

Non-citizens face harsher sentencing than citizens in US criminal courts

October 1 2014

Non-Americans in the U.S. federal court system are more likely to be sentenced to prison and for longer terms compared to U.S. citizens, according to a new study.

"Much of the discussion in this area has centered around deportation, but increasing numbers of immigrants are being brought before criminal courts, and little is known about how they are treated once they are in the [criminal justice](#) system," said Michael T. Light, an assistant professor of sociology at Purdue University and the lead author of the study. "This is a major issue given that the number of non-citizens sentenced in U.S. federal courts increased nearly five-fold over the past two decades."

Titled, "Citizenship and Punishment: The Salience of National Membership in U.S. Criminal Courts," the study, which the National Science Foundation helped fund, appears in the October issue of the *American Sociological Review*. Light collaborated on the study with Michael Massoglia from the University of Wisconsin-Madison and Ryan D. King from Ohio State University.

The researchers analyzed U.S. federal district court data from 1992-2008 for this study. In 2008, for example, 96 percent of convicted non-citizens received a prison sentence, compared to 85 percent of U.S. citizens.

"Factors normally associated with sentencing severity, such as the seriousness of the offense or criminal history, cannot fully explain this

gap," said Light. "Even after accounting for these factors, we found that a sentencing penalty remained for non-citizens, especially the undocumented. Moreover, we found that in 2008, after we adjusted for these important sentencing factors, non-U.S. citizens received an additional 2-4 months of prison time compared to U.S. citizens."

Light said the issue of punishment disparities between citizens and non-citizens is a growing concern as the number of non-citizens in the United States—estimated at more than 22 million—continues to grow.

"These results suggest that despite having equal rights, non-citizens do not receive equal treatment in the U.S. federal courts," said Light, who studies the sociology of punishment.

"Because a lot of research focuses mainly on race or ethnicity in the [criminal justice system](#), the importance of citizenship has been somewhat overlooked," Light said. "But this harsher treatment of non-citizens is not a reflection of well-known patterns of racial or ethnic inequality. Non-citizens among all racial or ethnic groups are at risk of more severe sentencing, and accounting for the defendant's race or ethnicity explains very little of the sentencing disparity between citizens and non-citizens."

Provided by American Sociological Association

Citation: Non-citizens face harsher sentencing than citizens in US criminal courts (2014, October 1) retrieved 22 September 2024 from <https://phys.org/news/2014-09-non-citizens-harsher-sentencing-citizens-criminal.html>

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