

TRUMP'S ANTI-IMMIGRANT, "MEXICAN-PHOBIC" RHETORIC AND POLICIES IN HIS FIRST THIRTY MONTHS AS PRESIDENT

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Introduction: Trump's Destructive Anti-Immigrant, "Mexican-phobic" Rhetoric

Explicitly xenophobic and anti-immigrant rhetoric has been the common denominator in the first thirty months of Donald J. Trump's administration. Since the 2016 presidential race, Trump has used violent rhetoric and hate speech, making incendiary statements against immigrants, portraying them all as enemies and potential terrorists. To many, Trump has generally been highly offensive in racial and ethnic terms, but his messages are particularly "Mexican-phobic." He has characterized Mexican migrants as criminals, drug smugglers, rapists, and "bad hombres," claiming, among other slurs, that "when Mexico sends its people, they're not sending their best. They're sending people that have a lot of problems, and they're bringing those problems with them; . . . they're bringing drugs; . . . they're bringing crime; . . . they're rapists. And some, I assume, are good people" (Mark, 2018). He has repeatedly said that our government must pay for the border wall, constantly threatening to quit the North American Free Trade Agreement (NAFTA) —now the United States-Mexico-Canada Agreement (USMCA), ratified in April 2020—, close the southern border, and impose trade tariffs if Mexico does not stop the flow of "illegal migrants." His hate speech and continual bullying of Mexico and Mexicans have caused irreparable damage to an already deteriorated bilateral relationship.

Trump's destructive anti-immigrant rhetoric has been the common denominator justifying the highly punitive directives he has established as part

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of his hardline immigration policy during his first two and a half years as president. This rhetoric has been supported by his base, composed mainly of angry, dissatisfied citizens who believe that the presence of undocumented migrants has been harmful to their culture and economy. According to Trumpism —the philosophy, atmosphere, and politics created and promoted by Donald Trump—, unauthorized migrants represent a public burden, taking jobs away from U.S. citizens, committing crimes, among other false accusations and perceptions. This environment has become fertile ground for racists and xenophobes, giving them an opportunity to come out of the woodwork. These previously closeted racists have xenophobic discourses and have adopted discriminatory attitudes against immigrants, who have been negatively impacted and irreversibly damaged by Trump’s hate speech, anti-immigrant actions and policies, and his constant and unprecedented tweeting of racist claims such as, “Haitians all have AIDS...,” “Nigerians should go back to their huts,” and his famous question, “Why do we want all these people from shithole countries coming here?” (Dawsey, 2018). And, worst of all, “We have people coming into the country, . . . these aren’t people, these are animals” (Hirshfield, 2018; Kirby, 2018). All of these statements are in line with foundational ideologies of white supremacists and make you believe that non-white foreigners coming into the country should not be welcomed. When public figures in influential positions promote hatred, they legitimize socially unacceptable conduct, encouraging others to replicate it (Malik, 2016). And that is precisely what has been happening: former Attorney General Jeff Sessions and Senior Policy Adviser Stephen Miller, for instance, adopted the role of racial and cultural warriors allegedly defending the country against “brown-skinned, Spanish-speaking hordes,” which, following their rhetoric, are invading their country (Robinson, 2018). Also, statements by some Republican candidates suggest that the freedom exists to make racist and xenophobic claims in the political atmosphere created by “Trumpism.”¹

In this environment and by constantly abusing his executive power, Trump has drastically complicated the established procedures for undocumented

¹ In Wisconsin, Republican House candidate Paul Nehalem ran as a “pro-white Christian American candidate”; in Georgia, Republican gubernatorial candidate Michael Williams rode around in a bus he promised to fill with “illegals” to be deported to Mexico. The rear of the bus bore a stamp that read, “Murderers, rapists, kidnappers, child molesters [sic], and other criminals on board” (Gerson, 2018).

immigrants and asylum seekers, including those already living in the United States, making their lives miserable and rendering them more vulnerable than before. Through multiple executive actions and new regulations for federal agencies, Trump has established several directives to strengthen and toughen U.S. immigration policy. And, the aim of this essay is precisely to describe the proposals that have comprised a hardline ultraconservative migration policy during the first thirty months of Donald Trump's presidency. Its main purpose is to make the reader aware of the significant dimension of Trump's anti-immigrant and anti-Mexican directives as well as the negative impact they have had for unauthorized migrants, immigrants, legal residents, and citizens in the United States. This is a merely descriptive, non-theoretical essay, supported by statistics when needed. It provides an overview of different proposals at different times of the period analyzed, which I have grouped in six major sections discussing a specific policy or directive adopted, namely: Enhancing Border Security; Increasing Interior Enforcement; Ending the Temporary Protected Status Granted by Previous Administrations; Establishing an "Asylum Ban"; Muslims Out: Imposing a Travel Ban and Limiting Refugee Admissions; and, Restraining Legal Migration.

Enhancing Border Security

Border security has been one of Trump's main targets since he launched his presidential candidacy in 2015. In order to portray what his administration has done along the border in the last two and a half years, I am focusing the analysis on *a*) the irrational insistence on building a border wall; *b*) the establishment of a "zero tolerance" policy and the cruel separation of migrant families as a result; and, *c*) the request to increase the number of border patrol agents and thus increase apprehensions.

THE WALL

On January 25, 2017, President Donald Trump signed the Border Security and Immigration Enforcement Improvements Executive Order (White House, 2017a), aiming to reinforce security at the border. Since then, he has asked

Congress several times for funding to build a wall along the southern border with Mexico, a request that has been repeatedly rejected by Congress, mainly by Democrats. Also, he has constantly harassed and threatened the Mexican government, demanding that Mexico pay for the wall and claiming that Mexico will eventually cover the cost through NAFTA/USMCA or even by taxing remittances.

Of the 1933-mile border, 1279 miles are unfenced, and 700 miles are on terrain that does not provide a natural barrier. Drones, cameras, and other surveillance devices have been installed to reinforce the physical wall, but Trump seems fixated on his demand for “a long and beautiful wall.” Approximately one million people enter the U.S. through twenty-five official border crossings each day, making this one of the busiest and most dynamic borders in the world (Almukhtar and Williams, 2018). Crucial economic ties have depended on strong bilateral cooperation between Mexico and the U.S. to move goods and control the entrance of people, an interaction that has been under threat since the beginning of the Trump administration. Even though extending the wall is not a solution in terms of national security, it has become an icon of Trump’s anti-immigrant rhetoric. Specialists in the issue as well as Democrats and many Republicans in Congress have argued that extending the wall, besides being costlier,² would divert rather than prevent unauthorized migrant flows—as has happened in recent decades—, making their crossing deadlier. Also, building it would incur severe environmental costs, bring up property rights issues, and have a negative impact on bi-national communities, dividing “us” from “them,” such as in the case of Nogales, Sonora and Nogales, Arizona, which are like twins separated at birth. Even some hardliners in the anti-immigrant movement do not see the wall as their highest priority. Both Democrats and Republicans agree that there is a need for more border security agents, better technology (including high-tech surveillance), additional fencing in urban areas, primarily, as well as a more humanitarian asylum policy, among many other proposals. Nevertheless, Trump’s aggressive wall obsession has jeopardized dialogue.

The wall has proved ineffective, since almost half of unauthorized migrants living in the U.S. did not enter clandestinely across the border, but, rather, exceeded their allowed stay, becoming visa abusers or “overstayers.”

² The cost was estimated at between US\$15 billion and US\$25 billion (Spagat, 2018).

The Center of Migration Studies found that coming by air on temporary visas and overstaying has been the primary way to enter the U.S. for undocumented populations over the 2010-2017 period. Of an estimated 515 000 arrivals in 2016, a total of 320 000 (62 percent) became overstayers, whereas 190 000 (38 percent) were entrants without inspection (EWIS) (Warren, 2018). Moreover, Trump seems to be unaware that the net flow of undocumented migrants from Mexico has dropped substantially since the 2008 economic crisis. According to estimates from the Pew Hispanic Center, 10.5 million unauthorized immigrants were living in the U.S. in 2017, down from a 12.2-million peak in 2007 (Krogstad, Passel, and Cohn, 2019). In 2017, unauthorized migrants comprised 23 percent of the 45.6 million U.S. foreign-born residents. Even though Mexicans have long been the largest group among unauthorized migrants (6.9 million in 2007, or 57 percent of the total), their number decreased to around five million in 2017 (47 percent of the total), two million below its peak in 2007. That is, far fewer Mexican migrants arrive to the U.S. and more of them are being apprehended, deported, or are leaving voluntarily, moving toward an equilibrium or “zero-net-migration” point. However, as the number of unauthorized Mexican migrants decreased, the number of other nationalities increased. For instance, the number of unauthorized migrants from Central America grew from 1.5 million in 2007 to 1.9 million in 2017, a 400 000-person increase in just ten years (Passel and Cohn, 2019).

Due to the extreme security and reinforcement at the border and also in the interior, unauthorized migrants are increasingly likely to become long-term U.S. residents because of the risk in returning to Mexico and not being able to come back to the United States. An estimated two-thirds of undocumented adult migrants have lived in the country for more than ten years, breaking the temporary migratory pattern. While single-adult border crossings are at historic lows, the numbers of asylum-seeking families and unaccompanied minors are on the rise, a situation that has created new trends and challenges and cannot be treated like an episodic crisis such as that of 2014.³ Therefore, those who would get rich from the building of the wall, in addition to construction companies, are mostly human smugglers or

³ So far, 56 278 unaccompanied children have been apprehended, in addition to 3236 others expected to arrive at different ports of entry during the first five months of 2019 (Chishti, Pierce, and Hacks, 2018).

traffickers, who have substantially increased their profits in recent years. A 2016 report cites a price range of US\$6000 to US\$8000 for being smuggled from Mexico into the United States (UNODC, 2018).

The omnibus spending bill of 2018 assigned none of the US\$18 billion Trump had requested for the border wall. The executive received only US\$1.6 billion for new border security technologies as well as reparation of the existing barriers, with the explicit prohibition of building a concrete wall (Gojshan, 2018). Trump then demanded US\$5.1 billion for the 2019 spending bill, but Democrats offered only US\$1.3 billion. Overall, Congress has approved US\$1.7 billion in funding for 124 miles of new and replacement barriers since Trump came to the White House (Rodgers and Bailey, 2019). Trump's discontent has grown significantly, and, in response, he launched the third partial government shutdown during his presidency. He rejected a bipartisan deal and caused the longest funding lapse in modern history, surpassing the 21-day record set during the Clinton administration and leaving 800 000 federal employees in limbo. In 2019, in an unprecedented use of his executive power, Trump declared a national emergency and instructed the transfer of US\$1 billion of Pentagon funds for the building of the wall. Secretary of Defense Mark Esper announced that US\$3.6 billion will be stripped from 127 projects at U.S. bases, upsetting some congressmen who do not believe the president has the proper authority to do this (Cooper, 2019).

In his despair, in order to stop the “migrant invasion,” in private and in public, Trump has proposed extreme, highly denigrating, racist solutions hardly heard before from any U.S. president. He has said things like, “The border patrol could shoot migrants in the legs to slow them down if they threw rocks, . . . [we could] fortify the border wall with a water-filled trench, stocked with snakes or alligators, . . . [or] build an electrified wall, with spikes on top that could pierce human flesh” (Shear and Hershfield, 2019).

In Trump's anti-immigrant, xenophobic stance, the border wall remains non-negotiable, since it is an initiative based on a racist ideology supported mostly by his base, including nationalists and white supremacists who have not abandoned him. It is important to mention that during all shutdowns, the Democrats have offered their support for building the wall and assigning more border agents mainly in exchange for a solution for DREAMERS, but also for foreigners with TPS, a proposal that has been repeatedly rejected by

Trump and other hardline Republicans. Trump has often denounced Democrats for opposing the building of the wall and has threatened to close the border and cut off aid to Central America and Mexico if Congress continues to deny the funds demanded.

THE “ZERO TOLERANCE” POLICY AND THE SEPARATION OF FAMILIES

The approach of a caravan from Central America—a new form of collective organization—intensified Trump’s anger. Several hundred asylum seekers began their journey to the U.S. through Mexico in April 2018, after which Trump accused the Mexican government of doing nothing to stop the flows and once again threatened to withdraw from NAFTA/USMCA if Mexico did not respond. To increase his political capital with his base, Trump flashily dispatched thousands of troops to the southern border, the largest deployment in recent years: as of March 2019, 2900 active-duty troops were operating on the border to support the Department of Homeland Security (DHS), along with approximately 2000 National Guard troops.⁴

In response to the approach of the caravan, in March 2018, Trump established a “zero tolerance” migration policy and started separating parents from their children when they attempted to cross the border “illegally” into the United States, an eminently immoral decision. Even though the law allows families who cross “illegally” to remain together while their case is decided, children were forcibly separated from their parents and placed into DHS custody while their parents were prosecuted. About 2800 of these children have been reunified with their families or situated according to their parents’ wishes.⁵ The Office of the Inspector General of the DHS revealed that a group of separated families are unaccounted for because the government lacks an effective tracking system. Those who work with humanitarian organizations have called such practices inhumane. Fortunately, amid a

⁴ The Pentagon might send more military on assignments that could put them in contact with migrants, signaling a break with current practice, since the military is not a law enforcement body (Burns, 2019).

⁵ At the end of 2018, 14 000 migrant children, the vast majority unaccompanied minors, were in the custody of the federal Office of Refugee Resettlement (ORR), which is responsible for the facilities where they were being held (Mittelstadt, 2018).

national and international outcry demanding that families remain together, Trump was forced to sign an executive order reversing this highly controversial policy in June.⁶ Nevertheless, after this policy was ended, more than 1100 migrant families have been separated, according to the American Civil Liberties Union.

INCREASING THE NUMBER OF BORDER PATROL AGENTS AND BORDER APPREHENSIONS

To implement his detention program, Trump signed the Border Security and Immigration Enforcement Improvements executive action to hire 5000 additional Border Patrol agents according to resource availability. In contrast, the agency has lost a number of staff in recent years, pointing to a crisis in recruiting, training, and retaining assets.⁷ There were 19 648 Border Patrol agents in 2019, twice as many as in 2005, when apprehensions were 70 percent higher (see Table 1). These difficulties in hiring are partly due to the fact that admission requires a lengthy polygraph exam that two-thirds of applicants fail.⁸

The fear encouraged by Trump's aggressive, anti-immigrant rhetoric decreased the number of border apprehensions during the first year of his administration. Even though apprehensions grew from 310 531 in 2017 (the lowest since 1971) to 404 142 in 2018, they more than doubled to 859 501 in 2019 due to the increasing number of migrants coming from Central America (see Table 1). This situation has caused great strain in U.S.-Mexico bilateral relations. During this period, fewer Mexican individuals and a growing number of Central Americans with their families have been apprehended.

⁶ Dana M. Sabraw, a federal judge in California, ordered a halt to family separations at the U.S. border and the reunification of all families that had been separated (Jordan, 2018).

⁷ According to U.S. Customs and Border Protection (CBP), the number of Border Patrol officers doubled from 10 045 in FY 2002 to 19 828 in FY 2016 and decreased slightly to 19 555 in 2019 (Voigt, 2018).

⁸ While the agency hires approximately 523 agents per year, it loses an average of 904 in the same period (GAO, 2017).

TABLE I
BORDER PATROL APPREHENSIONS, AGENT STAFFING, AND REMOVALS
(2000-2019)

Year	Total Apprehensions			Agent Staffing	Removals
	Total	Mexico	Other		
2000	1 676 438	1 636 883	39 555	9 212	189 026
2005	1 189 075	1 023 905	165 170	11 264	246 431
2010	463 382	404 365	59 017	20 558	392 862
2015	337 117	188 122	148 995	20 273	235 413
2016	415 816	192 969	222 847	19 828	240 555
2017	310 531	130 454	180 077	19 437	226 119
2018	404 142	155 452	248 690	19 555	256 085
2019	859 501	169 536	689 965	19 648	267 258

SOURCE: United States Border Patrol (2019a, 2019b, 2019c).

Increasing Interior Enforcement

Following his plan to enforce security in the interior, Trump established removal priorities through Executive Order 13 768, Enhancing Public Safety in the Interior of the United States, issued January 25, 2017.⁹ Trump then instructed federal agencies to enforce immigration laws against “all removable aliens,” stipulating the following measures:

INCREASING DEPORTATIONS AND THE REACTIVATION OF THE SECURE COMMUNITIES PROGRAM¹⁰

This policy is nothing new. During their respective two-term administrations, Obama, nicknamed the “Deporter-in-Chief,” deported 2 700 000 undocumented immigrants, while his predecessor, George W. Bush, deported 2 000 000. However, Trump’s approach is different from Obama’s “mainly

⁹ Executive Order 13 768 was implemented through the Enforcement of the Immigration Laws to Serve the National Interest Memorandum, issued a month later (DHS, 2017c).

¹⁰ ICE, of the DHS, is the institution responsible for arresting, detaining, removing, or deporting unauthorized migrants from the interior.

criminals” strategy that dominated throughout the eight years of his presidency under the Secure Communities Program.¹¹ As shown in Table 1, removals surged from 240 255 in FY 2016, Obama’s final year as president to 267 258 in FY 2019,¹² far below the 400 000 in 2012 (ICE, 2018b). Also, Trump has placed much greater emphasis on worksite enforcement: according to ICE (2018c) and Hackman (2019), 1691 ongoing worksite investigations were conducted in 2017, whereas, by 2019, their number had grown to 6812, similar to that of 2018.

Even if Trump’s administration has been unable to surpass the number of deportations made during the Obama administration, it has established an indiscriminate deportation policy that has enlarged the pool of “deportables.” Today, any person suspected of being undocumented is at risk, even if they are non-criminals and have been living in the United States for more than ten years. This has caused the separation of families who for many years have lived together, worked—some having created their own businesses and other productive investments—, and paid taxes (Verea, 2018a, 2018b). Therefore, the spectrum of deportable migrants, which under Obama focused on criminals, has expanded to newly-arrived and long-term migrants as well as those with removal orders.

Trump believes that, in order to increase the number of deportations, state agencies and local police must be further empowered. To accomplish this, he encouraged the signing of more 287(g) agreements and the reinstatement of the Secure Communities Program.¹³ As part of his hardline immigration policy, Trump has placed great emphasis on finding local agents to perform the duties of immigration officers in the interior.¹⁴ Currently, ninety jurisdictions across twenty states have signed 287(g) agreements, fifty-two

¹¹ This program, in effect between 2008 and 2014, had the purpose of sharing information to cross-check the fingerprints of people in state or local police custody with Federal Bureau of Investigation (FBI) and DHS databases in order to remove non-citizens. In 2015, it was replaced by the Priority Enforcement Program (PEP), which allowed local jurisdictions to set the parameters of their cooperation with ICE.

¹² Sixty-eight percent of deportees were arrested by border agents and 64 percent had been convicted of a minor offense; the rest had only broken immigration law (Kanno-Youngs, 2019).

¹³ Section 287(g) of the Immigration and Nationality Act empowers the DHS (the federal government) to seek agreements with state and local law enforcement units allowing their trained officers to assist with the detention of removable non-citizens. That is, policemen can now question the immigration status of foreigners and report it to immigration authorities (Verea, 2014).

¹⁴ Trump has promoted forty-seven 287(g) agreements of the seventy-six in existence (ICE, 2018a; Hermann, 2018).

of which did so during the Trump administration; nevertheless, twenty-one jurisdictions have ended their agreements (ILRC, 2019). The reactivation of the Secure Communities Program increases the risk of removal for any unauthorized immigrant who comes into contact with the criminal justice system.¹⁵ However, since many local jurisdictions refuse to honor ICE detention orders for less severe offenses because of a series of court rulings that have flagged privacy concerns, the program's impact has been generally more limited than expected (Pierce, Bolter, and Selee, 2018).

ASSIGNING ADDITIONAL AGENTS AND JUDGES

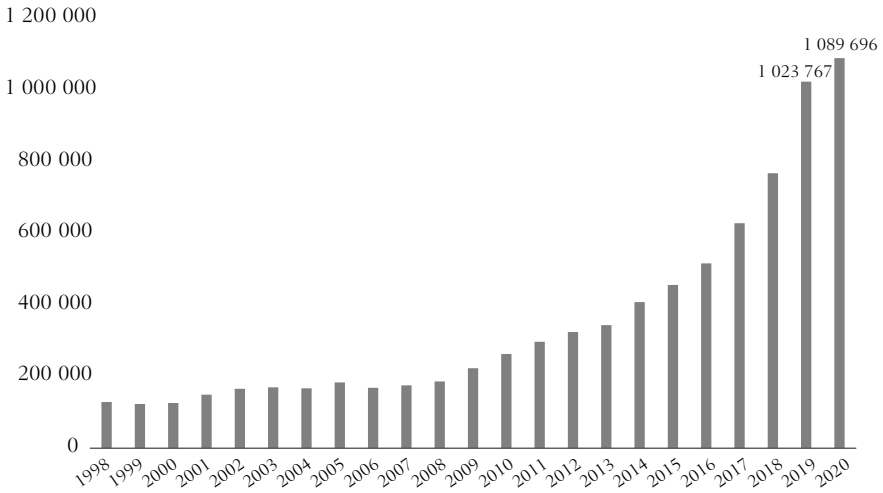
Executive Order 13 768 proposed assigning 10 000 more agents in the interior, appointing more immigration judges, and expediting deportation hearings. Trump also suggested improving, building, and operating more detention centers for undocumented immigrants near the border. As a rule, U.S. authorities apprehend undocumented migrants caught in the attempt to cross the U.S.-Mexico border and deport them if they are found in the interior. Deportation is not as simple as spotting, handcuffing, and putting migrants on a plane. An official order of removal must be issued, usually by an immigration judge. If the government decides not to hold the "illegal alien" due to lack of resources, and the person is likely to show up in court anyway, the former can be accused of practicing "catch and release" (Lind, 2018), which means releasing migrants from detention as they await court hearings that can take place months or years later. As shown in Graph 1, 1 089 696 cases are awaiting hearings in approximately sixty-three courts before 425 judges across the country.¹⁶ Data from April 2019 shows that immigrants wait an estimated 725 days to be heard by a judge, greatly contrasting with 430 days in 2009 (Trac Immigration, 2019). Given this, Trump is encouraging expedited hearings

¹⁵ According to ICE data, more than 43 300 non-citizens with criminal convictions were removed in 2017 following the reactivation of the Secure Communities Program.

¹⁶ These courts are administrative and depend on the Justice Department rather than the judicial branch. The rules under which they operate are written by political appointees, not by judges, and often favor the government. "They rule on whether a person is a U.S. citizen, a noncitizen who can qualify for a status that allows him or her to remain in this country, or whether a person has violated the laws and must be forced to leave. These decisions may cause the separation of families, because the law gives judges no discretion to allow someone to remain in our country based solely on hardship or humanitarian reasons" (Leigh, 2019).

in order to deport more immigrants more quickly, potentially jeopardizing the courts' fairness and leading to far more deportations than are required.

GRAPH 1
CASES PENDING IN IMMIGRATION COURTS (FISCAL YEARS 1998-2020)



SOURCE: TRAC Immigration, n.d.

PUNISHING SANCTUARY CITIES¹⁷

Since the beginning of Trump's administration, a tremendous fight has been carried out against sanctuary cities in an attempt to force their cooperation with ICE officials. Unlike Obama, Trump has sought to punish sanctuary jurisdictions by withholding federal funds if they do not comply with federal laws.¹⁸ ICE has conducted several nationwide enforcement operations focusing specifically on non-cooperative cities, which have resulted in the arrest of many irregular migrants. Among the cities targeted are Chicago, Los Angeles, New York, and Philadelphia (ICE, 2018b).

¹⁷ Sanctuary jurisdictions are the cities, counties, and states that do not cooperate with ICE on enforcing immigration laws. This non-compliance includes local law enforcement agencies refusing to hold people for ICE and refusing to provide ICE with information about those in custody.

¹⁸ For that purpose, he issued Executive Order 13 768 in January 2017, which blocked federal funding for sanctuary cities.

Over one hundred local governments have adopted a variety of sanctuary policies, barring police and jails from cooperating with immigration authorities, often by refusing to hold people past their release date at the request of immigration officers (Galvan, 2019). Additionally, mayors and police chiefs of sanctuary cities have filed lawsuits against Trump to block federal efforts to force local authorities to cooperate with immigration agents. In March 2019, Judge William H. Orrick III of the San Francisco District Court temporarily struck down Trump's decree by ruling that the Department of State cannot withhold federal law enforcement grants from sanctuary jurisdictions without an Act of Congress.¹⁹ He argued that the president had exceeded his powers, since Congress is the body authorized to approve and assign funding. Orrick's decision marks at least the tenth court ruling against the Trump administration's fight against jurisdictions that refuse to cooperate with federal law enforcement officials and immigration authorities.

On the other hand, Trump supporters, such as the governors in Texas and more than a dozen other Republican states,²⁰ filed a lawsuit against California's so-called Sanctuary Laws. Sanctuary cities will likely continue to be a target for restrictionist Republicans and will remain in the middle of the constant battle between the executive branch, Congress, and the courts. Fortunately, Trump has met with multiple rejections from the latter.

EXPANDING THE E-VERIFY PROGRAM²¹

Trump has suggested the allocation of US\$23 million for upgrading and expanding the program to eventually make it mandatory nationwide. Although use of this system is not currently required at a federal level, many states have laws that either require or encourage employers to use it (Basten, 2018).

¹⁹ The case was brought by the state of California and the county and city of San Francisco, all of which stood to lose over US\$30 million in funding from the federal government (Barbash, 2019).

²⁰ In March 2018, the states that joined Texas were Alabama, Arkansas, Florida, Georgia, Indiana, Kansas, Louisiana, Michigan, Missouri, Nebraska, Nevada, Ohio, Oklahoma, South Carolina, and West Virginia.

²¹ E-Verify is a system managed by the DHS, the U.S. Citizenship and Immigration Services (USCIS) Verification Division, and the Social Security Administration. The system itself is Internet-based and uses information from an employee's I-9 form and Employment Eligibility Verification, as well as DHS and Department of State (DOS) records to confirm whether the employee is authorized to work in the U.S.

Nevertheless, it is important to note that during recent years very little has been done to punish employers who hire undocumented immigrants. Between 2009 and 2016, the Obama administration deported more than 2.7 million immigrants, but, in that same period, only 1337 business managers were arrested on charges including the “illegal hiring” of personnel, tax evasion, and money laundering (Carter, 2017). Since ICE does not break down infringement statistics, it is not clear how many convictions have resulted from hiring undocumented workers; nevertheless, there has been an outstanding increment in worksite enforcement investigations in the period analyzed. ICE opened 6848 cases in FY 2018, compared to 1691 in FY 2017, and made 779 criminal and 1525 administrative worksite-related arrests, compared to 139 and 172, respectively, which represents a 300 percent to 750 percent surge (ICE, 2018c). This illustrates how Trump has hardened his deportation policy against undocumented migrants regardless of how long they have lived in the U.S. or whether they have criminal records. However, these actions do not imply that criminal and civil fines have been applied to employers or that they have lost their business licenses, which, to my knowledge, very seldom occurs.²²

Ending the Temporary Protected Status Granted by Previous Administrations

DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

Basing it on the DREAM Act waiting to pass in Congress since 2001, President Obama launched Deferred Action for Childhood Arrivals (DACA) in 2012 as an executive action offering relief from deportation through temporary legal status and permission to work for younger unauthorized immigrants who came to the U.S. as children. During his presidential campaign, Trump promised to rescind Obama’s executive orders. As president and under pressure from an ultra-conservative base —several states threatened to

²² Fines can be high. For instance, first offenders can cost an employer US\$250-US\$2000 per undocumented employee; second-offense fines reach US\$2000-US\$5000; three or more offenses, US\$3000-US\$10 000 per illegal employee. A history of knowingly employing “illegal” immigrants can mean extra fines and up to six months in jail for an employer (Tran, 2018).

sue the new administration if it did not end the program—, Trump decided to overturn DACA in September 2017 and gave Congress a six-month period to work on it, negatively affecting 690 000 migrants, 80 percent of them Mexican. Lawsuits from fifteen states allege that Trump violated the Equal Protection Clause by targeting a cohort of “DREAMers,” revealing a “racial animus” toward Mexicans (Neumeister and Johnson, 2017). I am certain that if the majority of “DREAMers” were of Caucasian descent, Trump would not have made this decision. DACA recipients are generally productive young people who study and most of them work. This is yet another example of Trump’s “Mexican-phobia” negatively affecting Mexicans in disproportionate numbers.

It is important to note that since the first year of Trump’s presidency, Democrats in the Senate have been pushing for a solution for DREAMERS. They have partially won some battles, one of which led to a three-day government shutdown in January 2018, and offered the party’s support for the construction of the wall and the appointment of more border agents in exchange for a solution for DREAMERS, although this initiative did not succeed. Trump’s response was the release of a “four-pillar” proposal for a DACA deal, which features a pathway to citizenship for an estimated 1.8 million undocumented “DREAMERS”; a reshaping of the legal immigration system limiting the Diversity Visa Lottery as well as family-based migration;²³ and a US\$25-billion budget for border security. A month later, the Senate proposed and voted on four unsuccessful immigration bills to protect DREAMERS.²⁴

Since then, Congress and the executive branch have been striving to make a deal with no results. In the courts, the situation is different: on January 9, 2018, San Francisco-based U.S. District Court Judge William Alsup issued a nationwide injunction ordering the government to resume DACA renewals (Gerstein, 2018). He argued that the Trump administration had failed to justify ending the program and that some plaintiffs had a good chance

²³ The Diversity Visa Lottery, part of the 1990 Immigration Reform, was intended to diversify the country’s immigration pool. It consists of an annual selection of green card applications submitted by individuals from countries with low rates of migration to the United States.

²⁴ These are the Coons-McCain bill, which allocated no money for the border wall initiative, though it did include some border security measures; the Toomey amendment, which would have penalized sanctuary cities that refuse to enforce federal immigration policies by withholding federal funding from them; and the Grassley bill and the Common-Sense Caucus bill, which sought to open a pathway to citizenship for about 1.8 million DREAMERS, allocate US\$25 billion for a southern border wall, curtail family immigration, and eliminate the Diversity Visa Program (Verea, 2018a).

of winning.²⁵ On January 13, 2018, U.S. Citizenship and Immigration Services (USCIS) began accepting *DACA* renewals (CIS, 2018). One month later, the Trump administration urged the Supreme Court to intervene, but it dismissed the complaint, choosing instead to allow the matter to proceed through the lower courts. Brooklyn Federal District Court Judge Nicholas G. Garaufis issued an injunction in March 2018 ordering the Trump administration to keep *DACA* in place while considering the legal merits of the suit. He noted that Trump's numerous "racial slurs" and "epithets," both as a candidate and as president, had created a "plausible inference" and that the decision to end *DACA* violated the Equal Protection Clause, suggesting that there may have been an improper racial motivation for rescinding *DACA* (Feuer, 2018). The 9th Circuit Court of Appeals put its review of Alsup's decision on fast track. On January 22, 2019, following several months' delay, the Supreme Court took no action on *DACA* and the justices announced they would hear arguments in the fall of the same year. Injunctions remain in effect, forcing USCIS to continue granting *DACA* renewals to any individual who had received it prior to the administration's rescission.

So far, Trump has rejected bipartisan deals and blamed Democrats in Congress for not finding solutions. Even though most *DACA* recipients remain in limbo, the court's decision keeps a legal shield in place for "DACAmented" immigrants. USCIS is still accepting requests for *DACA* renewals (USCIS, 2019), which means a significant victory for the courts and a defeat for Trump administration hardliners.

TEMPORARY PROTECTED STATUS (TPS)²⁶

The Trump administration abruptly decided to end TPS benefits for approximately 437 000 immigrants, most of them from Central America and the Caribbean, by 2020. TPS allowed them to stay legally in the U.S. after natural disasters struck their home countries. Trump has decided to end protected status for 200 000 immigrants from El Salvador; 58 557 from Haiti;

²⁵ The states of California, Maine, Maryland, Minnesota, and New York are some examples.

²⁶ The TPS was a creation of Congress under the Immigration Act of 1990 as a temporary form of humanitarian protection offered to nationals of certain countries who are in the United States and unable to return to their countries due to violent conflict or natural disasters.

5306 from Nicaragua; 7000 from Syria; 9000 from Nepal; 1048 from Sudan; 846 from Liberia; and 86 000 from Honduras (Johnson, 2018; Tiffani and Wilkinson, 2018). Trump has described some of these countries as “shit-holes,” a statement he subsequently denied because of its severe racist implications. Half of TPS recipients have lived in the U.S. for at least sixteen years. Eighty-eight and a half percent of them are part of the national workforce, a much higher percentage than the national average (Johnson, 2018). Ending TPS would have a devastating impact on the social and economic fabric of cities across the country and in the Central American Region.

Lastly, the American Dream and Promise Act of 2019, which passed the U.S. House of Representatives on June 4, 2019, would offer a pathway to permanent legal status for DREAMers, TPS holders, and Liberian citizens who have been granted Deferred Enforced Departure (DED). The Migration Policy Institute estimates that 2.3 million DREAMers would be eligible for conditional legal status under this bill, an amplified version of Obama’s initiative, while 429 000 TPS and DED holders could apply immediately for legal permanent residence (Gelatt, 2019). It has yet to be determined if Congress will eventually approve a bill intended to protect DREAMers as well as TPS holders, providing them with permanent legal residency and a pathway to citizenship.

Establishing an Asylum Ban

In June 2018, Trump implemented an aggressive, unilateral measure in response to the caravan from Central America, advancing a policy that would require asylum seekers to wait in Mexico until their cases are decided, regardless of their nationality. The existing law states that once an asylum seeker has been screened, he or she must wait in U.S. territory until an individual decision is reached on whether that person should be released or detained. Alternatively, Senate Republicans have proposed barring Central American minors from seeking asylum unless they apply at home. The proclamation of an asylum ban has been categorized by opponents as an audacious and inhumane move consistent with Trump’s anti-immigrant agenda. Moreover, Trump’s “Remain-in-Mexico” policy requires non-Mexican undocumented migrants apprehended at the border to remain in the country they entered through, regardless of their country of origin, even while awaiting legal

proceedings in the United States. This constitutes a violation of the principle of non-refoulement, an international principle of law that prevents countries from returning, expelling, or extraditing migrants to territories where they might be subject to persecution, torture, or death. This is the case in Mexican border cities like Tijuana, a highly violent location.

In April 2019, San Francisco District Judge Richard Seeborg blocked Trump's "Remain-in-Mexico" policy, enjoining the Migrant Protection Protocols (MPP). In his ruling, Seeborg said the legal question before him was not whether the MPP is a wise, intelligent, or humane policy, or whether it is the best approach for addressing the circumstances the executive branch contends constitute a crisis. Rather, he wrote, "The program probably violates the Immigration and Nationality Act, the Administrative Procedures Act and other legal protections to ensure that immigrants are not returned to unduly dangerous circumstances."²⁷

Throughout 2018, Trump pressured former Mexican President Enrique Peña Nieto to sign a safe third country agreement but was formally rejected several times. The agreement states that asylum seekers must make their claim in the first country they enter with safe third country status after fleeing their home countries, which would force them to seek asylum in Mexico instead of the United States.²⁸ Trump believes that this type of deal would discourage Central American families from coming to the U.S. in caravans (Partlow and Miroff, 2018). The majority of these migrants come from Northern Triangle countries (Guatemala, Honduras, and El Salvador) fleeing growing violence, persecution, unemployment, poverty, and climate change, among other circumstances.

It is important to note that, since 2014, violence in Central America has prompted the flight of tens of thousands of families and unaccompanied minors seeking asylum in the United States, which the law permits: 10 percent apply today compared to 1 percent in 2011 (Jordan, 2018). In response to the situation, Obama and Peña Nieto made an agreement through which the Mexican government established the Southern Border Plan, which increased the number of detentions from 88 506 in 2012 to its 198 141 peak

²⁷ The U.S. government could appeal the ruling to the U.S. Court of Appeals for the 9th Circuit but has not indicated whether it will do so (Sacchetti, 2019).

²⁸ If a country has not been designated a "safe third country," as is now the case of Mexico, an asylum seeker may pass through it and apply for asylum in the next country with safe third country status.

in 2015. In 2018, the number declined to 138 612 but rose again to 179 335 detentions, mostly of migrants from Central America (Table 2). It is still unclear what Mexico received in exchange.

TABLE 2
MIGRANTS APPREHENDED IN MEXICO (2012-2019)

<i>Year</i>	<i>Total</i>	<i>Central Americans</i>
2012	88 506	82 161
2013	86 298	80 757
2014	127 149	119 714
2015	198 141	179 618
2016	186 216	151 429
2017	93 846	80 599
2018	138 612	123 797
2019	179 335	151 547

Source: Secretaría de Gobernación (2019).

At the beginning of his term in December 2018, Mexican President Andrés Manuel López Obrador (AMLO) took a different approach and began to assist Central American migrants crossing through Mexican territory under a “humanitarian policy.” The Mexican government offered these migrants shelter and visas that would allow them to work for a year. Several state governments even offered help for their transportation to the northern border. On the other hand, during the first five months of his government, AMLO *de facto* accepted Trump’s “Remain-in-Mexico” policy, providing the U.S. with detention centers in different northern-border cities where asylum seekers could be held indefinitely. AMLO’s passive—even ignorant—response could be interpreted as part of a non-confrontational policy, probably seeking to promote the signing of the USMCA in exchange, or the creation of what AMLO has called a “Marshall Plan” for Central America. In order to address the root causes of Central American migration, AMLO proposed a US\$30-billion initiative to invest in the region.²⁹ This proposal is an excellent long-term objective, but it does not provide a solution for the immediate crisis.

²⁹ Trump informally supported it, declaring that his government would commit to giving US\$5.8 billion in private and public investments in the “Northern Triangle” as well as an additional US\$4.8 billion for Mexico, including US\$2 billion in development aid for southern Mexico (SRE, 2018).

In April 2019, President Trump gave the Mexican government a “one-year warning” before closing the southern border and threatened to impose tariffs if Mexico did not put a stop to all illegal migration (Karni and Kanno-Youngs, 2019). This caused AMLO to shift his government’s strategy, beginning with a partial reversal of his initial “open-door” policy welcoming migrants and providing them with the means to continue their journey to the U.S. The following data illustrate this reversal: according to Mexico’s National Immigration Institute (INM), 15 000 migrants were deported in April 2019, almost double the number deported in January of the same year (8556, mostly Central Americans), evidencing a change in strategy similar to Peña Nieto’s in 2014. In April 2019, 98 977 migrants, mostly Central Americans, were apprehended at the U.S. border.

Unsatisfied with this shift in AMLO’s approach, Trump announced in May 2019 that he would implement a 5-percent tariff on imports from Mexico starting June 10, stating that “until such time as illegal migrants coming through Mexico, and into our Country, stop, . . . the tariff will gradually increase until the illegal immigration problem is fixed” (Karni, Swanson, and Dhear, 2019). In a hasty response, AMLO formally accepted the “Remain-in-Mexico” bilateral agreement.³⁰ He did not warn his counterparts that Mexico’s institutions could not possibly stop all migrant flows because they have neither the staff nor the economic means to do so.

Central Americans do not want to stay in Mexico; they want to get to the “Promised Land,” be it as asylum seekers or irregular migrants. It seems AMLO has failed to consider the high economic and human costs of having migrants stationed at our southern border, desperate to cross through our territory. Those who have crossed Mexico’s border, along with those that have been deported by the U.S. government or are waiting to be granted asylum at the northern border, have become a time bomb. It is clear that Trump has been pressuring the Mexican government to formalize the “safe third country” agreement. I believe it would be a great mistake for AMLO to accept the agreement in order to solve this emergency, something that must be achieved in collaboration with the U.S. and Central American governments.

³⁰ Marcerlo Ebrard, Mexico’s foreign minister, flew to Washington, D.C. on May 31 to prevent the imposing of 5-percent tariffs on all imports from Mexico, which would otherwise have come into effect on June 10.

Muslims Out: Imposing a Travel Ban And Limiting Refugee Admissions

IMPOSING A TRAVEL BAN

The Executive Order Protecting the Nation from Foreign Terrorist Entry into the United States (White House, 2017b), signed January 27, 2017, has been amended to create a second and a third version. In its original version, known as the travel ban, Trump proposed to temporarily block entry of visitors from Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen for ninety days. The second version issued March 6 (Executive Order 13780, with the same title), applies to six of the originally banned countries, excluding Iraq. When it was implemented, this action generated chaos at different points of entry, even for foreigners with permanent visas, and triggered numerous protests. Both versions of the order were cancelled by federal judges since they were deemed unconstitutional for discriminating against Muslims for their religion, another victory in the courts against Trump. Faced with a second rejection, Trump gave orders for the Department of Justice to defend this executive order in court. Surprisingly, the Supreme Court partially suspended the appellate court decisions that had temporarily banned the implementation of key aspects of the executive order and agreed that it would allow the entry of individuals from these countries only if they have a “good-faith relationship” with a person or entity in the U.S. (Rosenberg, 2017).

On September 24, 2017, the White House issued a third executive action, Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or Other Public-Safety Threats, based on the provision of the March 6, 2017 executive order (White House, 2017e). The latter bans travel into the U.S. for citizens from eight countries: Iran, Libya, North Korea, Syria, Venezuela, Yemen, Somalia, and Chad³¹ (White House, 2017c). This time, the courts issued nationwide injunctions suspending the ban for nationals of all of the listed countries except North Korea and Venezuela. After a Justice Department appeal, the Supreme Court al-

³¹ On April 10, 2018, Trump published another proclamation lifting the entry ban on Chad (White House, 2018), since the latter has improved its identity-management practices by taking concrete action to enhance travel document security for its nationals. Restrictions for other countries remain unaltered (Office of Visa and Immigration Services, 2017).

lowed the travel ban to be fully implemented as the case continues to wind its way through the judicial system.

Challengers argue that Trump's campaign speeches and tweets against Muslims are a clear indication that the ban was aimed at a particular religious group and not justified by security reasons as Trump has argued (Liptak and Shear, 2018). Unfortunately, on June 26, 2018, the Supreme Court ruled that Trump has the authority to ban travelers from certain Muslim-majority countries if he thinks it is necessary in order to protect the United States; this was a victory for Trump and a major affirmation of his presidential power (Barnes and Marinow, 2018). The State Department rejected over 37 000 visa applications in 2018, slightly more than in 2017, mainly from banned Muslim-majority countries, which received 80 percent fewer visas than in 2016.³²

The travel ban has had very negative consequences. The number of immigration visas issued to people from Muslim-majority countries has gone down. Between 2016 and 2018, applications for highly skilled temporary visas (H1-B) dropped by 20 percent; student admissions fell 17 percent; and the number of Muslim refugees has been cut by 91 percent (Nowrasteh, 2018). Moreover, the number of "new arrivals" from Muslim-majority countries under the travel ban headed toward an 81-percent drop in 2018.

LIMITING REFUGEE ADMISSIONS

Through the first version of the Executive Order Protecting the Nation from Foreign Terrorist Entry into the US, Trump limited total refugee admissions to 50 000 people annually, greatly contrasting with the 110 000 limit set by the Obama administration for FY 2017.³³ In that year, 79 977 refugees were admitted into the U.S.; however, this number dropped to 22 491 in 2018 (a 58-percent decline), even though the admission ceiling was set to 45 000 and 30 000 for 2018 and 2019, respectively, the lowest since the 1980s (AIC, 2018; Human Rights First, 2019). The steepest admission decline has occurred

³² The State Department denied 15 384 applications for immigrant visas and 21 645 for non-immigrant visas for banned countries (Cohen and Hansler, 2019).

³³ In response to the worsening global humanitarian crisis, the Obama administration raised the admission ceiling to 85 000 in FY 2016 and to 110 000 in FY 2017.

among Muslims.³⁴ During the Obama administration, 32 percent of refugees admitted into the U.S. came from Muslim countries (Macchi, 2019). While 40 percent and 46 percent of refugees from Muslim-majority countries were admitted in 2014 and 2016, respectively, admissions dropped to 16 percent in FY 2018, and the trend for 2019 is almost the same.

With respect to Central American migrants, admission of refugees through formal resettlement channels has been relatively low even though the number of asylum seekers has risen significantly. Trump ended the Central American Minors Program (CAM) established by Obama in 2014 and aimed at children from the Northern Triangle under twenty-one whose parents are lawfully present in the U.S. Under a court settlement announced in April 2019, the administration agreed to allow approximately 2 700 Central American children to reunite with their parents in the U.S. under an in-country refugee and parole program. Notably, the number of Central Americans from the Northern Triangle countries who received asylum status grew from 1 007 in 2012 to 8 480 in 2017, but still very few were accepted. However, a significant number of applications are still under review due to processing backlogs (Blizzard and Batalova, 2019). In order to reduce admissions, the Trump administration has cut down on the staff that conducts clearance interviews overseas and doubled the number of people it considers high-risk, prolonging the screening process.

Restraining Legal Migration

PERMANENT IMMIGRANTS

Trump has put significant effort into reducing legal immigration admissions, particularly for non-white applicants, as part of his anti-immigrant agenda. He believes that the immigration system should be reformed and endorses the Reforming American Immigration for a Strong Economy Act (RAISE Act).³⁵ This bill aims to create a merit-based point system in order to reduce the annual

³⁴ According to the State Department, 38 900 Muslim refugees came to the United States in FY 2016, 22 861 in 2017, and only 2 107 during the first six months of 2018.

³⁵ Republican Senators Tom Cotton of Arkansas and David Perdue of Georgia are the drafters of the RAISE Act bill, also known as the Cotton-Perdue bill (Nakamura, 2017).

admission of immigrants as well as the issuance of green cards from one million to 500 000 by 2027; currently, 34 million immigrants are living legally in the U.S.

Trump has also called for limiting “chain migration,” a term he uses repeatedly to discuss family-based migration for relatives other than spouses and minor children. The main purpose of the RAISE initiative is to admit immigrants based on their merits and work skills, eliminate certain categories of visas for non-immediate relatives, and suspend the visa lottery. Trump believes there is no reason “to bring in dozens of increasingly distant relations” with “no real selection criteria” (White House, 2017f). Today, approximately 63 percent of immigrants are admitted annually into the U.S. via family reunification, and around four million family members are on the waiting list for immigrant status (Anderson, 2019b). Since Trump supports the idea of a merit-based admission system, he released a plan in May 2019 prioritizing applicants who can demonstrate knowledge of English, support themselves financially, have a job offer, and can pass a civics test, among other characteristics.³⁶ Trump’s proposal needs a majority vote to pass in the Senate, and it is unlikely that Democrats would support it. I hope this initiative is not approved, since, according to the latest available data (DHS, 2017b), approximately 168 980 (15 percent)—of the 1 127 167 immigrants admitted annually into the U.S. come from Mexico, the country that receives the largest number of visas in this category. Sadly, some evidence exists that the administration has already slowed down the entry of family-based migrants, which dropped from 530 000 in 2016 to around 406 000 in 2017, despite the similar number of applications received during both periods (Rosenberg, 2018). The backlog of pending green card applications swelled by 35 percent in 2017 (Ibe, 2019). Simultaneously, the Trump administration has increased the obstacles for immigration candidates by requiring personal interviews for the first time and requesting more information than usual; the result has been a slow-down in the processing of requests (Saleh, 2017). Also, very recently Trump advanced a regulation that would jeopardize migrants’ probability of obtaining lawful permanent residence if they are deemed likely to use Medicaid, food stamps, and other forms of public assistance (Khazan, 2019).

³⁶ Preference would be given to who already have job offers in the United States or have specific skills (Shear, 2019).

These new obstacles have left thousands seeking to become lawful residents vulnerable and in a state of limbo. In an even crueler spirit and with fewer legal grounds, Trump has dared to establish a denaturalization task force, seeking to take citizenship away from naturalized U.S. Americans. Even if it is not yet in effect, this initiative is causing a sense of uncertainty among naturalized citizens and permanent residents (Ibe, 2019).

TEMPORARY RESIDENTS

Trump has repeatedly made the statement that “our country is full; go back,” addressing temporary migrants, and has established several measures to limit their admittance. The Department of State now requires increased scrutiny of all applicants for non-immigrant visas, so that companies who hire them are facing greater scrutiny as well. In order to obtain or renew a non-immigrant visa, applicants have to submit five years of social media, email, and telephone records, posing unprecedented difficulties for them.

- *Highly skilled workers.* Through the Buy American, Hire American executive order, issued in April 2017 (White House, 2017d), Trump intended to promote higher wages and employment rates for workers in the United States by restricting the hiring of immigrants. In order to achieve more transparency in employment-based visa programs—and the H-1B program in particular—, USCIS launched the H-1B Employer Data Hub,³⁷ a public website providing information on U.S. employers who have requested the right to employ H-1B workers. The data contained on this platform evidenced a dramatic rise in H-1B denial rates for first-time applications as well as extensions.

Since the beginning of the Trump administration, the hiring of temporary U.S. residents has slowed down as both new applicants and H-1B workers who have had their visas renewed for many years while they wait for a green card now face new scrutiny and compliance rules. These changes have made

³⁷ This hub gives allows the public to calculate approval and denial rates and learn which U.S. employers are using the H-1B program (USCIS, 2019).

H-1B holders afraid of changing jobs or being suspended, which would end their legal status. The administration has made the hiring of skilled foreign workers much costlier for employers, which is a probable reason why applications dropped by 20 percent between 2016 and 2018 (Nowrasteh, 2018). Employers have reported receiving H-1B visa approvals that last for as little as one day or, quite amazingly, expire before they receive them. Trump's Buy American, Hire American executive order has especially affected highly skilled workers from India, who hold the majority of the visas.³⁸ At least 25 percent of visa applications were rejected during 2017 and 2018, while 32 percent of initial employment petitions were denied between January and April 2019, a remarkable increase compared to only 6 percent in 2015, according to USCIS data (Stone and Gonzalez, 2019). Nevertheless, there has been a 25 000-person increase in the Master's Cap, which allows for the approval of additional requests from applicants with advanced degrees only (Pierce, 2019). Another aggressive policy has been the ending of work permits for the spouses of H-1B visa-holding workers, who in turn receive H-4 visas, another revenge on Obama's former policies.³⁹ This situation has discouraged people from coming to work legally in the United States and will likely have a negative impact on industries that rely on the H-1B visa program.

- *Low-skilled workers.* In the face of Trump's actions, business groups have been pushing lawmakers to raise or eliminate the cap on work visas, a demand that has increased as unemployment rates have dropped and domestic workers have become scarcer. Surprisingly, and contrary to Trump's alleged intentions of giving more opportunities to young and less-educated U.S. workers, the spending bill passed in March 2018 allowed for an increased number of low-skilled nonagricultural workers (H-2B visa holders), that is, 15 000 more visas in 2017 and 2018. This trend has continued after the DHS and the Department of Labor (DOL) published a temporary final rule increasing the numerical limit on H-2B nonimmigrant visas by up to 30 000, available only to

³⁸ The number of Indian applicants for computer science and engineering declined by 21 percent in both 2017 and 2018 (Anderson, 2019a).

³⁹ The Obama administration allowed H-4 visa holders to work. About 91 000 of them, many of whom are as skilled as their spouses, leaped at the opportunity (Nowrasteh, 2018; Kolakowsky, 2019).

renewing applicants, through the end of FY 2019 (USCIS, 2019). This was achieved through continual pressure from Congress. These may have been due to the fact that, in a booming economy, the presence of workers in the service sector is indispensable.

Final Reflections

During his first thirty months as president, Donald Trump has changed the landscape for immigrants, hardening and establishing new policies to deter people from migrating to the U.S. Immigration has been the main focus of Trump's domestic agenda, and he has used his great executive power, which he has exercised with broad discretion, to establish multiple regulations for federal agencies that have resulted in toughening of the practices to limit the entry of migrants. Beyond his rhetoric, Trump has taken a highly hostile approach to unauthorized migration as well as legal immigrants. As part of his hardline immigration policy, he has taken actions such as paying excessive attention to the pool of "deportable" migrants, facing them with separation from their families and the fear of returning to a country almost unknown to them; significantly increasing detentions of non-criminal undocumented migrants; reinforcing the U.S.-Mexico border by deploying thousands of troops; implementing a "zero-tolerance" policy that has caused the cruel separation of families and is a clear violation of their elemental human rights; prosecuting asylum seekers and forcing them to apply only at ports of entry; coercing Mexico to formally accept the "Remain-in-Mexico" policy; responding aggressively to sanctuary policies; establishing a travel ban targeting Muslims; ending DACA and TPS for more than one million migrants, knowing that 80 percent were of Mexican origin, thus showing his "anti-Mexicanism"; decreasing refugee admissions through screening and low numerical caps; curbing and slowing the admission of legal immigrants, especially highly skilled workers; and making life hard for many immigrants already in the United States, among many others. Several objections from U.S. courts have been crucial for stopping his harsh anti-immigrant policies.

During the period analyzed, Trump has constantly threatened Mexicans, indicating his "Mexican-phobia" and greatly damaging the historically strong relationship between Mexico and the U.S. His recent threat of imposing uni-

lateral tariffs, an abuse of trade policy to force the Mexican government to stop migratory flows from Central America, is a great example of his extremely aggressive and intimidating attitude toward Mexico. The Mexican government has been coerced by Trump's drastic change in the approach to bilateral relations, now merging negotiations with trade, unlike the U.S.'s traditionally compartmentalizing approach, in which issues are dealt with separately to prevent contamination. The AMLO administration agreed at a Washington meeting in June 2019 to apprehend thousands of migrants by deploying 6000 inexperienced National Guard troops.⁴⁰ These guards have been placed not only on the Mexico-Guatemala border, but also at the northern border to stop the flow of migrants, a highly controversial decision contrasting with the country's traditionally humanitarian policy. Furthermore, Trump has threatened to increase the pressure by imposing tariffs, along with the safe third country agreement, if Mexico does not significantly reduce the migrant flows in forty-five days. Stemming migration flows in such a short period is almost impossible, so Trump will probably have the opportunity to impose punitive tariffs on Mexico if he wishes to.

The "humanitarian policy" adopted by López Obrador at the beginning of his presidency, which included giving away visas and helping migrants get to the U.S.-Mexico border, was naive and unwise. His non-confrontational policy in the face of Trump's bullying and "Mexican-phobic" stance has given way to the latter's imposition on Mexico's migration policy; this has led to a lose-lose situation.

This critical dilemma should be addressed regionally through the collaboration of Mexico and the U.S. along with the cooperation and support of migrant-sending countries in Central America. AMLO's "Marshall Plan" proposal must be reconsidered in terms of specific objectives and channeled to international institutions. The growth of migratory flows from Northern Triangle countries needs to be addressed with economic and humanitarian support, but also under specific directives or aiming for viable projects. In the short run, Mexico's government must approach Central American governments and multilateral organizations with a collaborative view in order to

⁴⁰ Mexican National Guards have not been trained as border patrol agents and have no formal connection with the National Immigration Institute, the main migration authority. They will, however, have the support of the Ministry of Defense and the Navy.

obtain investments to advance education, fight corruption, and mitigate violence, among many other factors.

AMLO's acceptance to act as Trump's shelter and "waiting room" for approximately 11 000 non-Mexican asylum seekers at the expense of Mexico's economic, political, and social wellbeing will make the country's northern border more chaotic and violent than it currently is. Moreover, acceptance of the safe third country agreement should not be tolerated, since Mexico does not have the economic means to support these migrants, which could bring serious problems like pushing them into more dangerous and vulnerable positions.

In the midst of his re-election campaign, Trump's "Mexican-phobia" is heightening and his rhetoric, including the insistence on building the wall and the deportation threats against undocumented migrants, will continue to resonate with his base. Trump's anti-immigrant attitudes and policies have caused irreparable damage to immigrants in general and those of Mexican origin in particular. His unnecessarily violent and divisive rhetoric, hate speech, and ongoing bullying have created fertile ground for perverse racism to surface in the form of nativist, discriminatory, and violent attitudes against non-white immigrants.

As I have described in this essay, Trump has established a wide variety of anti-immigrant executive actions and intimidating directives without approval from Congress, causing severe damage to both legal and unauthorized migrant communities, violating their basic human rights. I am convinced that the real wall is being built within the U.S. through the cruel measures described, further dividing an already fractured society. Objections from courts have played an important role in countering Trump's anti-immigrant stance. Democrats in Congress have a fundamental role to play in the near future in advancing a piecemeal immigration policy that may eventually lead to comprehensive immigration reform. I hope that national and international organizations as well as U.S. civil society will continue to act in favor of the increasingly vulnerable unauthorized migrants and for future generations.

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