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Published online: 06 Sep 2016.

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The Contribution of Migrants to Crime in Russia: Evidence from Court Statistics

(A Chapter of the D. Skougarevskii (ed.) Russian criminal justice in 2009: An appraisal. St. Petersburg: Institute for the Rule of Law, 2014. 100 p.)

This paper discusses two aspects of the migration and crime. First, it explores the crimes associated with internal and external migrants. The analysis shows that foreigners in Russia are more often charged with low gravity crimes such as "forgery of documents" and "illegal crossing of the border." With regard to other types of crimes there are almost no difference between Russian citizens and foreigners. Second, the paper discusses the inequality between Russians and foreigners before criminal court which could be found from the analysis of the judicial statistics. Russian judges do indeed convict foreigners more often than citizens of Russian Federation. They also more often sentence foreigners to real imprisonment and more rarely choose suspended sentence. However, when it comes to the length of incarceration term, Russian judges tend to be more lenient to migrants than to Russians and systematically give them shorter prison terms than to Russian citizens. The study is based on the

dataset of 1,5 million individual cases considered by Russian Courts in 2009-first half of 2010.

This chapter is devoted to studying the connection between migration and crime. As numerous investigations show, this is one of the most sensitive issues in contemporary Russian society. Available data provide us with a unique opportunity, first, to obtain the fullest picture of migrant crime in 2009, and second, to assess whether there are "ethnic biases" in the administration of justice. Note, that here we are dealing with both persons coming from foreign countries and persons who have moved from other parts of the Russian Federation – that is with external and internal migration.

This chapter consists of two parts. The first part examines the criminological profile of foreign citizens. It should be noted that determining the connection between migration and crime is a complicated problem. The first difficulty is the absence of reliable statistics about the proportion of Russia's population constituted by foreign citizens. Available data allow us only to estimate the ratios between crime rates for foreign citizens and citizens of Russia. A second difficulty in determining the relationship between migration and crime, noted in earlier studies, is the problem of endogeneity (Bell and Machin 2011). The problem here is that it is extremely difficult to draw an unambiguous connection between these two variables. For example, is the crime rate higher in a certain area because a large number of migrants live there? Conversely, do migrants settle mostly in areas where there is already a high level of crime, while local residents strive to leave such areas?

The second part of this chapter is devoted to an analysis of biases in the administration of justice. This area of study originated in the phenomenon of American judges' harsher treatment of ethnic minorities—first blacks and recently the Spanish-speaking minority. In Russia there have not as yet been

any studies that attempt to assess the extent to which the "migrant" factor influences judicial decisions and determine whether defendants are treated unequally depending on whether they are migrants or Russian citizens.

The Criminological Profile of Migrants

External Migration: Descriptive Statistics

In many European countries judicial and crime statistics contain information not only about the citizenship of persons charged with crimes but also about their country of origin (citizenship at birth) and in some cases their ethnic affiliation.

Russian judicial statistics do not contain such information; they contain only information about current citizenship. This creates certain difficulties in regard to determining the connection between migration and crime. The lack of information about ethnic affiliation and citizenship at birth makes it hard to answer the question of a possible link between whether a person belongs to a "visible" minority and how law-abiding he is.

The lack of precise information about the proportion of the total population constituted by foreigners impedes estimation of the crime rate among them. Only since 2012 has the Federal Migration Service (FMS) published detailed statistics about the number of foreigners. In that year, according to published data, 15.9 million persons entered Russia and 6.5 million foreign citizens were registered at their place of residence. Foreign citizens residing in Russia in 2012 numbered 10.1 million (FMS 2014). Almost half of them (45 percent) entered Russia for private purposes; 27 percent came in search of employment and almost 15 percent as tourists.

As regards migration from countries of the Commonwealth of Independent States (CIS), the FMS estimates that in 2009 there were about 2 million legal and about 4 million illegal migrant workers from these countries (Kurakin 2010). Thus, citizens of the CIS countries constitute between 1.4 percent and 4.2 percent of Russia's total population. As Table 1 shows, [in 2009] *citizens*

Table 1

Breakdown of Defendants by Citizenship

Citizenship	Number of defendants	Proportion (%)
Russian Federation	987 587	96.2
Commonwealth of Independent States	28 361	2.8
Other	7 507	0.7
Stateless	3 461	0.3
Total	1 026 916	100.0

of the CIS and other countries accounted for 3.5 percent of all defendants, a share of which falls within the range of estimates of the proportion of the population constituted by foreigners.

If we compare the estimate of the participation of foreign citizens in the labor market, according to which migrant workers from the CIS account for about 2.7 percent of the economically active population (defined as persons older than age fifteen) (Kurakin 2010), with the proportion of defendants who were citizens of the CIS, that is, 2.8 percent, then we find no significant discrepancy. Foreigners (citizens of the CIS) are neither more nor less involved in criminal activity than other inhabitants of Russia.

It is striking that a relatively large share of defendants—0.3 percent—were stateless. A number of conjectures can be made about who these people were. First, they may have been people from the former Soviet republics who resettled in Russia in the 1990s and lost citizenship in their country of origin but did not acquire Russian citizenship. They may have been persons who were in places of imprisonment when the Soviet Union ceased to exist and therefore did not receive an internal passport identifying them as citizens of the Russian Federation. Marginal individuals without a permanent place of residence may have found themselves in the same situation. Finally, they may have been persons with refugee status who resettled in Russia from war zones either in or beyond the former Soviet Union (Abkhazia, South

Ossetia, Afghanistan, African countries). As of January 1, 2012, stateless persons registered in Russia with the FMS numbered 31,162.[1] Statistics, however, do not reflect the real situation regarding stateless persons. Thus, according to the Office of the United Nations High Commissioner for Refugees (UNHCR), 635,000 stateless persons obtained Russian citizenship during the period 2003 – 2011 (UVKB [UNHCR] 2014). According to the 2010 census, however, approximately another 178,000 persons indicated that they were stateless (UVKB [UNHCR] 2014). These figures enable us to estimate the proportion of the total population constituted by stateless persons as being within the range 0.2 – 0.4 percent.

Internal Migration

In analyzing the connection between migration and crime it is insufficient to take only foreign migration into account. Internal migration also has an influence on involvement in criminal activity (see Table 2). *Almost 90,000 defendants (8.8 percent) were not permanent residents of the locality where they were tried.*

As Table 3 shows, the majority of foreign defendants were not registered in the region where they were tried. *Only 22 percent of CIS citizens and 17 percent of citizens of other countries were registered as permanent residents at the time when they were charged.*

Table 2

Place of Residence

	Number of defendants	Proportion (%)
Permanent resident of locality where tried	937 076	91.25
Not permanent resident of locality where tried	89 841	8.75
Total	1 026 917	100.00

Table 3

Registration of Defendants As Permanent Residents

Join in the jurisdiction	Russia (%)	CIS countries (%)	Other countries (%)	Stateless (%)	Number of defendants
Not registered	6.1	78.1	82.7	39.2	89 841
Registered	93.9	21.9	17.3	60.8	93 7067

Thus, two components of migration with regards of crime must be examined—external migration and internal migration. Internal migrants were Russian citizens who were not permanently resident in the locality where they were charged. External migration is heterogeneous. At the time when they were charged a significant proportion of foreign citizens were also not registered as permanent residents in the population point where they were to be tried.

Legal Work and Legal Residence in the Russian Federation

Because expressions such as "migrant worker," "illegal migrant," and "foreigner" are constantly confused in public discussion, for the purposes of this chapter it makes sense to clarify the difference between legal work and legal residence in the country. The following should be taken into account. First, there are different modes of entry into Russia: (1) without a visa (all countries of the CIS except for Georgia and Turkmenistan and certain Latin American countries); and (2) with a visa (all other world countries). Second, there are different regimes for seeking employment: (1) without restrictions, that is, on the same basis as Russian citizens (for citizens of member states of the Customs Union—Belarus and Kazakhstan); and (2) with restrictions (for citizens of all other countries, irrespective of mode of entry). Thus, any foreigner who has come to Russia in order to work, whatever his country of origin, is a migrant worker.

A number of statuses apply to residence: (1) visitor (*vremenno prebyvaiushchii*)—a citizen of a country permitted entry into Russia without a visa who has come in search of employment (may work within the limits of a quota or labor patent); (2) temporary resident (*vremenno prozhivaiushchii*) (has a permit for temporary residence in a specific region of the Russian Federation and a corresponding right to work only in that region); and (3) permanent resident (has a permit for residence and a right to work in any region).

Based on the foregoing it is possible to distinguish five groups of defendants with different migration-related statuses. First, the largest group consists of citizens of Russia who are permanent residents in the region where they are standing trial. The second largest group consists of "internal migrants"— Russian citizens whose place of permanent residence is in another region. The third group consists of foreign citizens (of CIS countries and other states) who are permanent residents in the region concerned (further – resident legal alien or simply permanent resident). The fourth group consists of foreign citizens who do not reside in the region concerned; we may call them nonresident legal alien. Finally, the fifth group consists of stateless persons. The distribution by groups is presented in Table 4.

Table 4

Migration-Related Status of Defendants

	Number of defendants	Proportion (%)
Russian citizens permanently resident in the locality concerned	927 472	90.3
Internal Migrants	60 115	5.9
Permanent residents	7 501	0.7
Nonresident aliens	28 367	2.8
Stateless persons	3 461	0.3
Total	1 026 916	100

Sociodemographic Status of Defendants by Citizenship

The connection between crime and migration is a sensitive issue in many countries and many papers have therefore been devoted to its study. An exhaustive survey of discussion of this issue in the United States over more than a century is given in the article by Martinez and Li (2000). Recent years have seen the publication of studies presenting new evidence concerning the connection between migration and crime in Great Britain (Bell and Machin 2011; Jaitman and Machin 2013), Italy (e.g., Bianchi, Buonanno, and Pinotti 2012; Mastrobuoni and Pinotti 2012), and Spain (Alonso-Borrego, Garoupa, and Vázquez 2012). Most studies are devoted to the phenomenon of external migration and focus on assessing the influence of a large inflow of foreigners on the crime situation.

Criminologists identify a number of factors that may explain a connection between immigration and crime. First, there are *demographic* factors. Those who decide to migrate to another country are predominantly young single men, and this always means a heightened risk of criminal behavior. Men are drawn into various forms of criminal behavior more frequently than women. Age also plays an important role in the criminological profile—in the overwhelming majority of cases a person commits a serious crime for the first time at about age twenty. Likewise level of education has a significant influence on the likelihood of participation in criminal activity: the higher a person's level of education the less likely it is that he will engage in criminal activity. The presence of a family and dependents is a factor that usually tends to reduce the level of participation in criminal activity.

Another factor thought to increase the risk of criminal behavior is the settlement of migrants in big cities, which due to the destruction of stable social ties and a high level of poverty tends to cause social disorganization. On the other hand, big cities have a more active labor market and the availability of work usually lowers the crime rate. Researchers take different views of the importance of the cultural factor as a source of criminal behavior.

The very first investigators of this problem put forward the hypothesis that difficulties in adapting to new norms may lead to conflict and to violation of these norms (Sellin 1938); others, on the contrary, supposed that migrants cultivate respect for the law and social norms of the receiving country (Sutherland 1924).

Table 5 presents the basic demographic characteristics of defendants.

As the table shows, *the proportion of men is higher among foreign citizens than among citizens of the Russian Federation.* This supports the hypothesis that men decide to migrate more frequently than women; moreover, this is true both for internal and for external migration. A higher proportion of the foreign citizens are married. Permanent residents are the group with the highest proportion of persons with dependents. The proportions of persons with higher or secondary education are highest among migrants of all types, while stateless persons have the lowest level of education. Visiting foreigners are on average somewhat younger than citizens of Russia and other countries. Only one-fifth of foreign citizens were registered as permanent residents in the region where they were standing trial.

Let us examine in greater detail the basic demographic characteristics of defendants by migration-related status.

A large body of criminological literature studies the connection between age and crime. All these studies reveal a close age-crime relationship. In the majority of cases a person is first drawn into criminal activity at quite a young age, and then crime may or may not become his "career choice." That is, the presence of a larger proportion of young people within a certain group is a predictor of a stronger predisposition toward criminal activity.

The age breakdown of foreign citizens differs radically from that of Russian citizens (see Table 6). While the defendants under age 18 make up a large proportion of Russian citizens and also stateless persons, among foreign citizens minors are practically absent and young people ages eighteen to thirty constitute a higher proportion than among Russian citizens. In addition, the proportion of foreign defendants ages thirty-one to forty-five is higher than the corresponding proportion of Russian defendants.

Table 5

Basic Characteristics of Defendants by Migration-Related Status

	Russian citizens	Internal migrants	Permanent residents foreigners	Nonresident aliens	Stateless persons	All defendants
Proportion of men (%)	83%	86%	89%	90%	88%	83%
Average age (years)	31.08	31.34	31.29	30.72	31.46	31.08
Proportion with higher education (%)	8%	9%	9%	7%	4%	8%
Proportion with secondary education (%)	64%	65%	76%	82%	54%	64%
Proportion married (%)	24%	23%	37%	39%	11%	25%
Proportion with dependents (%)	30%	29%	37%	27%	24%	30%

Table 6

Age Breakdown of Defendants by Migration-Related Status

Age group	Russian citizens (%)	Internal migrants (%)	Permanent residents (%)	Nonresident aliens (%)	Stateless persons (%)	All defendants (%)	Number of defendants
<18	7.9	4.6	3	1.1	7.9	7.5	76 980
18–30	48.5	50.6	50.5	55.1	42.6	48.8	501 335
31–45	30.1	32.1	36.9	35.4	35.9	30.4	312 347
46–60	11.8	11.7	9.2	8.2	13	11.7	120 041
61 +	1.7	1	0.4	0.3	0.6	1.6	16 213
Total	100	100	100	100	100	100	1 026 916

Citizens of the CIS and other countries have a significantly smaller representation in the older age groups.

The proportion of married persons among foreign citizens (38 percent) is higher than among Russian citizens (24 percent). In addition, a significantly lower proportion of foreign citizens are divorced (see Table 7).

There are practically no differences between citizens of Russia and nonresident aliens in the distribution of defendants by whether or not they have dependents (see Table 8). About a quarter of them have dependent children up to age fourteen, about 2.5 percent have dependent children older than fourteen, and 70 percent do not have dependents. The proportion of resident legal alien who have dependents is somewhat higher than average.

Educational level is a strong predictor of the level of crime. The longer the period of a person's formal education the less likely he is to engage in criminal activity (Lochner and Moretti 2004; Machin, Marie, and Vujic 2011).

The breakdown by educational level of defendants who are Russian citizens differs significantly from that of defendants who are foreign citizens (see Table 9). The proportion of persons with secondary special education is higher among Russian citizens. But the proportion of persons who have not completed secondary education is also very high. It may be noted that the proportion of persons with higher education is highest among internal migrants and second highest among permanent residents. The proportion of persons who have completed secondary education is twice as high among foreigners as among Russian citizens, while the proportion of persons with secondary special education is almost twice as high among Russian citizens. It is much more common for stateless persons to have only primary or unfinished secondary education than it is for members of any other group.

It was found that a higher level of education correlates with fewer crimes against property, but does not affect the level of violent crime (Machin, Marie, and Vujic 2011). At the same time, in the younger age groups a longer period of education is associated with a lower level of both violent crime and crime against property.

Table 7

Family Status of Defendants by Migration-Related Status

Family status	Russian citizens	Internal migrants	Permanent residents	Nonresident aliens	Stateless persons	All defendants	Number of defendants
Single	63.3	66.2	57.7	57.3	79.3	63.4	650 641
Married	24.3	23.4	36.7	38.9	11.3	24.7	253 267
Divorced	10.3	8.8	4.6	3.1	7.1	10	102 772
Widowed	2	1.6	0.9	0.7	2.3	2	20 236
Total, %	100	100	100	100	100	100	1 026 916

Table 8

Presence of Dependents for Defendants by Migration-Related Status

Dependents	Russian citizens	Internal migrants	Permanent residents	Nonresident aliens	Stateless persons	All defendants
No	70.2	70.8	63.1	72.6	76.4	70.2
Children up to 14 years	26.9	26.6	33.2	24.6	21.4	26.8
Children over 14 years	2.7	2.4	3.4	2.5	2.1	2.7
Adult dependents	0.2	0.2	0.3	0.3	0.2	0.2
Total, %	100	100	100	100	100	100

Table 9

Level of Education of Defendants by Migration-Related Status

	Russian citizens	Internal migrants	Permanent residents	Nonresident aliens	Stateless persons	All defendants
Higher or unfinished higher education	7.8	9.3	8.8	6.9	3.5	7.8
Secondary special education	27.6	25.3	17.9	14.5	15.8	27
Secondary education	36.3	39.4	58.2	67.1	37.8	37.5
Unfinished secondary education	26	23	13.6	10.1	34.4	25.3
Primary education or no education	2.4	3	1.5	1.3	8.5	2.4
Total, %	100	100	100	100	100	100

Overall, the proportion of foreign defendants with secondary or secondary professional education (80 percent) is somewhat higher than the corresponding proportion of Russian defendants (60 percent).

Being employed and the type of employment are very important predictors of involvement in criminal activity (Gould, Weinberg, and Mustard 2002; Levitt 2004). A strong connection is found between employment and crime against property (Edmark 2005), but employment has no influence on the incidence of murder and violent crime (Levitt 2004).

Most defendants are members of low status groups. As Table 10 shows, the overwhelming majority of them have no definite place of work, with the unemployed proportion varying from 60 percent for Russian citizens and 67 percent for permanent residents to 75 percent for nonresident alien and 82 percent for stateless persons. The proportion of such persons is higher among foreigners than among Russian citizens. It may be conjectured that some proportion of the foreigners and also of the internal migrants are employed in the informal sector and therefore their participation in the labor market is not indicated on their judicial cards. The second most frequent form of employment among defendants is work in the manual trades. The proportion of white-collar workers is about the same among internal migrants and permanent residents, somewhat lower among permanently resident Russian citizens, and lowest of all among nonresident alien. Among Russian citizens, both permanent residents and internal migrants, there is a substantial proportion of students (8.2 percent and 5.4 percent, respectively). Among permanent residents there are a relatively large number of employees.

Posts occupied are predictably low-level in all groups of defendants. It is striking that among the foreigners the proportion of managers and owners of firms is low while the proportion of foreigners in menial positions with material responsibility is high, especially among permanent residents—relative to that among Russian citizens. In comparison with Russian citizens, foreigners more often fall under the statistical category "Other able-bodied persons without a definite occupation." By all appearances, this

Table 10

Breakdown of Employment by Migration-Related Status

	Russian citizens	Internal migrants	Permanent residents	Nonresident aliens	Stateless persons	All defendants
Manual worker	21.4	17.9	18.6	16.2	8.8	21
Office worker	3.2	3.9	4.7	3	0.5	3.2
State employee	1.2	0.9	2.1	0.6	0.1	1.2
Entrepreneur	1.6	1.5	1	0.5	0.2	1.6
Top manager	0.6	1	0.5	0.3	0.1	0.6
Unemployed	59.6	64.5	67.1	75.3	81.8	60.5
Prisoner	1	1.8	0.4	0.3	1.1	1
Student	8.2	5.4	3.1	1	5.5	7.8
Law enforcement officer	0.2	0.2	0	0	0.1	0.2
Other	3	2.9	2.6	2.9	1.8	3
Total, %	100	100	100	100	100	100

indicates that a certain proportion of foreign defendants are engaged in temporary or illegal work.

As our analysis shows, the demographic characteristics of defendants with different migration-related statuses are mixed. On many sociodemographic variables (whether or not a person has a family and dependents, level of education) foreign defendants fall into a group with a lower risk of criminal behavior. Conversely, on other variables, such as whether or not a person has steady employment and the post that he occupies, they fall into a group with high criminal risk.

Breakdown of Crime by Migration-Related Status

Criminal Code of Russian Federation distinguishes four categories depending on their character and degree of danger. As Figure 1 shows, in over half of all instances external migrants are charged with crimes of a low degree of gravity. However, the
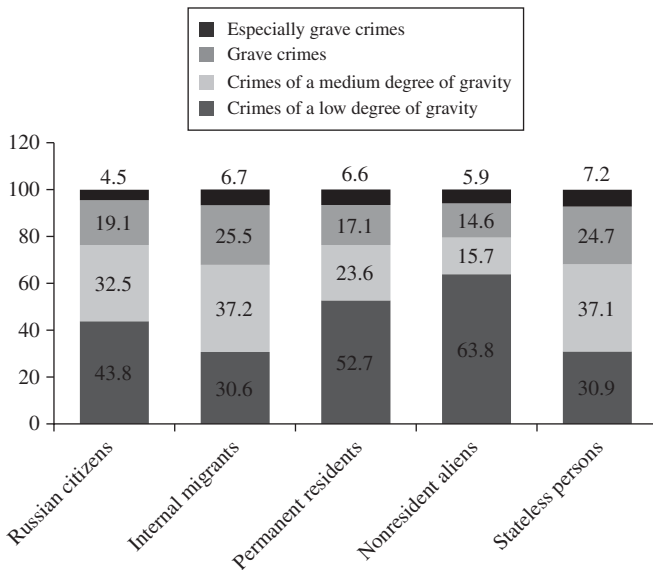

Figure 1. **Breakdown of Migrant Crime by Degree of Gravity**

proportion of defendants charged with especially grave crimes is higher among external migrants than among nonmigrants.

Table 11 contains a detailed breakdown of crime of migrants. It shows that *the incidence of certain crimes is extremely high for foreigners by comparison with Russian citizens*. Such crimes as "forgery of documents" and "illegal crossing of the border" account for the lion's share of foreign defendants in 2009.

As Table 11 shows, the breakdown of crime committed by foreign citizens (whether citizens of the CIS or other countries) differs significantly from the breakdown of crime committed by Russian citizens or stateless persons. The crimes most typical of foreign citizens are forgery of documents (40.2 percent of crimes committed by nonresident aliens and 19.9 percent of crimes committed by permanent residents) and illegal crossing of the state border, which accounts for 4 percent of charges against nonresident aliens as compared with 1.8 percent of charges against permanent residents and 1.9 percent of charges against stateless persons. In addition, the proportions of foreign defendants charged under Article 165 of the Criminal Code "Damage to property by means of deceit" and Article 291 of the Criminal Code "Giving of a bribe" are higher than the corresponding share of Russian defendants. On the other hand, the proportions of foreign defendants charged with crimes against property (theft, robbery) and violent crimes are lower than the corresponding proportions of Russian defendants, although the proportion charged with rape is higher. If we exclude the articles that apply specifically to migrants, then the ordering of the most frequently used articles coincides with the crime breakdowns for Russian citizens and stateless persons.

Analysis of the most typical articles shows that the crime breakdowns for permanent residents and nonresident aliens coincide with regard to most articles while the crime breakdowns for stateless persons and for Russian citizens have specific features (see Table 12). The articles pertaining to forgery of documents deviate from the typical breakdown. It can be stated confidently that those types of crime with which foreigners are

Table 11

Articles Under Which Defendants Are Most Frequently Charged by Migration-Related Status (ordered on the basis of the column "nonresident aliens")

Article of Criminal Code	Article of the Criminal Code	Russian citizens	Internal migrants	Permanent residents	Nonresident aliens	Stateless persons
Forgery of documents (Art. 327)	1.1	2.3	19.9	40.2	1.1	2.4
Theft (Art. 158)	**29.8**	**34.8**	**20.2**	**40.2**	**37.9**	**29.7**
Illegal acquisition, storage, and sale of drugs (Art. 228)	8.6	10.2	9.6	7	11.8	8.6
Robbery (Art. 161)	6.6	8	6.8	5.4	7.8	6.7
Illegal crossing of the state border (Art. 322)	0	0.2	1.8	4	1.9	0.2
Damage to property by means of deceit (Art. 165)	0.6	0.9	5.7	3.5	0.5	0.8
Threat of murder or of infliction of grievous bodily harm (Art. 119)	5.5	2.2	3.9	3.3	4.9	5.3
Battery (Art. 116)	8.4	3.4	4.5	2.4	2.9	7.9
Infliction of grievous bodily harm (Art. 111)	3.3	3.6	2.6	2.1	3.7	3.3
Robbery with violence (Art. 162)	1.6	3.1	2.2	2	2.5	1.7
Giving of a bribe (Art. 291)	0.2	0.8	1.7	1.6	0.3	0.3
Murder (Art. 105)	1.2	2	1.1	1.3	1.9	1.3
Fraud (Art. 159)	3.5	3.5	1.6	1.1	2.1	3.4
Rape (Art. 131)	0.4	0.6	0.8	1.1	0.8	0.4
Smuggling (Art. 188)—no longer in force	0.1	0.5	0.8	1.2	0.3	0.1

Table 12

Breakdown of Crime by Migration-Related Status

Type of crime	Russian citizens	Internal migrants	Permanent residents	Nonresident aliens	Stateless persons	All defendants	Number of defendants
Murder	1.3	2.1	1.3	1.4	2	1.4	14 054
Violent crimes	25.7	16.7	17.8	11.6	18.7	24.7	253 969
Sexual crimes	0.7	0.8	1.1	1.3	1.4	0.8	7 883
Crimes against property	45.3	51.2	37.0	26.5	52.9	45.1	463 031
Economic crimes	1.9	2.7	2.1	2	0.7	1.9	19 629
Corruption	0.6	1.1	1.7	1.6	0.3	0.6	6 527
Migration-related crimes	1.3	2.6	21.8	44.4	3	2.7	27 658
Drug-related crimes	9.3	10.5	9.7	7.1	12.2	9.3	95 403
Traffic violations	1.4	3.6	1.1	0.8	0.6	1.5	15 503
Other	12.5	8.7	6.3	3.3	8.1	12	123 051
Total, %	100	100	100	100	100	100	1 026 708

most frequently charged—forgery of documents and illegal crossing of the border—are specific to this social group.

The proportion of persons with prior convictions is significantly lower among foreigners than among Russian citizens (see Table 13). The majority of foreigners were charged with a crime for the first time. This may be connected with the imposition of restrictions on the entry of persons who have previously been charged with a crime in the Russian Federation. Russian citizens who stood trial in 2009 were more likely to have been charged with a crime in the past. The proportion of such persons among defendants who are internal migrants is especially high.

The mere fact of the existence of prior convictions is not an aggravating factor in the setting of punishment. Only recidivism—commission of a deliberate crime by a person with a prior conviction for a deliberate crime (Part 1 of Article 18 of the Criminal Code) counts as an aggravating factor. The criminal law as it stood in 2009 does not count commission of a crime while in a state of drug-induced or alcoholic intoxication as an aggravating circumstance; nevertheless, these characteristics are recorded on the statistical cards filled by judicial staff (see Table 14) and probably influence the judge in delivering the verdict.

One aggravating factor is participation in a crime as a member of a group. As Table 15 shows, the overwhelming majority of defendants are not members of a criminal group.

Involvement in Criminal Activity at the Individual Level

Available data enable us to make a direct estimate of the breakdown of crime by migration-related status. It should be emphasize that here we analyze not the likelihood of different categories of citizens committing one or another type of crime but the results of the work of the law enforcement system in identifying and charging criminals. As statistics show (MVD 2010), in 2009 the Ministry of Internal Affairs (MVD) received 22.8 million communications about incidents and registered about 10 million reports of crimes. About 2.5 million of these

Table 13

Past Convictions by Migration-Related Status

	Russian citizens	Internal migrants	Permanent residents	Nonresident aliens	Stateless persons	All defendants
Uncleared prior conviction(s)	32.9	36.3	22.1	17.6	40.8	32.8
Cleared prior conviction(s)	10.1	9.1	5.1	3.3	11.6	9.9
Released from criminal liability without being found not guilty	1.7	1.1	0.7	0.4	1.7	1.6
Charged for the first time with a single crime	49.9	47.9	65.3	69.2	40	50.1
Charged for the first time with two or more crimes	5.5	5.6	6.8	9.6	5.8	5.6
Total, %	100	100	100	100	100	100

Table 14

Presence of Aggravating Factors by Migration-Related Status

	Russian citizens	Internal migrants	Permanent residents	Nonresident aliens	Stateless persons	All defendants
Deliberate crime with prior conviction for a deliberate crime	12.3	18	5.4	3.8	18.5	12.3
Alcoholic intoxication	27.4	23.8	13.8	9.2	27.5	26.6
Drug-induced intoxication	0.7	0.8	0.4	0.5	0.7	0.7

Table 15

Participation in a Group by Migration-Related Status

	Russian citizens	Internal migrants	Permanent residents	Nonresident aliens	Stateless persons	All defendants
Did not participate in a group	83.9	79.8	88.3	90.5	81.3	83.9
Participated in a group without prior conspiracy	1.8	1.8	0.9	0.5	1.4	1.7
Participated in a group by prior conspiracy	14.1	17.8	10.3	8.5	16.8	14.1
Participated in an organized group	0.3	0.6	0.4	0.5	0.4	0.3
Participated in a criminal organization	0	0	0.1	0	0	0
Total, %	100	100	100	100	100	100

reports led to the MVD's initiating a criminal case; other law enforcement bodies act on another 10–15 percent. But only about 1 million cases are fully investigated and taken to court. Thus, due to the high latency of crime and insufficiently detailed statistics of unsolved crimes we do not possess a true picture of crime. Nevertheless, we are able to analyze the breakdown of the solved crimes and criminal cases that are taken to court.

Studies conducted in other countries give diverse and often contradictory assessments of the relationship between migration and crime. The main results of these studies show that in analyzing crime it is necessary to distinguish among groups of migrants as defined by the purposes of their entry into the country and their participation in different types of crime.

For example, Bell and Machin (2011) analyze two types of immigrants to Great Britain—refugees in the 1990s and migrant workers who arrived during the 2000s. Their main findings are as follows. Refugee status is positively correlated with the general level of crime. However, the relationship differs for different types of crime: refugees are more likely to commit crimes against property, but their status does not affect the likelihood of their participation in violent crime (age is more relevant variable). Migrant workers show a quite different pattern. In all cases they are less likely to commit crimes than native residents or refugees. Lowest of all is the frequency with which they commit crimes against property. The level of violent crime among migrant workers in Great Britain is a little higher than among refugees or the native population, but the differences are insignificant. Analysis of Spanish crime statistics shows that on the whole migrants commit crimes more often; however, migrants from Spanish-speaking countries and from member states of the European Union are less often drawn into all kinds of criminal activity (Alonso-Borrego, Garoupa, and Vázquez 2012). Italian studies show a stable and positive correlation between the number of migrants and instances of robbery but absolutely no correlation between the number of migrants and other types of crime (Bianchi, Buonanno, and Pinotti 2012).

Clearly no one has yet succeeded either in reliably confirming or in reliably refuting the hypothesis that immigration into a country always leads to the growth of crime.

The Model

The standard empirical model for estimating the probability of a crime being committed takes the following form:

$$\Pr(Crime_j = 1)_i = \alpha + \beta Immigrant_i + \delta Z_i + \gamma X_i + \varepsilon_i.$$

where $\Pr(Crime_j = 1)_i$ is an indicator function that is equal to 1 if defendant i was convicted of committing a crime in category j; α is a constant; $Immigrant_i$ is a dummy variable that is equal to 1 if defendant i was an immigrant; Z_i is a vector of migration-related characteristics of defendant i; X_i is a vector of criminological, social, and legal characteristics of defendant i; and ϵ_i is the regression residual. This model can be estimated using the logistic regression. We take the migration status of the defendant as the independent variable in this model. The basic category is Russian citizen. The four other statuses—internal migrant, permanent resident, nonresident alien, and stateless person—are explanatory variables. In this case, the coefficients of the equation explain the contribution of migration to crime for different types of crime. This approach enables us to estimate the influence of both external and internal migration on crime.

Defendands below the age of 18 will not be excluded from the analysis, because we assume that age, together with civic status, plays an important role in the formation of criminal behavior.

For the basic model we shall present estimates of average marginal effects for various types of crime. Estimates of marginal effects show how much the dependent variable (the probability of being charged with one or another crime) changes when the explanatory variable changes by one unit.

In order better to understand what the coefficients in this model mean it is useful to introduce the concept of the "average criminal." On the basis of descriptive statistics we can say that

a person selected at random from the general population of defendants with 83 percent probability will be a man, that his most likely age will be thirty-one, that with 8 percent probability he will have higher education, that with 25 percent probability he will have a family, and so on. The values of marginal effects show the contribution of the given factor to increasing or decreasing the probability that a randomly selected person will possess a certain characteristic.

Thus, in this model, marginal effects are calculated for mean values of control variables. The model is controlled, first, for demographic variables—sex, age, level of education, and whether or not a person has a family and dependents. In addition, the model is controlled for aggravating factors—both the legal aggravating factor of recidivism and factors that formally are not aggravating factors but nonetheless influence judges' verdicts, that is, committing a crime under the influence of alcoholic or drug-induced intoxication.

A detailed analysis of the three most common groups of crimes follows: these are crimes against property, violent crimes, and drug-related crimes.

The largest number of convictions pertains to crimes against property. In 2009 persons convicted for these crimes numbered 461,200; of these 10,200 were foreigners and 39,000 were nonresident foreigners.

Table 16 shows the values of the marginal effects of migration-related status for various types of crime according to the results of logistic regression analysis. The basis category is the "permanently resident citizen of the Russian Federation." The values of the coefficients show the deviation in the probability of a person charged with a given type of crime belonging to one or another group.

On the whole, migrants are less involved than Russian citizens in crimes against property. Analysis of the share of migrants in convictions under various articles shows that *a permanent resident is 5.9 percent less likely and a nonresident alien 18 percent less likely than a Russian citizen to be a defendant charged with a crime against property*. Conversely, an internal

Table 16

Marginal Effects of Migration-Related Status for Crimes Against Property and for Crimes Under Specific Articles, %
(base: citizen of the Russian Federation permanently resident in the given locality)

	Crimes against property	Theft (Parts 1, 2, and 4 of Article 158)	Burglary Point (a of Part 3 of Article 158)	Highway robbery (Article 161)
Internal migrant	+6.8	+2.2	+1.3	+0.8
Permanent residents	−5.9	−6.8	−0.8	Not significant
Nonresident alien	−18	−11.7	−1.4	−0.6
Stateless person	+3.9	Not significant	+1.1*	Not significant

migrant is more likely than a permanently resident Russian citizen to be charged with a crime against property. For crimes against property that fall under certain articles the same tendency is on the whole preserved, but the size of the contribution that the factor of migration makes to crime is reduced.

Violent crimes constitute the second most common group of crimes. In 2009 persons who stood trial on charges of committing a violent crime numbered 253,900. Of these 4,600 were permanent residents or nonresident aliens and 13,700 were internal migrants. Speaking of violent crimes in general, a migrant is less likely than a nonmigrant to be a defendant charged with a violent crime. Nevertheless, for violent crimes falling under different articles the effects of citizenship are different and in some cases point in different directions.

It follows from Table 17 that a migrant belonging to any group is more likely to stand trial under the article pertaining to the infliction of grievous bodily harm (Parts 1–3 of Article 111 of the Criminal Code).

Drug-related crimes constitute the third most common group of crimes. Defendants charged with drug-related crimes in 2009 numbered 95,000, of whom 2,800 were foreigners and 6,300 internal migrants. On the whole the same pattern is observed in relation to these crimes: as Table 18 shows, a migrant is much less likely than a Russian citizen to be charged with a drug-related crime. More detailed analysis, however, shows that a permanent resident in Russia is 0.3 percent more likely to be charged with producing or selling drugs.

The analysis presented in this chapter does not give an exhaustive answer to the question of whether migration is a factor conducive to criminal behavior. Nevertheless, the analysis does show that a migrant is less likely to be charged with the three most common types of crime—crimes against property, violent crimes, and drug-related crimes. The differences begin at the level of specific articles of the Criminal Code and may reflect different approaches of the law enforcement bodies to classification of the same actions.

Table 17

Marginal Effects of Migration-Related Status for Violent Crimes and for Crimes Under Specific Articles, % (base: citizen of the Russian Federation permanently resident in the given locality)

Variables	Violent crimes	Infliction of grievous bodily harm (Parts 1–3 of Article 111)	Battery (Article 116)	Larceny with battery (Article 162)
Internal migrant	– 7.0	+ 0.2	– 1.0	– 1.6	+ 0.8
Permanent resident	– 5.0	+ 0.5	– 0.8	– 0.8	+ 0.4
Nonresident alien	– 9.9	+ 0.4	– 1.8	– 0.9	+ 0.2
Stateless person	– 3.5	+ 0.5 (Barely significant)	Not significant	– 0.4	+ 0.4

Table 18

Marginal Effects of Migration-Related Status for Drug-Related Crimes and for Crimes Under Specific Articles, % (base: citizen of the Russian Federation permanently resident in the given locality)

	Drug-related crimes	Illegal acquisition, storage, conveyance, preparation, or processing of drugs (Article 228)	Illegal production, sale, or dispatch of drugs (Article 228.1)
Internal migrant	Not significant	+0.3	−0.2
Permanent resident	−0.9	−0.9	+0.3
Nonresident alien	−2.0	−1.6	Not significant
Stateless person	+0.8	Not significant	+0.6

Setting of Punishment

The second part of this chapter analyses the behavior of judges in choosing what punishment to set defendants who are found guilty.

The following analysis will be confined only to adult defendants. Thus, the analysis will encompass 949,950 instances.

As Table 19 shows, cases involving migrants more often end with a conviction while cases involving permanently resident Russian citizens more often have other outcomes. Cases involving foreigners more rarely end with reconciliation between the parties (in 12.7 percent of cases in which the defendant is a permanent resident and 7.8 percent of cases in which the defendant is a nonresident alien as against 19.7 percent of cases in which the defendant is a Russian citizen permanently resident in the locality concerned). It is also considerably less common for cases involving foreigners to be terminated because a determination that there was no crime (0.3 percent of cases involving nonresident aliens versus 1.8 percent of cases involving nonmigrant Russian citizens). Foreigners are also on the whole less likely than Russian citizens to be acquitted.

Table 19

Judicial Outcomes by Migration-Related Status, %

Outcome	Russian citizens	Internal migrants	Permanent residents	Nonresident alien	Stateless persons	All defendants
Convicted	71.8	81	82.3	88.3	84.2	72.9
Convicted with reclassification of crime	1.9	2.3	1.4	1.4	2.4	1.9
Acquitted	0.7	0.5	0.3	0.1	0.3	0.6
Medical measures applied to a legally incompetent person	0.7	0.7	0.3	0.2	0.4	0.7
Case terminated: absence of corpus of a crime	1.8	0.9	0.8	0.3	0.4	1.7
Case terminated: change in the law	0.1	0.1	0	0.1	0.1	0.1
Case terminated: active repentance	1.2	1	1.2	1.3	0.4	1.2
Case terminated: reconciliation with victim	19.7	12	12.7	7.8	10.8	18.9
Case terminated: period of limitations	0.4	0.4	0.3	0.1	0.2	0.4
Case terminated: defendant dead	0.4	0.4	0.2	0.1	0.3	0.4
Case terminated: refusal to apply forcible measures of a medical character	0.2	0.1	0	0	0.1	0.2
Case terminated: forcible measures of educational influence	0.5	0.2	0.2	0	0.3	0.4
Case terminated: no statement by victim	0.5	0.2	0.2	0.1	0	0.5
Total, %	100	100	100	100	100	100

Other outcomes occur rarely, regardless of the defendant's citizenship.

The breakdown of the punishments set for those convicted differs greatly depending on their citizenship. The most common form of punishment for foreign citizens is a fine (see Table 20). A fine is imposed in a half of all cases involving foreigners. Forms of punishment such as obligatory or corrective labor are almost never set for foreigners. Punishment in the form of deprivation of freedom is set for 43.1 percent of foreign citizens and 68.8 percent of Russian citizens.

In order to establish whether there are any differences in the choice of punishment set for Russian citizens and for foreigners, three basic models will be tested.

The first decision made by the judge in the process of hearing a criminal case is whether to find the defendant guilty. In order to estimate the probability of a conviction, we construct a binary variable "Conviction" that takes the value 1 when the defendant is convicted and the value 0 when he is acquitted or there is any other outcome not entailing conviction (termination of the case). As a result of this transformation it becomes possible for us to apply the logistic regression technique of the probability of conviction (Model 1).

The second model focuses on the choice of type of punishment for crimes punishable by imprisonment: the judge decides whether to set a real or suspended term. Here too it is possible to construct a logistic regression of the probability of a real or suspended term (Model 2).

Finally, in the third model the judge decides what length of term to set. In this case it is possible to construct a standard regression model (Model 3) based on the maximum likelihood estimation. The dependent variable is the logarithm of the term set.

Model 1. Probability of Conviction

Almost 90 percent of defendants who are nonresident aliens and 84.6 percent of defendants who are permanent residents are found

Table 20

Type of Punishment Set by Migration-Related Status, %

Type of punishment	Russian citizens	Internal migrants	Permanent residents	Nonresident alien	Stateless persons	All defendants
No conviction	3	1.9	2.7	3.2	0.8	2.9
Fine	12.5	14	38.8	53	8.1	14.1
Deprivation of right to occupy certain posts	0.2	0.3	0.1	0	0	0.2
Revocation of special, military, or honorary title	0	0	0	0	0	0
Obligatory labor	8.7	3.7	2.6	0.6	9	8
Corrective labor	7	3.4	2	2.2	5.5	6.6
Restriction of freedom	0.4	0.3	0.1	0	0.3	0.4
Deprivation of freedom	68.1	76.4	53.6	40.7	76.2	67.7
Lifelong deprivation of freedom	0	0	0	0	0.1	0
No punishment set	0.1	0.1	0	0.2	0.1	0.1
Total, %	100	100	100	100	100	100

guilty and convicted. This outcome is considerably less common for Russian citizens permanently resident in the locality concerned: only 74.6 percent of defendants in this category are convicted (see Table 21).

Table 22 presents the results of the logistic regression that reflect the probability of being convicted for Russian and foreign citizens, controlling for other parameters that may also influence the verdict of the court. These parameters include socio-demographic characteristics such as age and sex, whether or not a person has higher education, and family status. A second level of control concerns characteristics of the crime itself: its degree of gravity, its stage of commission, whether or not it entails recidivism, whether or not there are aggravating circumstances (commission of the crime in a state of alcoholic or drug-induced intoxication), and article of the Criminal Code.

In all instances the probability of being convicted is higher for citizens of foreign states than it is for citizens of Russia and higher for internal migrants than it is for permanently resident citizens of Russia. Thus, the probability that a migrant (it does not matter whether internal or external) charged with a violent crime will be found guilty is approximately 5 percent higher than the probability of conviction for a Russian citizen charged with the same crime who is permanently resident in the locality concerned. For crimes against property the difference is slightly smaller.

Table 21

Proportion of Defendants Convicted by Migration-Related Status

	Number of defendants	Proportion convicted, %
Permanently resident Russian citizen	637 198	74.6
Internal migrant	48 183	84.1
Permanently resident foreigner	6 154	84.6
Visiting foreigner	25 177	89.9
Stateless person	2 809	88.2
Total	719 521	75.8

Table 22

Marginal Effects of Migration-Related Status and Probability of Being Convicted, %

Crime	All	Public prosecution	Violent crimes	Crimes against property	Drug-related crimes
Dependent variable	Convicted					
Internal migrant	+2.3	1.9	+3.3	+5.4	+2.2	+1.3
Permanent resident	+4.7	+3.5	+27.3	+5.8	+3.4	+3.9
Nonresident aliens	+6.3	+4.7	+37.3	+5.4	+4.4	+2.7
Stateless person	+2.9	+2.7	Not significant	+8.5	+1.7	+3.3
Number of defendants	933 610	764 646	54 092	254 574	400 191	92 482
Legal controls	+	+	+	+	+	+
Demographic controls	+	+	+	+	+	+
Controls by socioeconomic status	+	+	+	+	+	+
Dummy variable for region	–	–	–	–	–	–
Dummy variable for article	+	+	+	+	+	+

This tendency may be attributable to the fact that at the stage of the pretrial investigation a migrant is more likely to end up in an investigative isolation facility because there are reasons to suppose that a migrant may go into hiding. Due to this circumstance the bodies of investigation always petition the court for the detention of a foreigner suspected of committing a crime and the court always grants this petition. While this practice has existed for a long time, it was further entrenched by the decree enacted by the Plenum of the Supreme Court on December 19, 2013. Once a person is placed in detention his chances of an acquittal or rehabilitation decline precipitously. At best the court will give him a suspended sentence or a sentence equal to or slightly exceeding the period that he has spent in custody.

One is struck by the enormous difference in the probability of conviction for foreigners and for Russian citizens in cases of private prosecution. *While the probability of conviction for an internal migrant in a case of private prosecution is just 3.3 percent higher than the probability of conviction for a permanently resident Russian citizen, the probability of conviction for a foreigner is 30 percent higher.* Moreover, permanent residents, although convicted in cases of private prosecution more frequently than Russian citizens, are convicted a little less frequently than nonresident aliens. Apparently these figures reflect the failure to reconcile in cases of private prosecution involving foreigners.

Model 2. Probability of Real Deprivation of Freedom

As stated above, the breakdown of crime is markedly different for foreign citizens and for citizens of Russia. It is significantly more common for foreigners to be charged with crimes that are not punishable by imprisonment. Among convicted foreigners there is also a preponderance of persons convicted for the first time, for whom a suspended sentence can be set. Nevertheless, the probability of receiving a real term of deprivation of freedom is slightly higher for foreigners than it is for Russian citizens

permanently resident in the locality concerned, though lower than it is for internal migrants (see Table 23).

As Table 24 shows, the probability of being sentenced to a real term of inprisonment is significantly higher both for permanent residents and for nonresident aliens than it is for Russian citizens permanently resident in the region concerned. This pattern is found for all types of crime. There is also a tendency for internal migrants to be sentenced more often to real terms, but this tendency is considerably weaker than the corresponding tendency in relation to foreigners.

Such a substantial influence of migration-related status on the probability of being sentenced to a real term of inprisonment can be attributed to the fact that these persons are already held in custody at the stage of the pretrial investigation on account of the justified suspicion that they may go into hiding.

Model 3. Severity of Punishment

The last model focuses on differences in the punishment set for defendants who have been sentenced to a real term of deprivation of freedom.

Table 25 shows that on average the term set for foreigners is either about the same as that set for Russian citizens or somewhat shorter. Longer terms are set only for drug-related crimes.

Table 23

Proportion Sentenced to Real Deprivation of Freedom by Migration-Related Status

	Number of defendants	Proportion of defendants, %	Proportion of those convicted, %
Permanently resident Russian citizen	228 864	26.8	35.9
Internal migrant	24 549	42.8	50.9
Permanent resident	2 426	33.3	39.4
Nonresident alien	8 675	31	34.4
Stateless person	1 527	47.9	54.3
Total	266 041	28	37

Table 24

Limiting Effects of Influence of Migration-Related Status on Probability of Being Sentenced to Real Deprivation of Freedom

Crime	All	Public prosecution	Violent crimes	Crimes against property	Drug-related crimes
			Convicted		
Dependent variable					
Following rows:					
Internal migrant	+8.8	+10.2	+6.3	+17.3	+13.8
Permanent resident	+24	+28.5	+12.2	+41.6	+33.9
Nonresident aliens	+34	+39.3	+21.2	+55.2	+42
Stateless person	+9.9	+12.2	+8.3	+15.6	+24.4
Number of defendants	923.491	752.892	254.623	400.191	92.547
Legal controls	+	+	+	+	+
Demographic controls	+	+	+	+	+
Controls by socioeconomic status	+	+	+	+	+
Dummy variable for region	−	−	−	−	−
Dummy variable for article	+	+	+	+	+

Table 25

Terms of Real Deprivation of Freedom by Migration-Related Status

Group of crimes	Russian citizens	Internal migrants	Permanent residents	Nonresident aliens	Stateless persons	All sentenced to real deprivation of freedom
Murder	9.5	10.0	8.1	9.5	10.3	9.5
Violent crimes	4.1	5.2	4.5	4.7	4.4	4.3
Sexual crimes	5.6	6.2	5.7	5.4	5.8	5.6
Crimes against property	2.5	2.5	2.0	1.7	2.3	2.5
Economic crimes	4.0	4.2	2.8	3.0	3.4	3.9
Corruption	2.8	1.8	0.9	1.0	0.8	2.4
Migration-related crimes	1.0	1.1	0.6	0.6	0.5	0.7
Drug-related crimes	4.0	4.1	5.4	5.6	4.4	4.1
Road traffic violations	2.2	2.2	2.0	1.9	2.6	2.2
Others	2.3	2.1	1.3	1.7	2.0	2.3

We construct an OLS regression model in which the dependent variable is the logarithm of the variable "term of imprisonment (in years)" and the independent variables are legal and extralegal factors. The basic hypothesis is that in choosing punishment the judge relies primarily on the provisions of the law but he inevitably also takes into account personal characteristics of the accused. As shown above, the probability of being convicted and the probability of receiving a real and not suspended term of deprivation of freedom are consistently higher for migrants. We successively test various models that separately take into account the influence of legal factors (degree of gravity of the crime, whether or not it entails recidivism, whether or not the person participated in a group, the stage of the crime), extralegal factors (including sex, age, level of education, and whether or not the person has a family and dependents), and migration-related status.

The results of regression analysis are reflected in Table 26. The first model, which takes only extralegal factors into account, possesses extremely weak explanatory power and explains only 1.3 percent of the variance of the data. The explanatory power of the second model, which takes into account only the migration-related status of the accused and the influence of basic legal variables, is much stronger: it explains 62 percent of the variance. Thus, the requirements of the law do indeed exercise a decisive influence on judges when they set punishment. Nevertheless, all models confirm that extralegal variables—in particular, migration-related status—are also very important. The third model combines legal and extralegal variables. The fourth model controls for the main article under which the defendant was convicted and the fifth model also controls for region. *All models consistently show that on average migrants and especially foreigners receive shorter terms than Russian citizens.*

Comparing the results of the models insofar as they concern the conviction and punishment of migrants, we may note a certain contradiction in the behavior of judges. On the one hand, they are stricter with migrants, convicting them more often and sentencing them to real and not suspended terms of deprivation of freedom.

Table 26

Results of the Model for Setting of Punishment

Model	(1)	(2)	(3)	(4)	(5)
	Logarithm of term of real deprivation of freedom, years				
Internal migrant	−0.0175***	−0.0943***	−0.0883***	−0.0926***	−0.0774***
	(0.00534)	(0.00787)	(0.00788)	(0.00734)	(0.00580)
Permanent resident	−0.238***	−0.285***	−0.285***	−0.249***	−0.209***
	(0.0162)	(0.0286)	(0.0288)	(0.0270)	(0.0227)
Nonresident aliens	−0.320***	−0.367***	−0.368***	−0.316***	−0.272***
	(0.00872)	(0.0226)	(0.0226)	(0.0222)	(0.0182)
Stateless person	−0.0742***	−0.121***	−0.111***	−0.0937***	−0.0531***
	(0.0204)	(0.0177)	(0.0175)	(0.0161)	(0.0146)
Recidivism		0.103***	0.105***	0.104***	0.0932***
		(0.00506)	(0.00519)	(0.00490)	(0.00402)
Alcoholic Intoxication		0.0143***	0.0166***	−0.0187***	−0.0288***
		(0.00416)	(0.00414)	(0.00364)	(0.00311)
Drug-induced intoxication		−0.0360**	−0.0352**	0.0203	0.0273**
		(0.0157)	(0.0155)	(0.0152)	(0.0130)
Upper limit of sanction		0.0315***	0.0308***	0.0299***	0.0295***
		(0.00110)	(0.00111)	(0.00109)	(0.00116)
Lower limit of sanction		0.104***	0.105***	0.0897***	0.0877***
		(0.00265)	(0.00263)	(0.00312)	(0.00313)

(Continued)

Table 26
(*Continued*)

Model	(1)	(2)	(3)	(4)	(5)
		Logarithm of term of real deprivation of freedom, years			
Special procedure		−0.0797***	−0.0804***	−0.0725***	−0.0671***
		(0.00536)	(0.00541)	(0.00526)	(0.00489)
Crime committed by group without previous collusion		0.0331***	0.0206***	0.0107***	0.0106***
		(0.00391)	(0.00384)	(0.00357)	(0.00346)
Crime committed by group with prior conspiracy		0.0536***	0.0528***	0.0525***	0.0615***
		(0.0176)	(0.0178)	(0.0182)	(0.0177)
Organized group		−0.0158	−0.0207	−0.0262	−0.0377
		(0.0459)	(0.0461)	(0.0460)	(0.0455)
Criminal organization		−0.0688***	−0.0709***	−0.0358	−0.0406*
		(0.0239)	(0.0238)	(0.0221)	(0.0214)
Preparation for Crime		0.0834***	0.0852***	0.183***	0.170***
		(0.0152)	(0.0153)	(0.0166)	(0.0168)
Attempt at crime		−0.0933***	−0.0918***	−0.0383***	−0.0367***
		(0.0107)	(0.0108)	(0.0133)	(0.0109)
Crime of medium degree of gravity		0.410***	0.404***	0.453***	0.449***
		(0.0176)	(0.0176)	(0.0237)	(0.0211)
Grave crime		0.678***	0.674***	0.751***	0.742***
		(0.0168)	(0.0169)	(0.0237)	(0.0212)
Especially grave crime		0.827***	0.837***	0.956***	0.941***
		(0.0219)	(0.0218)	(0.0286)	(0.0254)

(*Continued*)

Table 26
(*Continued*)

Model	(1)	(2)	(3)	(4)	(5)
	Logarithm of term of real deprivation of freedom, years				
Age	−0.00655***		−0.000266	0.00210***	0.00392***
	(0.000955)		(0.000865)	(0.000802)	(0.000769)
Age²	0.0214		−0.0477***	−0.0758***	−0.0925***
	(0.0132)		(0.0116)	(0.0109)	(0.0106)
Male	0.101***		0.0603***	0.0548***	0.0651***
	(0.00509)		(0.00472)	(0.00457)	(0.00416)
Married	0.00835*		−0.00547	−0.00386	−8.65e-05
	(0.00448)		(0.00361)	(0.00342)	(0.00331)
Has dependents	0.0488***		0.0125***	0.0144***	0.00929***
	(0.00392)		(0.00337)	(0.00323)	(0.00289)
Higher education	0.0175**		−0.0139**	−0.0212***	−0.00786
	(0.00758)		(0.00624)	(0.00613)	(0.00565)
Constant	0.978***	−0.0167	−0.00700	−0.357	−0.304
	(0.0197)	(0.0275)	(0.0321)		
Number of defendants	265 991	209 911	209 911	209 909	209 909
R^2	0.013	0.619	0.622	0.637	0.653
Legal controls	−	+	+	+	+
Socioeconomic status	+	+	+	+	+
Dummy variable for region	−	−	−	−	+
Dummy variable for article	−	−	−	+	+

On the other hand, these terms are on average shorter. One possible explanation is that judges set shorter terms in order to compensate for their severity at earlier stages. Another possible explanation—in particular, where foreigners are concerned—is that judges are guided by a desire to hold down state expenditure on the upkeep of prisoners.

Summary

Migrants and migrant crime are among the most sensitive and widely discussed themes in the mass media. As numerous opinion polls show (Levada-tsentr 2013), the public attaches greater importance to the issue of mass immigration to the Russian Federation than to any other social or political issue. For example, the All-Russia Center for the Study of Public Opinion has monitored the growth of tension in interethnic relations (VTsIOM 2014).

In our analysis of judicial statistics we have examined the breakdown of investigated crimes committed by migrants. On the whole, the sociodemographic profile of foreigners standing trial in 2009 is characteristic of people with criminal risk somewhat lower than that of Russian citizens—foreigners are more likely to be married, to have dependents, and to have completed secondary education. At the same time, foreigners are more likely to be unemployed. Foreigners come before the courts mainly for committing crimes of a low degree of gravity, a very common type of crime being forgery of documents. In contrast to foreigners, the demographic profile of internal migrants—Russian citizens permanently resident in other regions—entails a higher level of risk. The probability of an internal migrant standing trial for committing a crime against property or a violent crime is higher than it is for a Russian citizen permanently resident in the region concerned or for a foreigner.

The treatment of migrants by the judicial system is contradictory. On the one hand, foreigners are more likely than Russian citizens—whether permanent residents or internal migrants—to be convicted and to be sentenced to imprisonment.

On the other hand, judges consistently sentence foreigners to terms of imprisonment shorter than those set for Russian citizens. It can only be conjectured that this inconsistency of the judicial system reflects both poor work on the part of investigators (there are stronger grounds to hold a migrant in custody for the duration of the investigation of the case, but if convincing evidence of guilt is not found then the court may sentence him to a term equal to the period that he has already spent in investigative isolation) and judges' perception of extralegal factors, and also perhaps the attitude: "Why should we feed foreigners in our prisons?"

Note

1. This includes about 18,300 persons with a residence permit and 12,800 persons with permission for temporary residence (see UVKB [UNHCR] 2014).

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Appendices

Table A1

Results of logistic regression for crimes against property (marginal effects instead of coefficients; basic category: citizen of the Russian Federation permanently resident in the given locality)

Variables	Crimes against property	Theft (Parts 1, 2, and 4 of Article 158)	Burglary (Point a of Part 3 of Article 158)	Highway robbery (Article 161)
Internal migrant	0.0679***	0.0217***	0.0130***	0.00828***
	(0.00228)	(0.00171)	(0.000742)	(0.000777)
Permanent resident	− 0.0592***	− 0.0684***	− 0.00823***	0.00184
	(0.00601)	(0.00396)	(0.00191)	(0.00205)
Nonresident alien	− 0.181***	− 0.117***	− 0.0146***	− 0.00683***
	(0.00291)	(0.00182)	(0.000895)	(0.00103)
Stateless person	0.0391***	0.00943	0.0108***	0.00477
	(0.00910)	(0.00641)	(0.00262)	(0.00295)
Age	− 0.0160***	− 3.53e-06	0.000648***	− 0.00315***
	(0.000288)	(0.000241)	(9.09e-05)	(0.000131)
Age²/1000	0.0827***	− 0.0649***	− 0.0136***	0.00872***
	(0.00382)	(0.00335)	(0.00126)	(0.00195)
Male	− 0.0253***	− 0.0360***	0.00987***	0.0246***
	(0.00147)	(0.00117)	(0.000415)	(0.000431)

(Continued)

Table A1
(*Continued*)

Variables	Crimes against property	Theft (Parts 1, 2, and 4 of Article 158)	Burglary (Point a of Part 3 of Article 158)	Highway robbery (Article 161)
Married	0.0633***	0.0387***	0.0121***	0.0133***
	(0.00139)	(0.00109)	(0.000429)	(0.000535)
Has dependants	−0.0598***	−0.0293***	−0.00544***	−0.00267***
	(0.00135)	(0.00105)	(0.000420)	(0.000519)
Higher education	−0.170***	−0.0889***	−0.0255***	−0.0199***
	(0.00211)	(0.00152)	(0.000469)	(0.000710)
Secondary education	−0.0745***	−0.0283***	−0.0168***	−0.00292***
	(0.00129)	(0.000943)	(0.000395)	(0.000393)
Repeated offender	0.180***	0.0636***	0.0358***	0.0371***
	(0.00164)	(0.00136)	(0.000682)	(0.000755)
Under alcohol influence	−0.0951***	−0.0792***	−0.00391***	0.0122***
	(0.00119)	(0.000834)	(0.000329)	(0.000419)
Under drug influence	−0.375***	−0.186***	−0.0273***	−0.0346***
	(0.00278)	(0.00212)	(0.000845)	(0.00105)
	(0.00976)	(0.00511)	(0.00157)	(0.00284)
Observations	1,026,689	1,026,689	1,026,689	1,026,689
Socio-economic status dummy variables	yes	yes	yes	Yes

Robust standard errors clustered at regional level in parentheses.
***$p < 0.01$, **$p < 0.05$, *$p < 0.1$.

Table A2

Results of logistic regression for violent crimes (marginal effects instead of coefficients; basic category: citizen of the Russian Federation permanently resident in the given locality)

VARIABLES	Violent crimes	Infliction of grievous bodily harm (Parts 1–3 of Article 111)	Battery (Article 116)	Death threat (Article 119)	Larceny with battery (Article 162)
Internal migrant	− 0.0694***	0.00172***	− 0.00946***	− 0.0161***	0.000266*
	(0.00144)	(0.000445)	(0.000448)	(0.000327)	(0.000152)
Permanent resident	− 0.0478***	0.00455***	− 0.00820***	− 0.00753***	− 0.000600*
	(0.00421)	(0.00158)	(0.00125)	(0.00104)	(0.000344)
Nonresident alien	− 0.0964***	0.00377***	− 0.0179***	− 0.00879***	− 0.000898***
	(0.00207)	(0.000925)	(0.000406)	(0.000574)	(0.000179)
Stateless person	− 0.0349***	0.00418**	− 0.00351	− 0.00384**	0.000793
	(0.00640)	(0.00190)	(0.00221)	(0.00164)	(0.000700)
Age	0.00308***	0.000430***	− 0.000986***	0.00300***	− 0.000298***
	(0.000184)	(4.46e-05)	(6.14e-05)	(5.37e-05)	(2.35e-05)
Age^2/1000	0.0106***	− 0.00129**	0.0122***	− 0.0227***	0.00250***
	(0.00229)	(0.000557)	(0.000764)	(0.000635)	(0.000336)
Male	0.0329***	− 0.0102***	0.00199***	0.0173***	0.00148***
	(0.000993)	(0.000342)	(0.000337)	(0.000254)	(7.48e-05)
Married	− 0.0259***	0.00276***	− 0.00444***	− 0.00470***	− 2.51e-05
	(0.00101)	(0.000225)	(0.000368)	(0.000273)	(0.000111)

(Continued)

Table A2
(*Continued*)

VARIABLES	Violent crimes	Infliction of grievous bodily harm (Parts 1–3 of Article 111)	Battery (Article 116)	Death threat (Article 119)	Larceny with battery (Article 162)
Has dependants	0.00622***	0.00112***	−0.00243***	0.000185	0.000471***
	(0.000969)	(0.000239)	(0.000322)	(0.000266)	(0.000115)
Higher education	0.0587***	−0.00689***	0.0226***	−0.00550***	0.000422**
	(0.00202)	(0.000323)	(0.00101)	(0.000434)	(0.000183)
Secondary education	0.0374***	−0.00265***	0.00998***	−0.000447	8.78e-05
	(0.000944)	(0.000230)	(0.000319)	(0.000276)	(7.66e-05)
Repeated offender	−0.0680***	−0.00159***	−0.0149***	−0.00582***	0.000594***
	(0.00104)	(0.000267)	(0.000320)	(0.000291)	(0.000138)
Under alcohol influence	0.284***	0.0403***	0.0150***	0.0637***	−0.000153**
	(0.00109)	(0.000462)	(0.000366)	(0.000569)	(7.46e-05)
Under drug influence	−0.0177***	−0.0121***	−0.00402**	0.0217***	−0.00141***
	(0.00562)	(0.000668)	(0.00181)	(0.00247)	(0.000196)
Observations	1,026,689	1,026,689	1,026,689	1,026,091	1,026,145
SES dummy	yes	yes	yes	yes	yes

Robust standard errors clustered at regional level in parentheses.
***$p < 0.01$, **$p < 0.05$, *$p < 0.1$.

Table A3

Results of logistic regression for drug-related crimes (marginal effects instead of coefficients; basic category: citizen of the Russian Federation permanently resident in the given locality).

VARIABLES	(1) Drug-related crimes	(2) Illegal acquisition, storage, conveyance, preparation, or processing of drugs (Article 228)	(3) Illegal production, sale, or dispatch of drugs (Article 228.1)
Internal migrant	−0.000879	0.00315***	−0.00161***
	(0.000569)	(0.000437)	(0.000247)
Permanent resident	−0.00937***	−0.00939***	0.00336***
	(0.00130)	(0.000858)	(0.000762)
Nonresident alien	−0.0199***	−0.0156***	0.000604
	(0.000613)	(0.000407)	(0.000371)
Stateless person	0.00768***	0.00321*	0.00547***
	(0.00246)	(0.00174)	(0.00137)
Age	0.00713***	0.00552***	0.00141***
	(0.000111)	(8.98e-05)	(5.19e-05)
Age^2/1000	−0.102***	−0.0828***	−0.0209***
	(0.00158)	(0.00132)	(0.000745)
Male	0.00938***	0.0125***	−0.00245***
	(0.000361)	(0.000259)	(0.000193)
Married	0.0168***	0.00984***	0.00322***

(Continued)

Table A3
(*Continued*)

	(1)	(2)	(3)
	(0.000360)	(0.000267)	(0.000162)
Has dependants	0.00536***	0.000199	0.00410***
	(0.000379)	(0.000267)	(0.000195)
Higher education	− 0.000495	− 0.000400	0.000234
	(0.000655)	(0.000471)	(0.000303)
Secondary education	0.00882***	0.00513***	0.00171***
	(0.000362)	(0.000260)	(0.000166)
Repeated offender	0.00823***	0.00145***	0.00578***
	(0.000478)	(0.000316)	(0.000269)
Under alcohol influence	− 0.0929***	− 0.0539***	− 0.0241***
	(0.000432)	(0.000363)	(0.000229)
Under drug influence	0.320***	0.116***	0.0420***
	(0.00542)	(0.00281)	(0.00169)
Observations	1,026,689	1,026,689	1,026,145
SES dummy	yes	yes	yes

Robust standard errors clustered at regional level in parentheses.
***$p < 0.01$, **$p < 0.05$, *$p < 0.1$.