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An Analysis of the Trump Administration's Policies and Plans for Illegal Immigrants

Michelle Clifford

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Immigration policy is currently one of the most hotly contested topics in the United States. I lived in various border towns in Texas for a year and a half and was shocked by the stark difference in opinions about immigrants. Some people referred to Latino immigrants as “seekers of the American dream, like all of us,” while one woman called them “a threat to America as we know it”. This conflict is well reflected in the controversy over Donald Trump’s administration’s handling of the matter—the construction of a wall stretching over the entirety of the US/Mexico border.

In this paper, I outline a history of US immigration policies. I show that completion of a border wall that began with George H.W. Bush is not the most effective way to curtail illegal immigration. I also show that it is an ineffective use of resources and is not as infallible as it may seem. Finally, I show that at the heart of the disagreement over the border wall is a conflict of opinion over what America should be: if it is a nation that prioritizes the health and wellbeing of its natural-born citizens or if it remains a haven of safety and opportunity for others.

### **History of Immigration Policies in the United States**

Immigration to the United States was essentially unrestricted from its beginnings as colonies in the 17<sup>th</sup> century, throughout its independence in the late 18<sup>th</sup> century, and well into the 19<sup>th</sup> century. Immigration restrictions began with individual states setting refugee quotas during the Civil War, leading to national restrictions set in 1875<sup>1</sup>. These included limits on some Chinese workers and individuals perceived to be a potential burden such as criminals and lunatics. Policy has developed several times since then, primarily with the Immigration and Nationality Act of 1952, which was the beginning of US policy towards illegal immigration. It

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<sup>1</sup>“Early American Immigration Policies.” US Citizen and Immigration Services. Official Website of the Department of Homeland Security, July 30, 2020. <https://www.uscis.gov/about-us/our-history/history-office-and-library/our-history/overview-of-ins-history/early-american-immigration-policies>.

abolished standards that certain races could not be citizens but did begin setting quotas for immigrants from different regions<sup>2</sup>. A general quota was established of 725,000 immigrants allowed per year.

Grounds for deportation or refusal of requested visas originally started as homosexuality, prostitution, sexual deviance, crime of moral turpitude, economic dependency, or "perverse" bodies.<sup>3</sup> The Immigration and Nationality Act of 1952 also denied any individuals associated with the Communist party legal entrance to the US. Deportation could be stopped by the Attorney General if it was felt that the individual would receive persecution in their native country<sup>4</sup>. The Immigration and Nationality Act of 1965, signed into law during the administration of Lyndon B. Johnson, removed quotas based on ethnicity and country of origin.

Modern immigration policies began to be put into place by the Immigration Act of 1990 under the administration of George H.W. Bush. This version of immigration policy introduced family-based visas, expanded availability for employment visas, and a lottery program that allowed immigrants from countries with low representation in the US<sup>5</sup>. From here, the policies evolved quickly and changed under almost every president. In 1996, President Bill Clinton introduced policies that "cracked down on illegal immigration"<sup>6</sup>. For the first time at the federal

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<sup>3</sup> Canaday, Margot. "A New Species of Undesirable Immigrant: Perverse Aliens and the Limits of the Law, 1900-1924." *The Straight State: Sexuality and Citizenship in Twentieth-Century America*. Princeton University Press, 2009.

<sup>4</sup> "Protecting Deportable Aliens from Physical Persecution: Section 243(h) of the Immigration and Nationality Act of 1952." *The Yale Law Journal*, vol. 62, no. 5, 1953, pp. 845–852.

<sup>5</sup> Edward Kennedy, "https://www.congress.gov/Bill/101st-Congress/Senate-Bill/358," <https://www.congress.gov/bill/101st-congress/senate-bill/358>.

<sup>6</sup> Kerwin, Donald (2018). "From IIRIRA to Trump: Connecting the Dots to the Current US Immigration Policy Crisis". *Journal on Migration and Human Security*. <https://doi.org/10.1177/2331502418786718>: Center for Migration Studies. 6 (3): 192–204. doi:10.1177/2331502418786718.

level, specific stipulations for deportation of illegal immigrants was laid out. Any illegal immigrant convicted of aggravated felony was turned over to a removal process and a deportation court. All refugees were allowed to enter the US. The felonies for which an individual could be deported were expanded.

George W. Bush and Barack Obama failed to introduce major immigration reforms during their respective presidencies. However, both introduced policies that would allow a significant amount (40% for Bush, 45% for Obama)<sup>7</sup> of illegal immigrants to remain in the US as long as they continued to work. Obama continued to expand the Deferred Action for Childhood Arrival (DACA) programs to allow children who had immigrated to the United States at a young age to remain. It was at this point that Donald Trump assumed the presidency with his famous (or infamous) motto: “Build the wall”.

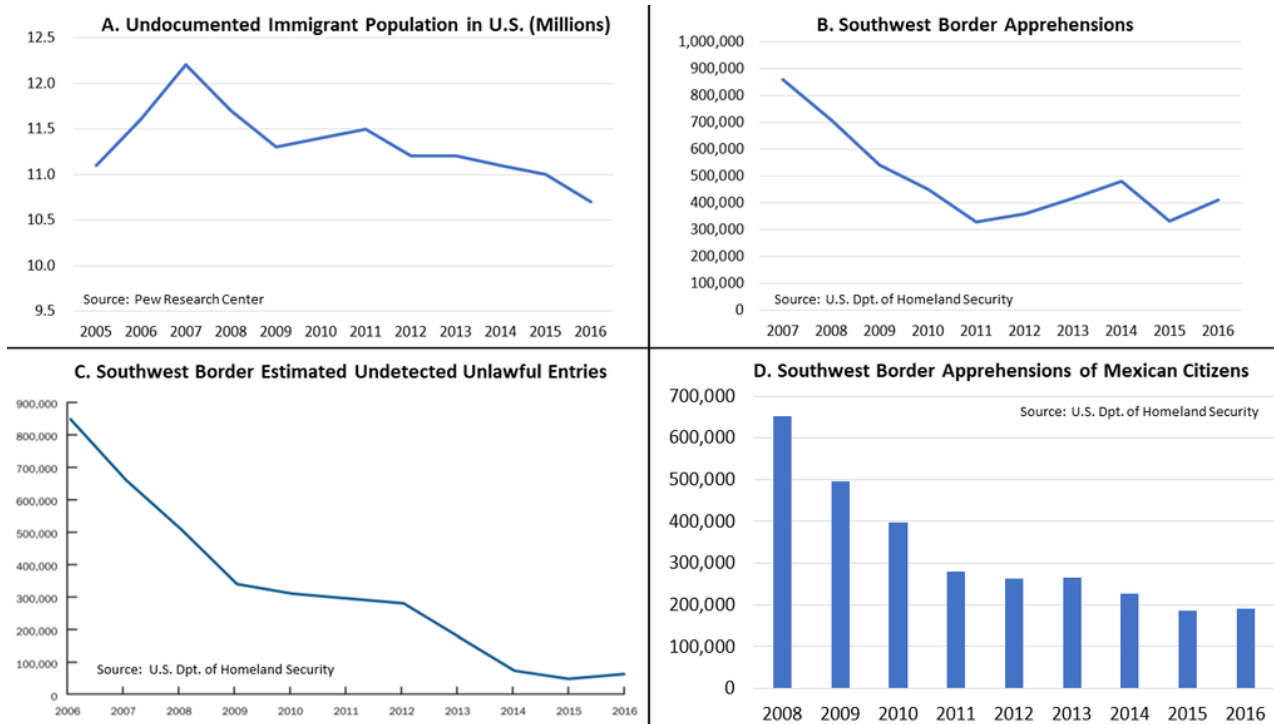
### **Donald Trump’s Administration and Zero-Tolerance**

Donald Trump’s “zero-tolerance” stance concerning illegal immigrants has easily been one of the most defining features of his presidency. Two especially controversial aspects of this policy have been Executive Order 13767, in which he ordered the construction of a wall along the Mexican border; and the family separation policy, which ordered the separation of children from their parents upon arrival at the border in order to discourage attempts to cross illegally<sup>8</sup>.

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<sup>7</sup> John D Skrentky and Jane Lilly López, “Obama 's Immigration Reform: The Triumph of Executive Action,” *Indiana Journal of Law and Social Equality* 2, no. 1 (2013): pp. 4-5.

<sup>8</sup> “Child Separation by the Trump Administration--Staff Report,” House Oversight (US Congress House Oversight Committee, July 2019), <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-07-2019.%20Immigrant%20Child%20Separations-%20Staff%20Report.pdf>.



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From these examples, it is clear to see that the Trump administration has developed and placed a huge amount of focus and effort on a new, zero-tolerance policy for illegal immigration. However, an analysis of the immigration statistics will show that the Trump administration is putting a massive amount of effort and resources to individuals who illegally cross the border when, in fact, these immigrants only constitute 38% of all illegal immigrants<sup>10</sup>. The remaining 62% of illegal immigrants are individuals who have overstayed their visas. In comparison to the

<sup>9</sup> "Fiscal Year Exit/Entry Overstay Report, 2018," January 2018. Department of Homeland Security, pg 7. [https://www.dhs.gov/sites/default/files/publications/cbp\\_fiscal\\_year\\_2018\\_entry\\_exit\\_overstay\\_report.pdf](https://www.dhs.gov/sites/default/files/publications/cbp_fiscal_year_2018_entry_exit_overstay_report.pdf)

<sup>10</sup> "Fiscal Year Exit/Entry Overstay Report, 2018," January 2018. Department of Homeland Security, pg 7. [https://www.dhs.gov/sites/default/files/publications/cbp\\_fiscal\\_year\\_2018\\_entry\\_exit\\_overstay\\_report.pdf](https://www.dhs.gov/sites/default/files/publications/cbp_fiscal_year_2018_entry_exit_overstay_report.pdf)

amount of attention illegal crossers have received, a relatively miniscule amount of attention has been paid to visa overstays.

Another interesting aspect of the Trump Administration's approach to illegal immigration is a hyper focus on Latin America and specifically Mexico. In fact, studies have shown that, at least in public speeches, Trump mentions Mexico over 90% of the time while discussing immigration<sup>11</sup>. This focus seems disproportionate as only 15% of immigrants come from Mexico<sup>12</sup>. Trump has publicly made his feelings known about the nature of Mexican immigrants. In his campaign announcement, he said, "When Mexico sends its people, they're not sending their best... They're sending people that have lots of problems, and they're bringing those problems with us. They're bringing drugs. They're bringing crime. They're rapists. And some, I assume, are good people."<sup>13</sup>

Trump's rhetorical focus on giving jobs "back" to Americans and making America great again are telling. These suggest that he sees immigrants as an "other" who take limited resources away from Americans and that his no-tolerance policy is a method of taking back jobs. In his book *Identity Crisis: The 2016 Presidential Campaign and the Battle for the Meaning of America*, John Sides lays out the feelings Trump's cabinet held toward immigrants. Trump called

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<sup>11</sup> "Data and Analysis Related to Trump Administration Actions on Immigrant and Refugee Policy," migrationpolicy.org (Migration Policy Institute, August 23, 2019), <https://www.migrationpolicy.org/programs/us-immigration-policy-program/data-and-analysis-related-trump-administration-actions>.

<sup>12</sup> Jeanne Batalova et al., "Frequently Requested Statistics on Immigrants and Immigration in the United States," migrationpolicy.org (Migration Policy Institute, March 31, 2020), <https://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states>.

<sup>13</sup> Scott, Eugene. "Analysis | Trump's Most Insulting - and Violent - Language Is Often Reserved for Immigrants." The Washington Post. WP Company, October 2, 2019. <https://www.washingtonpost.com/politics/2019/10/02/trumps-most-insulting-violent-language-is-often-reserved-immigrants/>.

Afghanistan, which had sent 2,500 immigrants, a terrorist haven. He said that the 15,000 immigrants from Haiti “all have AIDS.” He said that once the 40,000 Nigerian immigrants had lived in the United States, they would never “go back to their huts.” Trump’s staff proceeded to argue about who was to blame for admitting these immigrants...When the topic of protecting immigrants from Haiti, El Salvador, and Africa came up, Trump said, ‘Why are we having all of these people from \*\*\*\*hole countries come here?’”<sup>14</sup> These statements suggest that Trump’s zero-tolerance policy is rooted, at least to some degree, in his own racial biases.

The immigration policy of the Trump administration has been ineffective and, in some cases, even counterproductive. He famously said that “we’re going to build a wall and make Mexico pay for it”<sup>15</sup>. He was unable to negotiate this promise and the deadlock over funds for the wall caused a government shutdown in late 2018. Visa overstays have decreased by less than 3% during the Trump presidency<sup>16</sup>. Border crossings have actually increased during the same time. Many have said that this administration’s intense focus on these two controversial policies have detracted from the rest of the immigration policy<sup>17</sup>.

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<sup>14</sup> Sides, John, et al. *Identity Crisis : The 2016 Presidential Campaign and the Battle for the Meaning of America*, Princeton University Press, 2018. ProQuest Ebook Central, <http://ebookcentral.proquest.com/lib/byu/detail.action?docID=5495905>. Created from byu on 2020-08-07 10:19:20.

<sup>15</sup> “Data and Analysis Related to Trump Administration Actions on Immigrant and Refugee Policy,” [migrationpolicy.org](https://www.migrationpolicy.org) (Migration Policy Institute, August 23, 2019), <https://www.migrationpolicy.org/programs/us-immigration-policy-program/data-and-analysis-related-trump-administration-actions>.

<sup>16</sup> “Fiscal Year Exit/Entry Overstay Report, 2018,” January 2018. Department of Homeland Security, pg 9. [https://www.dhs.gov/sites/default/files/publications/cbp\\_\\_fiscal\\_year\\_2018\\_entry\\_exit\\_overstay\\_report.pdf](https://www.dhs.gov/sites/default/files/publications/cbp__fiscal_year_2018_entry_exit_overstay_report.pdf)

<sup>17</sup> Fazel-Zarandi, Mohammad M., Jonathan S. Feinstein, and Edward H. Kaplan. “The Number of Undocumented Immigrants in the United States: Estimates Based on Demographic Modeling with Data from 1990 to 2016.” *Plos One* 13, no. 9 (2018). <https://doi.org/10.1371/journal.pone.0201193>.



## Analysis of The Border Wall

Trump's hyper focus on the construction of the border wall is highly controversial, but many border control agents suggest that the resources that would be expended for such a project would be better used in another aspect to reduce immigration.

Sections of the border wall were built as early as 1990, as approved by George H.W. Bush<sup>18</sup> along places such as San Diego/ Tijuana and Roma/Ciudad de San Miguel. However, the border wall as of yet has not been constructed into one complete line. With this in mind, one would expect that illegal immigrants would enter the US through the gaps in the wall. However, there are many reports of immigrants preferring to scale the border wall as there are often fewer Border Patrol agents patrolling the area. There are additional reports from Border Patrol agents about finding tunnels that have been used to transport illegal immigrants and drugs across the border. A former coyote often used an admittedly risky but often effective tactic of smuggling drugs and illegal immigrants into vehicles with attractive women. The women would act as if they were in a hurry and the Border Patrol agents, 95% of whom are male<sup>19</sup>, will allow them through without inspecting their cargo. The same individual also admitted that he or she had bribed several Border Patrol agents in advance to wave a car packed with drugs through security without inspection.

From these examples, it is clear that this aspect of President Trump's policy towards Mexican emigrants is ineffective and inefficient. The construction of a border wall is an

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<sup>18</sup> Garcia, Michael John (November 18, 2016). *Barriers Along the U.S. Borders: Key Authorities and Requirements* (PDF). Washington, DC: Congressional Research Service. Retrieved December 9, 2016.

<sup>19</sup> Alan Neuhauser, "Border Patrol Has a Problem With Women," *U.S. News & World Report* (U.S. News & World Report, 2018), <https://www.usnews.com/news/the-report/articles/2018-08-03/for-women-border-patrol-is-a-hostile-place-to-work>.

enormous drain on US resources and will likely do very little in stopping the flow of border crossers.

### **Conclusion**

The Trump Administration's immigration policy, especially as geared towards Latin America, is currently ineffective. Its goal is to have zero tolerance for illegal immigration, yet it focuses most of its resources on building a wall to prevent illegal border crossings. Not only do illegal border crossers make up only 38% of illegal immigrants within the United States, the sections of the wall that already exist have shown to be little to no hindrance to those wishing to enter the United States illegally and thus pose an unwise expenditure of resources.

President Trump himself has damaged relationships with Latin American leaders with his unique rhetoric. He has commonly referred to Hispanics as rapists, drug dealers, and criminals who hurt the US. In doing so has distanced the US from former allies<sup>20</sup>. He unsuccessfully attempted to force Mexico to pay for the wall and frequently uses negative rhetoric to specifically target Mexican nationals.

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<sup>20</sup> "Data and Analysis Related to Trump Administration Actions on Immigrant and Refugee Policy," migrationpolicy.org (Migration Policy Institute, August 23, 2019), <https://www.migrationpolicy.org/programs/us-immigration-policy-program/data-and-analysis-related-trump-administration-actions>.

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