by 'marginalization', i.e., a lack of 'social capital'. The evidence presented in this study indicates that the relation between 'social capital' and 'delinquency' is not unambiguous, and suggests that additional explanatory variables should be taken into consideration besides social capital in the Netherlands.

Introduction

The presence of relatively large numbers of legal and illegal immigrants has become a permanent feature of most western societies. At present, the number of illegal immigrants in the Netherlands is estimated at approximately 150,000 (Leerkes et al. 2004; Engbersen et al. 2002). According to official statistics, the registered population is 16.3 million people, of whom 19% have migrated to the Netherlands relatively recently.[i]

The heightened immigration to the Netherlands has gone hand in hand with an increase in social research in which immigrants are the objects of inquiry (cf. Portes 1995). Various researchers have investigated delinquency among immigrants, in the Netherlands (cf. Junger 1990, Werdmölder 1997, Van San 1998, Bovenkerk 1999) and internationally (cf. De Haen-Marschall 1997, Tonry 1997, Waters 1999). The research invariably shows that many, but not all, immigrant communities are disproportionately represented in police statistics. The research also shows that migrants tend to commit specific types of crimes depending on their country of origin.

As the opportunities to migrate to the Netherlands by permission of the Dutch government have diminished since the 1970s, the number of illegal immigrants has probably risen (Doomernik 2001). In recent years, Engbersen et al. have paid ample attention to the life strategies of illegal immigrants in the Netherlands (cf. Engbersen 1996, Engbersen et al. 1995a, 1995b, 1999, 2001, 2002, Burgers et a1. 1999). They found systematic differences in the extent to which illegal immigrants from differing countries of origin come into contact with the police because of criminal offences. They also gathered data that indicate that the prevalence of crime among illegal immigrants has increased since 1997 (Engbersen et al 2002; Leerkes et al 2004).

The results of the research on legal and illegal immigrants suggest that there are similarities in the extent to which legal and illegal immigrants from a particular country of origin come into contact with the police as a result of committing certain

criminal offences. If the prevalence of a type of crime is relatively high for a certain category of *legal* immigrants, it also appears elevated among *illegal* immigrants from the same country. Such similarities have not been examined systematically, and have been, for the greater part, neglected in explaining illegal immigrants' delinquency patterns (as well as the patterns of delinquency among legal immigrants). This is unfortunate, as such similarities may indicate, as I will argue below, that the current explanation of the criminal involvement of illegal immigrants needs to be altered or supplemented with explanations that are current in the field of ethnicity and crime (and visa versa).

The aim of this study is to fill this gap through a systematic comparison of the crime rates among eleven groups of legal immigrants with (indicators of) the crime rates of comparable illegal immigrants. Using a primary analysis of police data on illegal immigrants and a secondary analysis of similar data on legal immigrants, I investigated the extent to which the crime rate among illegal immigrants reflects the criminal involvement of legal immigrants of comparable age and country of origin. Furthermore, I examined the extent to which illegal immigrants commit similar offences to those of their legal compatriots.

Firstly, I will describe in more detail how delinquency among illegal immigrants is currently understood. In the next section, I will explain the origin of the data and the research method. I will then present the empirical results and discuss some objections against the validity of the data. Finally, I will relate the findings to some individual examples of delinquent illegal immigrants that are reported in the literature, and address the theoretical interpretation of the evidence.

The differential opportunity structure

Engbersen and van der Leun (1995, 2001) found systematic differences in the extent to which illegal migrants of differing nationalities came into contact with the police as suspects of criminal offences. Suspicions of involvement in criminal offences accounted for 32% of the apprehended Eastern Europeans, 54% of the Algerians, and 65% of the Moroccans, whereas illegal Turks had only a 4% chance of being apprehended as suspected criminals. Engbersen and Van der Leun explained these differences using the notion of the 'differential opportunity structure' (cf. Cloward and Ohlin 1960). They reasoned that, depending on their ethnic group, illegal immigrants have differential access to (1) formal institutions of the welfare state, such as the labour market, education, unemployment benefits, housing, and health care, (2) informal institutions such as the network of family and friends, and the informal economy, and (3) criminal 'institutions' or circuits.

Over the last decade, governmental policies with regard to illegal residence have become much stricter in the Netherlands (cf. ROB 1998). In order to obstruct illegal residence, several measures, such as the Law on Identification (1994), the Law on Prevention of Marriages of Convenience (1994) and the Law on Labour Aliens (1995), were adopted. The main piece of restrictive policy is the so-called Linking Act, implemented in 1998. Since this law came into operation, it has become difficult for people who lack a residence permit to obtain access to collective arrangements of the welfare state. At present, unlike many categories of legal immigrants, illegal immigrants are not entitled to work on the official labour market, and cannot receive state scholarships, profit from unemployment benefits, or rent houses and apartments for which a housing permit is required.[ii]

Although the above-mentioned policies are not always carried out to the letter of the law, there is no doubt that access to formal institutions, particularly the official labour market and the system of welfare provisions, was radically reduced in the course of the nineties (Van der Leun 2001, 2002). Therefore, a supportive network is increasingly necessary for survival in the Netherlands (Engbersen 1996: 98).

There are indications that the prevalence of crime among illegal immigrants has increased since the implementation of these exclusionary measures. Analyses of police statistics from 1997-2003 show that the category of minor offences (such as shoplifting, burglary, swindling, false documents) as a reason for apprehension increased from 18.2% in 1997 to 28.4% in 2003 (Leerkes et al. 2004, Engbersen et al. 2002).

Governmental policies pertain to illegal residence as such, and are not supposed to treat immigrants differently once they have been defined as 'illegal'. Therefore, during a certain policy regime, illegal immigrants' survival chances vary depending on the human and social capital of the illegal immigrant and the (immigrant) communities in the Netherlands on which the immigrant depends. Well-established immigrant communities are assumed to provide ample access to the second dimension of the opportunity structure, such as the informal ethnic economy, provided illegal immigrants have social contacts with members of the ethnic community and are able to receive their support (Staring and Engbersen 2001). Legal immigrants may also provide illegal immigrants with some (indirect) access to the first dimension of the opportunity structure by lending or renting out health insurance cards or fiscal numbers (cf. Engbersen et al. 1999)

Engbersen and van der Leun have also asserted that the chances of illegal immigrants becoming engaged in crime may be linked with features of criminal circuits. For example, in Rotterdam, North African illegal immigrants appeared to make better 'employees' to occupy the lower echelons of the sale of hard drugs to French 'drug tourists', because many North Africans speak French (Van der Leun 2002). Nevertheless, the role of immigrant communities in providing access to criminal circuits has not been taken into consideration so far.[iii] In most publications, there is a tendency to understand illegal immigrants' crime involvement in a 'negative way', i.e., as a final option when no other choices remain. The position of illegal Turks, who are assumed to be quasi-integrated in the Turkish community, is often contrasted with that of illegal Moroccans, who commit 'survival crime' (cf. De Haan 1983, 1994) because they "often have to manage on their own" (Engbersen and Van der Leun 2001b, 63):

Social relations with the ethnic community can be conceived of as a form of social capital, i.e., the capacity of individuals to mobilize certain resources from a community or social network they are a part of (Bourdieu 1986, Portes 1995, Coleman 1990). Engbersen has asserted that delinquency by illegal immigrants is caused by marginalization that is attended with a lack of social capital: "This study made very clear that illegal immigrants with little social capital commit crimes in order to survive" (Engbersen 2001, 245).

It was difficult to develop precise hypotheses from the 'marginalisation thesis' that could be tested using the evidence presented here. The data pertained to the group level and could not be taken as indicators for the amount of 'social capital' of individual illegal immigrants. However, the available evidence and literature indicate, as I will explain below, that the current explanation is incomplete.

Data and research method

The data on legal immigrants were taken from the *Herkenningsdienstsysteem* (HKS), a database in which the Dutch police register suspects. The HKS system contains all official reports by the police, which describe offences (type of offence, date, place) as well as features of the suspects (date of birth, sex, nationality, country of birth). The data on apprehensions of illegal immigrants were taken from the *Vreemdelingen Administratie Systeem* (VAS), which is designed to register all foreigners that require explicit permission from the Dutch authorities to enter and/or to reside in the Netherlands. All apprehended illegal immigrants – apprehended by the regular police or by specialized divisions such as the alien police – are documented in this system as well. Often, it is the *Vreemdelingen Administratie Systeem* which determines whether a foreigner can be apprehended as an 'illegal immigrant' in the first place, because prior to their apprehension, illegal immigrants are not registered, are already listed as illegal aliens because of previous apprehensions, or are known as formerly legal foreigners with expired residence permits. In the *Vreemdelingen Administratie Systeem,* possible additional grounds for apprehension besides illegal residence – such as working without a working permit, using public transport without paying the fare, drug offences, and theft – are also filed. These registrations of possible offences and misdemeanours are excerpts from official reports, which are filed in the *Herkenningsdienstsysteem.*

   The data were initially gathered for two separate studies: (1) research on delinquency among young immigrants (aged 12 to 25) from relatively recently arrived groups of *legal* migrants (Kromhout and van San 2003), and (2) research on *illegal* immigrants of all ages (Leerkes et al. 2004). For this study a secondary analysis of the former dataset was combined with a primary analysis of the latter. Since the first research was limited to young immigrants, and comparable research on older legal immigrants is not available in the Netherlands, we were obliged to focus on young immigrants. In addition, investigation was limited to eleven (non-western) immigrant communities which are relatively large in the Netherlands: Morocco, Turkey, Surinam, the (former) Soviet Union, the (former) Republic of Yugoslavia, China, Somalia, Iran, Iraq, and Afghanistan (see Table 1). [iv]

   Police registration practices hampered a straightforward comparison of the datasets, because residence status is not documented in the *Herkenningsdienstsysteem*, and legal immigrants cannot be distinguished clearly from illegal immigrants. Kromhout and van San estimated the number of suspects with residence permits by eliminating all foreign-born suspects who told the police they did not reside in the Netherlands from their analyses. As the complete dataset on illegal immigrants was placed at my disposal, I was able to eliminate illegal immigrants from the analyses of Kromhout and van San with greater precision. First, using the *Vreemdelingen Administratie Systeem* data, I calculated per country of birth the total number of illegal immigrants that were apprehended for offences and were between 18 and 25 years old. I subtracted these numbers from the number of 'legal' suspects reported by Kromhout and van San (data adjustment A). In this way, I corrected for the maximum distortion in their figures. Next, I calculated per country of birth the number of illegal immigrants that were in the required age category, were apprehended for offences, and had told the police their residential addresses in the Netherlands (data adjustment B). The best correction of Kromhout and Van San's overestimation of the number of suspects with residence permits probably lies between the adjustments. [v]

The 'quantity' of delinquency

The data in Table 1, which were taken from Kromhout and Van San, are ordered according to the size of the population in the age group 18 to 25. For methodological reasons, the age group 12 to 18 was excluded.[vi] Indicators for the crime rate per country of birth are shown in the right-hand columns. The crime rate was defined as the percentage of a population registered in the course of a year as suspected of at least one criminal offence. The average crime rate was the average of the crime rates for 1999 and 2000.[vii] The crime rate correlated with ethnicity. Whereas the crime rate approached ten percent for countries such as Morocco, the (former) Republic of Yugoslavia, Somalia, and the former Soviet Union, it was (less than) three percent for Turkey, Afghanistan, and China. The data adjustments were particularly significant for the former Soviet Union (the average crime rate fell from 10.7 to 6.7 and 8.6) and, to a lesser extent, the former Republic of Yugoslavia (the average crime rate dropped from 9.6 to 8.1 and 9.0).

It is important to note that delinquency is relatively widespread among youngsters in some immigrant communities, especially since the data relate to the total population in the age category concerned - male and female. [viii] A crime rate of 10% for the total population between 18 and 25 years of age may indicate that approximately one-fifth of the male population is annually registered as suspected of criminal offences (cf. Van San and Leerkes 2001).

[Insert table 1]

Table 2 shows the number of apprehensions of illegal immigrants. In order to reduce the influence of random variation – the number of illegal immigrants aged between 18 and 25 was quite small for some nationalities - a somewhat longer period of time was used (1998-2001).[ix] For instance, 3008 apprehensions of illegal Moroccans took place in these four years.[x] About 35% of these concerned suspects of criminal offences, while for Turkey, this figure was only 16.2%. [xi] The remaining apprehensions concerned illegal labour, using public transport without paying the fare, illegal inhabitation of apartments, et cetera. In the Netherlands, these offences are not mentioned in criminal law.

The total number of illegal immigrants per country of birth was unknown. Only the total number of illegal immigrants, regardless of their country of origin, has been estimated in previous studies.[xii] Therefore, it was not possible to calculate precise crime rates per country of birth, as we did for legal immigrants. Instead, I used the percentage of apprehensions for offences as an indicator of the prevalence of delinquency (see also Engbersen and van der Leun 1995, 2001). This crude measure suggested that delinquency is much more prevalent among illegal immigrants from Ethiopia, Surinam, Iran, Yugoslavia, and Morocco, than among illegal Chinese, Turks, and Iraqis. The former Soviet Union, Afghanistan, and Somalia occupy a position in the middle.

[Insert table 2]

In the absence of precise crime rates, it was impossible to determine whether illegal immigrants are more likely, less likely than, or as likely as legal immigrants to come into contact with the police because of criminal offences. What we can establish, using Figure 1, which plots (indicators of) the crime rates for the researched groups, is

that the crime rate for legal immigrants predicts the percentage of apprehensions of illegal compatriots on the ground of criminal offences (and visa versa). With residence status held constant, Ethiopian, Surinamese, Iranian and Yugoslavian immigrants were two to three times more likely to be registered as suspects of criminal offences than were immigrants from China, Turkey, and Afghanistan. Table 3 confirms that the correlation coefficient between the two measures was positive. It varied between 0.34 (unweighted) and 0.74 (when the data were weighted according to the relative size of the immigrant groups).

[Insert figure 1]

[Insert table 3]

The association suggested in Figure 1 is to be doubted on several grounds. Firstly, it may be argued that it is merely the result of Kromhout and van San's inability to eliminate illegal immigrants from their analyses with certainty: the correlation may be 'tautological' in as far as both datasets include illegal immigrants. The data adjustments, however, do not support such an argument, as the correlation became somewhat stronger when was corrected for the possible inclusion of illegal immigrants in Kromhout and Van San's data (Table 3). In particular, the former Soviet Union's score became more in agreement with the general trend.

Secondly, we should take into consideration the incomplete and selective character of police data (cf. Brown 1988, Levitas et al. 1996). Self-report surveys show that the actual prevalence of delinquency is much higher than official police figures suggest. This problem of the so-called 'dark figure' is intensified by its non-randomness: some offences do not interest the police, some offences are more easily discovered than others, et cetera.

Most researchers in the field of ethnicity and crime acknowledge that police data represent a biased image of the 'true' ethnic group crime rates (De Haan en Bovenkerk 1993). However, the selectivity of police data probably amplifies, *but does not cause,* ethnic differences regarding crime (cf. Van San and Leerkes 2001). In addition, there is no good alternative available. The self-reporting of offences has many drawbacks as well (cf. Junger 1990), and it would be nearly impossible to obtain access to delinquent illegal immigrants without police assistance.

A sceptic might argue that police data do not reflect the extent to which immigrants are involved in crime. The scores for Turkish and Chinese immigrants may be low, because the offences committed by members of these groups do not interest the police, or happen to have a relatively low chance of discovery. In Figure 1, two exceptions or 'outliers' can be observed: among illegal Ethiopians and Surinamese, the percentage of apprehensions for offences is higher than would be expected based on the crime rates for their legal compatriots. Selectivity by the police probably *explains* the deviant score for Surinam (the deviant score for Ethiopia will be addressed later). Many Surinamese speak Dutch as a first or second language, and are often considered Surinamese Dutch. Therefore, Surinamese people probably are less likely to be apprehended for illegal residence than illegal immigrants from other countries. If we could control for this bias, the position of Surinam would probably be more in accordance with the general trend, because its score would shift vertically, i.e. towards the trend line. Indeed, the connection in Figure 1 becomes stronger when Surinam is left out of consideration (Table 3).

For the rest, it is unlikely that the connection can be accounted for by assuming that the police pay more attention to some ethnic groups than to others; if we assume the figures are biased because the eleven immigrant communities are not policed similarly, the connection remains unexplained, since every point in the figure relates to immigrants from the same ethnic group. If the police paid more attention to some ethnic groups than others, the prevalence of crime among legal Turks, for example, might be underestimated to a greater extent than the crime rate for legal Moroccans. But in such a case, the percentage of illegal Turkish immigrants apprehended for an offence would probably be underestimated as well as compared with the score for illegal Moroccans. For similar reasons, it was impossible to account for the connection by hypothesizing that ethnic groups are involved in offences with differing chances of being caught. Again, the score for a particular group of legal immigrants would be biased in the same way as the score for the corresponding group

of illegal immigrants: some countries of origin would move up diagonally along *both* axes, while others would move down a little, leaving the connection unchanged.

The association also remains unaltered if it is assumed that illegal immigrants are invariably involved in crimes with a lower or higher chance of discovery than their legal counterparts: all scores would shift horizontally to the right or to the left, or vertically up or down. Such shifts would not alter the connection.

It is unlikely that the correlation is merely due to measurement errors by Kromhout and Van San, or to the selectivity of police data. This assertion was supported by an examination of the 'quality' of delinquency committed by legal and illegal immigrants.

The 'quality' of delinquency

Across all ethnic groups, most offenders are engaged in petty crimes such as theft, and less prevalent crimes such as rape and homicide add relatively little to the total number of registered offences. Such distributions are independent of the ethnicity of offenders. Next to such 'universal' similarities, several examples of 'criminal specialisation' have been observed. For example, suspects of Turkish descent are often apprehended for violence in the Netherlands, which has been connected with the tradition of honour vengeance in (some parts of) Turkey (cf. Bovenkerk et al. 2000). Turks are also known to have substantial involvement in heroine trafficking to Western Europe (Bovenkerk et al. 1998). Suspects from South America are frequently apprehended for cocaine trafficking (ISEO 2002). Offenders from Eastern Europe (predominantly Yugoslavs) are apprehended for theft and burglary more often than offenders from other countries, but rarely because of drug trafficking (Snel et al. 2000, Van San et al. 2002). Moroccan offenders are disproportionately engaged in theft with violence (ISEO 2002), and marijuana trafficking (Van Gemert 1998). Suspects from several African countries have a much higher chance of being apprehended for fraud than suspects from other countries (Van San and Leerkes 2001).

Table 4 specifies the 'quality' of delinquency for legal and illegal immigrants (for every country of origin the first row represents 'legal' suspects, while the second row represents 'illegal' suspects). It lacks data on legal Moroccans, Turks, and Surinamese, because Kromhout and Van San did not specify the offences for these groups (their research was mainly focused on delinquency among immigrant groups that are 'new' to the Netherlands). In addition, Kromhout and van San have reported the offences for the age category 12 to 25 years old as a whole, and did not present separate data for suspects aged 18 to 25. Therefore, Table 4 shows the reason for apprehension of all suspects aged 12 to 25 (for methodological reasons, it would have been preferable to restrict investigation to suspects aged 18 to 25).[xiii]

[Insert table 4]

The data in Table 4 are in complete agreement with the literature: ethnic groups differ significantly, but not enormously, with regard to the types of offences their delinquent 'members' commit. For legal offenders (Cramer's V=0.14 / $p<0.00$ / calculated using 8 countries of ethnic groups), the association between country of origin and offence committed is somewhat weaker than for illegal offenders (Cramer's V=0.20; $p<0.00$ /

calculated using 11 ethnic groups), but this difference is not substantial and may be due to the lack of data on legal offenders from Morocco, Turkey and Surinam.

A comparison of the way legal offenders as a whole were distributed among the nine categories of offences, with the corresponding distribution for illegal offenders, yielded Cramer's v=0.33 (p<0.01). This figure indicates that there is a significant but weak association between residence status and type of offence committed. [xiv] Further analysis showed that the type of offence committed can be predicted on the basis of information on the residence status of the offender (and visa versa) only marginally better than on the basis of mere chance.[xv]

Many resemblances were found when legal and illegal immigrants' offences were compared in a more qualitative way. Independent of ethnicity and residence status, the main reason for apprehending offenders is 'theft without violence', whereas sexual offences and 'theft with violence' are relatively rare. Secondly, regardless of residence status, Eastern European offenders (former Republic of Yugoslavia and former Soviet Union) have a higher than average chance of being apprehended for 'theft without violence': the police have a 63.7 and 74.4% chance of apprehending a legal Yugoslavian or Russian suspect because of 'theft without violence', while the average chance of apprehension on these grounds is only 55.3%. For comparable illegal offenders, these figures are 53.0 and 60.6 compared to 45.6. Thirdly, more than 13% of the apprehensions of Turkish illegal offenders concern 'violence', whereas for people from other countries this proportion is only 5% or 6%. Fourthly, more than fifty per cent of the apprehensions of illegal Surinamese delinquents are connected with 'drugs'. Both the elevated share of violence among illegal Turks, and the high Surinamese involvement in drug trafficking are in agreement with the results of recent research on legal Turks and Surinamese (cf. ISEO 2000).

There are also significant differences. The first difference that strikes the eye is the diminished share of violence among illegal offenders – both against persons ('violence') and goods ('vandalism'). When Morocco, Turkey and Surinam were left out of consideration (since we had no data on these groups from Kromhout and van San), the share of these crimes among illegal offenders was only 5.9 and 2.8%, compared to 13.6 and 12.3% for legal offenders. Secondly, the share of the category 'other offences' is elevated for illegal offenders (31.6% for illegal immigrants versus 6.8% for legal immigrants). The latter difference is probably due to the inclusion of 'false documents' in this category, the possession of which is increasingly common among illegal immigrants (Leerkes et al 2004: 26-27). About 87% of the apprehensions of illegal immigrants within the category 'other offences' concerns this form of fraud (figure not presented in table).

Separate analyses per country of origin revealed that the extent to which the 'quality' of crime among illegal immigrants resembles the crime involvement among their legal counterparts differs somewhat per ethnic group: Cramer's V varies from 0.25 for the former Soviet Union to 0.74 for Afghanistan.[xvi] This differing extent of resemblance appears to be coupled with the differing size of the category 'other offences' accordingly to ethnic group. Note that the latter category is especially large for illegal suspects from Ethiopia, Iran, and Afghanistan. Note also that these are precisely the three nationalities in Figure 1 (next to Surinam) for which the crime rate for illegal immigrants is higher than would be expected on the ground of the crime rate for their legal compatriots. When apprehensions for 'false documents' were excluded from the analyses, the connection in Figure 1 became even stronger, especially Surinam was also left out of consideration.[xvii]

The observation that the patterns of delinquency among legal and illegal immigrants overlap, does not necessarily mean that the offences committed by legal and illegal immigrants are identical. It could be argued, for example, that illegal immigrants have an interest in participating in criminal activities of a particular type that are not especially risky (*being on the look out during burglary*), while legal co-offenders, on the other hand, may compel illegal immigrants to carry out the more risky activities (*entering apartments*). Judicial dossiers would have to be examined to determine to what extent this is the case.

Interpreting the association

Why the patterns of delinquency among legal and illegal immigrants are interconnected may be explained in two ways: using common explanatory variables (1), and by hypothesizing that the involvement in crime of legal immigrants has an effect on the involvement in crime of illegal immigrants and/or visa versa (2).

As an example of the first strategy, we could speculate that a lack of social capital not only causes delinquency among illegal immigrants, as the marginalisation theory states, but also among legal immigrants. This seems a valid argument since the involvement of legal immigrants in the street trade of drugs, for example, has been understood (in part) to be an expression of a lack of social capital and a lack of alternative ways to be successful (Sansone 1992). However, this argument leaves the unresolved question why delinquency predominantly takes the form of burglary among immigrants from one country of origin, while it expresses itself in the form of violence ('honour vengeance') in other instances. Such diversity is one of the reasons many researchers in the field of crime and ethnicity believe more than one variable should be taken into consideration (cf. De Haen-Marshall 1997, Tonry 1997, Kromhout and van San 2003). A review of the literature shows that different forms of 'ethnic' delinquency appear to require different explanations. For example, some offences are connected with high levels of unemployment and social exclusion, while other forms of crime only become possible when an ethnic group possesses an extensive institutional infrastructure. In the latter circumstances delinquent compatriots have more opportunities to use companies to cover up certain criminal activities such as the wholesale trade of drugs (cf. Zaitch 2002), and to extort regular entrepreneurs. In addition, some ethnic groups may have access in their country of origin (or in diasporas) to 'criminal resources' such as guns and drugs, which are not so easily obtained by members of other ethnic groups (Bovenkerk 2001). Next to such 'structural' factors, cultural conditions appear to play a role as well (Van San 1998, Van Gemert 1998).

Given that the patterns of delinquency among illegal immigrants reflect the criminal involvement of legal compatriots, and since a multitude of variables are usually taken into consideration to explain the differential involvement of legal immigrants in crime, delinquency by illegal immigrants must be influenced, either directly or indirectly, by such additional variables as well. Hence, it cannot be understood only as an expression of a lack of social capital.

Relatively few illegal offenders have been interviewed. Some of these offenders have features that confirm the marginalization thesis. For example, in a (non-random) sample of 165 illegal immigrants, involvement in crime was associated with features indicating a marginal existence in the Netherlands: delinquent illegal immigrants (N=20) lacked relatives in the Netherlands more often than did non-delinquent illegal immigrants, and were also more often homeless (see Burgers et al. 1999: 255). However, the (ethnographic) literature has also reported examples of 'embedded' delinquent illegal immigrants, which suggests that the relation between 'ethnic incorporation' and 'crime' is not unambiguous.

The latter examples can be divided into two ideal types. Both illustrate the possibility of co-offending by illegal migrants and their legal counterparts (strategy 2) The first type consists of delinquent illegal immigrants who cater to the economic demands of (parts of) their ethnic communities - albeit in ways that are in violation of criminal law. This includes bicycle thieves and illegal immigrants that work in

informal restaurants where they sell some marijuana on the side (see Engbersen et al. 1999, 187/8). The consumers of these goods are residents (often compatriots) of poor urban neighbourhoods where such illegal immigrants reside and operate. 'Embeddedness' in the local immigrant community is a necessary condition for supplying goods such as cheap bicycles and marijuana.

Examples such as these are reminiscent of Mahler's (1995) study of immigrant life in poor neighbourhoods in the United States. She refers to the activities of 'claveros' that obtain calling codes by 'surfing' callers who use call cards at public phones, and who then sell these codes to other immigrants who use them for international phone calls: "They risk being caught for this line of business, but they risk never meeting their goals if they pursue a straight and narrow trajectory in the mainstream economy" (Mahler 1995: 152). Although not all immigrants make use of such illegal services, we could assert that such crimes are 'functional' for parts of such ethnic communities, given the socio-economic circumstances of many of their members. Such offences are so closely connected with these communities that it may even be argued they are a *feature* of them.

The second type of 'embedded crimes' concerns illegal offenders who became delinquent as a consequence of having contacts with delinquent compatriots who reside in the Netherlands with residence permits. Some examples include an illegal immigrant that is recruited in Morocco by a Dutch-Moroccan owner of a coffee shop (reported by Engbersen et al. 1999, 219), and illegal immigrants from Colombia who were offered the opportunity by their countrymen to make some money in the cocaine business (reported by Zaitch 2002: 232). In such instances, delinquency among illegal immigrants is inflicted by delinquent legal immigrants: their involvement in crime could not have taken place without their 'social capital', i.e., their contacts with delinquent countrymen who reside in the Netherlands with residence permits.

The observation that the patterns of delinquency among legal and illegal immigrants overlap, but do not coincide completely, should be accounted for. It is plausible that both the relatively low use of violence by illegal offenders and their elevated use of false documents are connected with their precarious societal position in comparison with legal immigrants.[xviii] Illegal immigrants face more difficulties in establishing themselves in the Netherlands in the first place, and for many illegal immigrants, deportation is always a threat (even though many apprehended illegal immigrants are not deported).[xix] As a result, delinquency by illegal immigrants, if it occurs, appears to be more 'prudent' and is primarily aimed at obtaining income - it is 'instrumental' rather than 'expressive' (cf. Radcliffe-Brown 1952: 143, Van San 1998). It is also remarkable that the use of false documents appears to be most widespread among illegal 'quartermasters' from ethnic groups that are relatively new to the Netherlands (Ethiopia, Iran, Afghanistan). Illegal immigrants from relatively settled ethnic groups (Turkey, Morocco, Surinam) may not require false documents to the same extent, for they probably have a higher chance to reside in the Netherlands for a while by invitation.[xx] It is likely that the chances for acquiring a tourist visa also vary depending on applicants' nationalities.[xxi]

Discussion

I have demonstrated that both the 'quantity' and the 'quality' of delinquency by illegal immigrants are associated with the involvement in crime of legal immigrants of comparable age and country of origin. The patterns of delinquency among legal and illegal immigrants overlap considerably, although illegal offenders make use of false documents more often than legal offenders do, and also appear to be engaged in violence and vandalism less frequently.

On the basis of the available data differences in opinion on the interpretation of the evidence are still possible, and additional research is needed (especially on the individual level, and on immigrants older than 24). Given this empirical overlap, and given that variables besides social capital in the receiving country (such as cultural conditions and the availability of criminal resources in the country of origin), were drawn upon to explain delinquency among legal immigrants, additional variables should also be taken into consideration in order to account for illegal immigrants' involvement in crime.

The literature in the field of crime and ethnicity, and the available ethnographic literature on illegal offenders, suggest that there is no straightforward negative connection between 'social capital' and 'delinquency'. Several offences require specific forms of social capital. In this study, two types of 'embedded crimes' were identified which illustrate that incorporation in ethnic communities can be associated *positively* with access to (ethnic) criminal 'institutions' or circuits: (1) delinquent activities that are, arguably, 'functional' for parts of poor immigrant communities of which delinquent illegal migrants are a part and in which they are embedded, and (2) delinquent activities by illegal immigrants who are incited to commit crimes by compatriots that reside in the Netherlands with residence permits. 'Embeddedness' in ethnic communities can apparently be connected with all the three dimensions of the 'differential opportunity structure', i.e., with formal, with informal, *and* with criminal 'institutions' or circuits. This implies that insertion in ethnic communities does not have an unequivocal effect on illegal immigrants' involvement in crime; such incorporation only diminishes the chances of illegal immigrants embarking on criminal careers in the Netherlands in so far as the prevalence of delinquency in the ethnic communities is low. The chances of illegal immigrants engaging in criminal careers in the Netherlands, and the types of offences such delinquents may commit, vary with the involvement in crime of their legal compatriots. This is an important observation, since - as we have seen – involvement in crime appears to be common in some ethnic groups (especially among young males).

There are, as I mentioned earlier, empirical indications in the Netherlands that illegal immigrants are increasingly engaging in various forms of crime. The findings of this study suggest that this growth may not (only) be a consequence of the exclusionist migration policies of recent years. The increase could also be due to a heightened prevalence of crime among legal immigrants in the Netherlands, as the survival chances of illegal immigrants increasingly depend on them.

Tables and figures

Table 1. 'Legal' suspects by country of birth and the corresponding group population sizes as a whole (18-24 yrs./ 1999 and 2000)

	Suspects 1999	Suspects 2000	Population 1999	Population 2000	Average Crime Rate 1999 /2000	Adjusted Crime Rate (A)	Adjusted Crime Rate (B)
Morocco	2,360	2,030	24,855	23,548	9.1	8.7	8.9
Turkey	749	580	22,450	19,980	3.1	2.9	3.0
Surinam	1,049	942	16,550	14,565	6.4	6.2	6.3
Yugoslavia	508	428	4,698	5,090	9.6	8.1	9.0
Somalia	340	293	3,535	3,680	8.8	8.5	8.7
Iraq	187	218	3,015	3,373	6.4	5.8	6.1
China	44	59	2,533	3,098	1.8	1.0	1.4
Afghanistan	67	78	2,143	2,860	2.9	2.6	2.8
Soviet Union	191	274	1,910	2,423	10.7	6.7	8.6
Iran	119	147	1,700	2,110	7.0	6.4	6.7
Ethiopia	70	55	1,018	1,043	6.1	5.8	5.9

Source: Kromhout and Van San (2003); Vreemdelingen Administratie Systeem

Table 2. Reasons for apprehension of illegal immigrants (18-24 yrs., 1998-2001)

	Total Number of Apprehensions	Apprehensions for Offences	Apprehensions for other Reasons	% Apprehensions for Offences
Morocco	3,008	1,065	1,943	35.4
Turkey	1,216	197	1,019	16.2
Surinam	223	131	92	58.7
Yugoslavia	816	325	491	39.8
Somalia	138	47	91	34.1
Iraq	224	67	157	29.9
China	423	88	335	20.8
Afghanistan	90	28	62	31.1
Soviet Union	1,281	427	854	33.3
Iran	105	51	54	48.6
Ethiopia	22	14	8	63.6

Source: Vreemdelingen Administratie Systeem

Table 3. Correlation coefficients between crime rates among legal and illegal immigrants in eleven ethnic groups; 1999-2000 (legal immigrants) and 1998-2001 (illegal immigrants); 18-24 yrs.

	Unweighted	Weighted
Unadjusted Data	0.34 (p<0.31)	0.57 (p<0.14)
Adjusted Data A	0.42 (p<0.20)	0.74 (p<0.11)
Adjusted Data B	0.37 (p<0.27)	0.67 (p<0.13)
Without Surinam		
Unadjusted Data	0.39 (p<0.27)	0.78 (p<0.01)
Adjusted Data A	0.44 (p<0.20)	0.76 (p<0.01)
Adjusted Data B	0.42 (p<0.23)	0.78 (p<0.01)
Without False Documents		
Unadjusted Data	0.53 (p<0.09)	0.40 (p<0.22)
Adjusted Data A	0.58 (p<0.06)	0.43 (p<0.19)
Adjusted Data B	0.55 (p<0.08)	0.41 (p<0.21)
Without Surinam and False Documents		
Unadjusted Data	0.79 (p<0.01)	0.92 (p<0.00)
Adjusted Data A	0.77 (p<0.01)	0.88 (p<0.00)
Adjusted Data B	0.78 (p<0.01)	0.93 (p<0.00)

Source: Kromhout and Van San (2003); Vreemdelingen Administratie Systeem

Note: The weighted data are weighted according to the relative size of the immigrant community, with N=11, and N=10 without Surinam

Table 4. Types of offences committed by 'legal' and 'illegal' suspects. 1999-2000 (legal immigrants) and 1998-2001 (illegal immigrants); 12-24 yrs.

	N	Sexual offences with violence	Sexual offences without violence	Violence	Theft with violence	Theft without violence	Vanda- lism	Traffic offences	Drugs	Other offences
(former) Yugoslavia	1,469	0.8	0	9.9	2.6	63.7	11.4	4.9	0.9	5.9
Cramer's V=0,30	372	0.8	0	4.6	1.1	53	4.3	7.3	5.9	23.1
Somalia	1,258	0.6	1	15.4	6	51.9	14.2	2.9	0.8	7.1
Cramer's V=0,34	53	0	1.9	7.5	7.5	17	5.7	3.8	1.9	54.7
Iraq	672	2.7	1	25.1	6	37.6	18	2.2	0.7	6.5
Cramer's V=0,42	77	0	0	7.8	2.6	28.6	5.2	6.5	9.1	40.3
China	126	0	0	24.6	7.1	38.9	5.6	10.3	0.8	12.7
Cramer's V=0,49	123	0	0	16.3	3.3	16.3	0.8	5.7	0	57.7
Afghanistan	191	5.8	4.2	23	1	33.5	17.3	7.3	0	7.9
Cramer's V=0,74	26	0	0	3.8	0	0	0	0	0	96.2
(former) Soviet Union	1,126	0.2	0	4.5	2.9	74.3	4.5	3.4	3.9	6.2
Cramer's V=0,25	477	1.7	0	4.2	2.5	60.6	1.5	8.6	2.3	18.7
Iran	504	1.2	0.6	18.7	6.7	39.5	19	4.6	2.8	6.9
Cramer's V=0,54	58	0	0	5.2	0	13.8	3.4	10.3	3.4	63.8
Ethiopia / Eritrea	205	1.5	0.5	13.7	12.7	38.5	14.1	7.3	1	10.7
Cramer's V=0,49	16	0	0	0	0	18.8	0	0	6.3	75
Total legal immigrants	5,551	1.1	0.6	13.6	4.6	55.3	12.3	4.1	1.6	6.8
Total illegal immigrants	1,202	1	0.1	5.9	2.2	45.6	2.8	7.3	3.7	31.6
Total ill. imm. (12-17)	162	0	0	5.6	4.3	46.3	3.1	4.3	3.7	32.7
Total ill. imm. (18-24)	1,040	1.1	0.1	6	1.8	45.5	2.7	7.8	3.7	31.4
Nationalities for which 'quality' of delinquency is not specified by Kromhout and van San										
Morocco	1,253	1.1	0.2	4.7	3.7	19.9	4.4	7.6	22.7	35.8
Turkey	241	1.7	0.4	13.3	1.7	15.8	5.4	17	18.7	26.1
Surinam	135	0	0	5.2	5.2	17	2.2	3	56.3	11.1

Source: Kromhout and van San (2003:69) / Vreemdelingen Administratie Systeem

Figure 1. The crime rate among legal immigrants compared to crime rate indicators for their illegal counterparts; 18-24 yrs; 1999-2000 (legal immigrants); 1998-2001 (illegal immigrants)

% Legal Immigrants Registered as Suspect
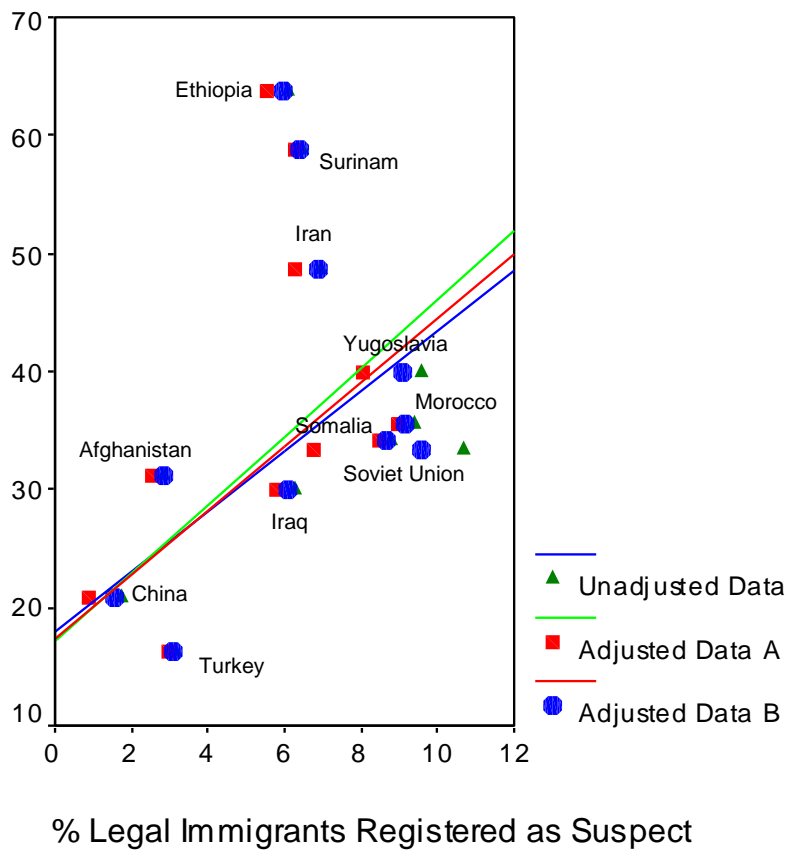
Source: Kromhout and Van San (2003); Vreemdelingen Administratie Systeem

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i Source: CBS Statline (www.statline.cbs.nl). The figures are for 2004. The '19 percent' includes first generation immigrants (born outside the Netherlands of non-Dutch parents) and second-generation immigrants (at least one parent born outside the Netherlands), and involves 'westerse allochtonen' (immigrants from industrialized countries (N=1,419,855)) as well as 'niet-westerse allochtonen' (immigrants from non-industrialized countries (N=1,668,297)).

ii In the Netherlands, a housing permit is required for almost all (cheap) accommodation, except for rooms. But even when an illegal immigrant rents a room or a bed, he cannot register at the municipality. Legal immigrants are not as systematically and thoroughly excluded from formal institutions as illegal immigrants are nowadays. Nevertheless, different categories of legal immigrants have different rights. Asylum seekers are generally speaking not allowed to work or to apply for unemployment benefits, but they do receive board and lodgings, and some 'pocket-money'. Labour migrants may, of course, work and, as a consequence, receive the social arrangements that are linked with it. Foreigners are admitted to the Netherlands as labour immigrants only if they possess skills for which a demand exists on the Dutch labour market, and there is no supply of employees from the EU available. Foreigners that migrate to the Netherlands because of family formation / reunification usually have the right to work, and are entitled to concomitant social arrangements when they lose their jobs or become ill. However, they cannot (as a rule) apply for unemployment benefits that are not related to work (Bijstand).

iii Kehla (in Engbersen et al 1999) and Zaitch (2002) have already done some work in this direction.

iv I selected countries from which the total number of legal immigrants aged 18 to 25, was greater than 1000.

v A hypothetical example can illustrate the adjustments made. Suppose Kromhout and Van San had counted a hundred suspects from a particular country of origin, and eighty suspects are legal immigrants and twenty illegal. However, Kromhout and van San could not distinguish between them with certainty using *HKS*. Suppose that out of these twenty illegal immigrants, ten told the police they resided in the Netherlands but concealed their precise residential addresses, five told the police they resided in the Netherlands and disclosed their addresses, and the remaining five told the police they did not reside in the Netherlands. In this case, Kromhout and van San would report ninety-five 'legal' suspects (100-5), data adjustment A would lead to seventy-five 'legal' suspects (twenty illegal immigrants would be subtracted from the number of 'legal' immigrants reported by Kromhout and Van San), and adjustment B would lead to ninety 'legal suspects' (only the five illegal immigrants that disclosed their residential addresses would be subtracted from the ninety-five 'legal' suspects reported by Kromhout and Van San). In this example, the actual number of legal immigrants (80) lies between data adjustment A (75) and data adjustment B (90).

vi Crime involvement varies with age. It tends to rise from 12 up to 18 or 19 years, and then slowly declines (cf. Gottfredson and Hirschi (1990). A general theory of crime. Stanford, Stanford University Press). To control for this correlation, age should be held constant (particularly because the share of minors may vary between ethnic groups and between legal and illegal immigrants). The alternative would be to present separate figures for legal and illegal immigrants aged 12 to 18. However, this would not make sense because few illegal immigrants are minors.

vii This is not the same as the average number of suspects in 1999 and 2000 divided by the average size of the population, multiplied by a hundred.

viii The data presented by Kromhout and Van San do not allow a specification according to sex and age at the same time. In the relevant age category (18 to 25 years of age), they do not present separate data on police registrations of male and female youngsters.

ix Ethnic patterns of delinquency tend to be fairly constant within a time span of a few years (cf. Van San and Leerkes, 2001).

[x] This may constitute an underestimation of the actual number of illegal immigrants from Morocco. Some illegal immigrants from Morocco tell the police they were born in Algeria, because this obstructs their deportation from the Netherlands. Note, however, that this does not necessarily mean that the prevalence of delinquency among illegal Moroccans was underestimated, for it is a relative measure. It was only underestimated in as far as delinquent illegal Moroccans lie about their country of birth more often than non-delinquent illegal Moroccans did.

[xi] By 'criminal offences' I mean apprehensions in three categories usually distinguished by Engbersen et al.: 'minor offences', 'serious offences', and 'drugs'.

[xii] Although the estimation of the total number of illegal immigrants constitutes the best available estimate, it is quite uncertain. The way illegal immigrants are apprehended and registered violates many theoretical assumptions that underlie the statistical estimation (see Engbersen et al. 2002 and Leerkes et al. 2004)

[xiii] Type of crimes committed correlates with age (with more vandalism and less violence among minors). See also note vi and xvi.

[xiv] This calculation was made for the total number of offences committed by offenders from the eight ethnic groups for which the 'quality' of delinquency is specified. Hence Cramer's V was derived from a 2x9 cross-tabulation, i.e. residence status by type of offence.

[xv] Goodman and Krushal Tau equals 0.02 (p<0.01) with type of offence dependent and 0.11 (p<0.01) with residence status dependent. This means that, given the association between residence status and type of offence, the error rate of the predictions of residence status is reduced by eleven percent when compared to random chance, while the error rate of the prediction of the offence category is diminished by only two percent.

[xvi] Note that Cramer's V, calculated per ethnic group, correlates negatively with the respective crime rates among legal immigrants which were depicted in Table 1: from r=-0.67 / p<0.07 with adjusted crime rate A to r=-0.81 / p<0.02 with the unadjusted crime rate. Hence, the chance of illegal immigrants' crime involvement being limited to the use of false documents, and not extending to other offences, appears to rise as the crime involvement in the ethnic group as a whole decreases.

[xvii] Without 'False Documents', the *unweighted* correlation coefficients in Figure 1 are 0.53 (p<0.09), 0.58 (p<0.06), and 0.55 (p<0.08) for the initial data, and data adjustment A and B. Similarly, without 'False Documents' *and* without Surinam, the *unweighted* correlation coefficients are 0.79 (p<0.01), 0.77 (p<0.01), and 0.78 (p<0.01). Without 'False Documtents', the *weighted* correlation coefficients are 0.41 (p<0.21), 0.40 (p<0.22), and 0.43 (p<0.19). Without 'False Documents' *and* without Surinam the *weighted* correlation coefficients are 0.92 (p<0.00), 0.88 (p<0.00), and 0.93 (p<0.00).

[xviii] As can be seen in Table 5, the diminished share of violence cannot be due to the deviant age composition of the illegal population with fewer adolescents, since similar patterns prevail among illegal offenders aged 12 to 18 and 18 to 25.

[xix] In the Netherlands, at least one third of the apprehensions of illegal immigrants does not result in deportation. Non-deported illegal immigrants either manage to conceal their identity, or their countries of origin did not co-operate (Engbersen et al. 2002).

[xx] Most foreigners from non-western countries need such an invitation if they want to reside in the Netherlands for more than three months (this is called a *MVV*). The Dutch authorities link several (financial) responsibilities to such an invitation.

[xxi] For example, in so far as there are group differences in applicants' financial resources that are related to their nationalities; applicants from poor countries, and applicants without sponsors such as family or friends in the Netherlands, are more likely to have insufficient financial resources).