

Anti-Immigrant and Anti-Mexican Attitudes And Policies during the First 18 Months Of the Trump Administration

Sentimientos y políticas antiinmigrantes y antimexicanos durante los primeros dieciocho meses de la presidencia de Trump

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ABSTRACT

Trump's destructive anti-immigrant and "Mexican-phobic" rhetoric has been the common denominator justifying the wide variety of executive orders he has signed and the highly punitive directives he has established as part of his hard-line immigration policy, which has played a leading role during his first 18 months as president. The author describes how, without congressional approval, he has made several moves and imposed numerous actions such as significantly increasing the criminalization of immigrants; considerably raising the number of detentions of non-criminal undocumented migrants; responding aggressively to sanctuary policies; putting an end to the Deferred Action for Childhood Arrivals (DACA) and the Temporary Protected Status (TPS) of more than one million immigrants; appreciably decreasing refugee admissions; banning Muslims from entering the U.S.; and very inhumanly and cruelly separating families at the border, among other measures. As president, Trump has enjoyed broad discretion to implement his aggressive hard-line immigration policy as never before; nonetheless, divisions within Congress and some objections from the courts have been crucial for stopping his harsh anti-immigrant policies. Trump's actions have negatively affected immigrants, mainly of Mexican and Muslim origin, significantly damaging the historically strong bilateral relationship between the U.S. and Mexico.

Key words: immigration policies, anti-immigrant attitudes, Trump administration, DACA, TPS.

RESUMEN

La destructiva retórica antiinmigrante y "mexicanófoba" de Donald Trump ha sido el común denominador en la justificación para el conjunto de órdenes ejecutivas y acciones punitivas establecidas por el presidente como parte de su rigurosa política migratoria, la cual ha tenido un papel protagónico durante los primeros dieciocho meses de su mandato. Sin la aprobación del Congreso, Trump ha tomado numerosas decisiones y llevado a cabo acciones como un incremento

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significativo en la criminalización de inmigrantes, así como la detención de migrantes indocumentados no criminales; la adopción de una postura agresiva ante las políticas de ciudades santuario; la revocación de la Acción Diferida para los Llegados en la Infancia (DACA) y el Estatuto de Protección Temporal (TPS) otorgados a más de un millón de inmigrantes; la reducción del número de refugiados admitidos; la prohibición de la entrada de musulmanes al territorio estadounidense; la cruel e inhumana separación de familias migrantes en la frontera, entre otras medidas que describe la autora a lo largo de este ensayo. Trump ha gozado de una amplia discrecionalidad como presidente para implementar su agresiva política inmigratoria, cual nunca antes; sin embargo, las divisiones ideológicas dentro del Congreso y las objeciones de las cortes han sido cruciales para detener la implementación de dicha política. Las acciones de Trump han perjudicado a inmigrantes musulmanes y de origen mexicano, principalmente, dañando la relación bilateral e históricamente fuerte de México y Estados Unidos.

Palabras clave: políticas migratorias, sentimientos antiinmigrantes, presidencia Trump, DACA, TPS.

INTRODUCTION: TRUMP'S DESTRUCTIVE ANTI-IMMIGRANT AND "MEXICAN-PHOBIC" RHETORIC

Explicitly xenophobic, anti-immigrant, racist rhetoric has been the common denominator in the first 18 months of Trump's administration. Donald J. Trump, who became the forty-fifth president of the United States on January 20, 2017, has made incendiary statements against immigrants, portraying them all as enemies and potential terrorists. I believe he has been highly offensive along racial and ethnic lines in general, but anti-Mexican in particular, making Mexico one of his favorite targets. Since the 2016 presidential race, he has distinguished himself as the most "Mexican-phobic" of all Republican candidates (Verea, N/D). He has characterized Mexican migrants as criminals, drug smugglers, rapists, and "bad hombres," among other highly negative attributions. He has repeatedly said that our government must pay for a border wall, constantly threatening to leave the North American Free Trade Agreement (NAFTA) if Mexico does not "stop the big drug and people flows" (Rucker and Weigel, 2018). His aggressive daily tweets, his favorite form of communication, have falsely claimed that Mexico is the "number one most dangerous country in the world" (Wilts, 2018), in an ostensible effort to justify the need for the U.S. to build a wall along its southern border.

Trump's violent rhetoric, hate speech, and continual bullying of Mexico and of Mexicans have caused irreparable damage to our already deteriorated bilateral relationship. This destructive rhetoric has been supported by dissatisfied, angry 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 and committing crimes, among other false accusations and perceptions. This environment has become fertile ground for racists and xenophobes, giving them the opportunity to come out of their closets. 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 and anti-immigrant actions and policies. The following are but a few examples of Trump's sentiments: his defense of the "White Supremacists," neo-Nazi groups, and the KKK who demonstrated in Charlottesville, Virginia, in August 2017, whom he considered to have good intentions; his controversial pardon of the racist Sheriff Joe Arpaio;¹ his constant and unprecedented tweeting of racist claims such as, "Haitians all have AIDS. ... Nigerians should go back to their huts"; his famous question "Why do we want all these people from shithole countries coming here?" (Dawsey, 2018); and, worst of all, calling migrants animals: "We have people coming into the country ... we're stopping a lot of them ... you wouldn't believe how bad these people are ... these aren't people, these are animals, and we're taking them out of the country at a level and rate that's never happened before" (Hirshfield, 2018; Kirby, 2018). Clearly, Trump, as a white supremacist, believes that non-white foreigners should not be welcomed into his country. When public figures in influential positions promote hatred, they legitimize socially unacceptable conduct, encouraging others to replicate this violent behavior (Malik, 2016). And that is precisely what has been happening: Attorney General Jeff Sessions and senior policy adviser Stephen Miller have adopted the role of racial and cultural warriors, allegedly defending the country against brown-skinned, Spanish-speaking hordes that, following their rhetoric, are invading the United States (Robinson, 2018). Also, statements by Vice President Pence and some Republican candidates seem to suggest that there is freedom to make racist and xenophobic claims in the political atmosphere created by "Trumpism."²

The objective of this essay is to describe Trump's proposals and executive orders that have constituted a hard-line ultraconservative immigration policy during

¹ The pardon was issued after he had been convicted of criminal contempt of court for ignoring a court order to stop arresting undocumented people without reasonable suspicion that they had committed a crime, so that he could run for a Senate seat (Ramos, 2017).

² Vice President Pence recently called Arpaio "a great friend of this president, a tireless champion of strong borders and the rule of law." In Wisconsin, Republican House candidate Paul Nehlen ran in the August 2018 primaries as a "pro-white Christian American candidate"; in Georgia, Republican gubernatorial hopeful, state Sen. Michael Williams, promised to deport "illegals" and his campaign "deportation bus" bore the legend, "Murderers, rapists, kidnappers, child molesters, and other criminals on board" (Gerson, 2018).

the first 18 months of his administration. I do not intend to frame this essay within a specific theoretical approach because its main purpose is to make the reader aware of the significant dimension of Trump's anti-immigrant/anti-Mexican directives and the negative impact they have had for unauthorized migrants, immigrants, legal residents, and citizens in the United States, supported by my own arguments, historical background where needed, and statistics.

Since this essay is an overview of different proposals at different times of the period analyzed, I have grouped them in five major sections that directly refer to either an executive order or an adopted policy or directive, mainly to enhance border security by building a wall, increasing the number of border patrol agents, and sending the National Guard as a reinforcement; separating migrant families at the border; increasing domestic enforcement by hiring more agents to deport non-criminal aliens, restoring the Secure Communities Program; and punishing sanctuary cities as well as ending TPS and DACA; establishing a travel ban for Muslim countries and limiting refugee entry; and, finally, proposing a reform of the immigration system to the detriment of family reunification. Another limitation of this article is that I do not include an analysis of the Mexican government's position on Trump's anti-Mexican agenda.

ENHANCING BORDER SECURITY

Based on the false premise that the Mexican federal government has not fulfilled its responsibility of securing the border, Donald Trump released on January 25, 2017, the "Executive Order: Border Security and Immigration Enforcement Improvement" (The White House, 2017a),³ which aims to more effectively monitor the flow of "illegal" immigrants as well as human trafficking and acts of terror, which, in Trump's view, constitute a significant national security threat. Therefore, Trump considers it urgent to

- a) Build a wall along the southern border with Mexico in addition to the 653-mile fence that already exists along the 2000-mile border.⁴ Trump has asked Congress several times to fund construction, but his request has been consistently rejected. Also, he has repeatedly harassed and threatened the Mexican government, demanding it pay for the wall, despite this being refused multiple times because it violates the good neighbor principle. Even though the

³ An executive order is a presidential directive that does not require congressional approval and has much the same weight as a federal law.

⁴ The cost was estimated between US\$15 billion and US\$25 billion (Spagat, 2018).

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, Democrats, and even many Republicans in Congress have argued that, besides being extremely expensive, building the wall would have severe environmental costs as well as a negative impact on bi-national communities and private property rights.⁵ The wall has proved absolutely ineffective, since almost half of the unauthorized migrants living in the U.S. did not enter across the land border. Robert Warren estimates that, as of 2014, 42 percent of the undocumented population came into the country with some type of visa (this figure has not changed since the 1980s).⁶ The remaining immigrants have exceeded the allowed time of stay, becoming visa abusers or "overstayers," something Trump seems to overlook. This is why Congress has been pushing lately to establish a biometric exit system instead.

Trump seems to be unaware that the net flow of undocumented Mexican migrants has dropped substantially since the 2008 economic crisis. Between 2008 and 2016, the number of undocumented immigrants stabilized at 11.3 million, having peaked at 12.2 million in 2007. It is important to note that, even though Mexicans have long been the largest group among unauthorized migrants—and the majority for at least a decade—, their number has decreased from 6.9 million in 2007 (57 percent of the total) to 5.6 million in 2015 (51 percent of the total). This number is estimated to remain the same for 2017, but the presence of Mexican migrants has dropped by 50 percent, 1 300 000 fewer people than in 2008 (Passel and Cohn, 2017). That is, Mexican net migration has reached an equilibrium point, the "zero net migration" point. Therefore, the people who would get rich from building the wall, besides construction companies, are mainly the human smugglers or traffickers who have substantially increased their profits by raising the price for bringing undocumented immigrants into the U.S.⁷

Since Trump claims the border wall is "desperately needed for our National Defense," he initially asked Congress to approve US\$18 billion in additional

⁵ Only about one-third of the land where the wall would be built is owned by the federal government or by Native American tribes. States and private individuals own the rest, especially along the Texas-Mexico border (Feuer, 2018).

⁶ Nevertheless, in the same year, one third of the undocumented immigrants from Mexico were "overstayers" (Warren and Kervin, 2017).

⁷ In November 2016, smugglers were charging approximately US\$3 500 per crossing, without guaranteeing a safe trip. In January 2017, the cost increased to up to US\$8 000, mainly due to fear of Trump's deportation policy (Corpus, 2017). The Department of Homeland Security reported in 2017 that migrants paid around US\$9 200 for the same journey, but the cost has continued to rise, according to interviews at migrant shelters in Mexico, to around US\$12 500, to travel from Central America.

funding to start construction in 2018 (Hesson, 2018a). Congress approved the Omnibus Spending Bill (US\$1.3 trillion for fiscal year 2018) on March 23, but assigned no funds for the wall. Trump received only US\$1.6 billion for border security, namely, investments in new technologies and repairs to the existing barriers, of the US\$25 billion he had asked for its construction.⁸ Trump's has become significantly disgruntled, and now he is threatening Congress that if they do not approve funding he may support a government shutdown next fall (Landers, 2018). Trump has proposed stationing 4 000 troops at the U.S.-Mexico border to address what he perceives as a "crisis" along the border until the wall is built. Governors of border states had agreed to guard the border on different terms.⁹ Recently, Trump's anger against "illegals" has intensified following the arrival of a "caravan" from Central America of around 200 immigrants who crossed through Mexico in April 2018, asking for asylum at the northern border. Trump then accused the Mexican government of not doing anything to stop these immigrants from reaching the U.S. border, once again threatening to withdraw from NAFTA if Mexico did not act (Lintihicum, 2018).

b) Increase the pace of detention of undocumented immigrants suspected of breaking federal or state laws. In order to implement his detention program, Trump proposes hiring 5 000 additional Border Patrol agents, subject to funding availability, which would increase their current number of 19 828 by 25 percent.¹⁰ It should be mentioned that in 2017, Congress authorized 20 570 border patrol agents, a number similar to past years. However, Immigration and Customs Enforcement (ICE) did not fill all the positions and was estimated to have more than 1 000 vacancies at the end of the fiscal year (DHS, 2017a). There have been difficulties both for hiring and retaining Border Patrol agents, due to the fact that admission requires a lengthy polygraph exam that two-thirds of the applicants fail.¹¹ According to the U.S. Department of Homeland Security (DHS), the Office of Inspector General and the U.S. Customs and Border Protection (CBP) would need to receive 750 000 applications to hire the

⁸ The bill provides US\$641 million for about 33 miles of new fencing, investments in new technology and repairs to existing barriers, but prohibits building a concrete structure or other prototypes that Trump has considered, allocating the rest of the funding for new aircraft, sensors, and surveillance technology (Gojshan, 2018).

⁹ Four states along the U.S.-Mexico border agreed to activate National Guard troops, who will be assigned supportive roles and not placed under the command of law enforcement (Chishti, Pierce, and Rose, 2018). Texas has sent 250 guards; California, 400; Arizona, 300; and New Mexico, 80.

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

¹¹ While the agency hires approximately 523 agents per year, it also loses an average of 904 in the same period (GAO, 2017).

requested 5 000 Border Patrol agents, making it an impossible task (Shelbourne, 2017; DHS, 2017b).

President Trump has repeatedly stated that there has been an important increase in apprehensions, which is false of fiscal year 2017: the Border Patrol arrested 303 916 undocumented migrants at the border, a 25-percent drop with respect to fiscal year 2016 (see Graph 1) and, surprisingly, the lowest percentage since 1971 (CBP, 2017). In fact, border apprehensions declined as a result of the fear sparked by Trump's aggressive rhetoric in 2017. Nevertheless, according to the CBP figures shown in Graph 2, apprehensions became more frequent from September 2017 to June 2018 (CBP, 2018). Today, fewer Mexicans are apprehended at the border, but an increasing number of Central Americans are detained there. Trump's intention to shut the border down when the number of apprehensions is down to its lowest levels since 1971 makes little sense.

Another sensitive issue is that the Trump administration has proposed returning undocumented migrants apprehended at the border to the place where they entered, regardless of their country of origin, even while awaiting legal proceedings in the United States.¹² The Mexican foreign minister has repeatedly stated that Mexico will not admit people of other nationalities if the United States tries to send them back (Agren and Stanglin, 2017). At the same time, Trump has managed to reduce the number of countries that in the past had refused to accept returned migrants.¹³ This policy is another aggression against Mexico and another point of tension in the already damaged bilateral relationship. The Mexican government must continue to demand that only Mexicans be returned.

- c) Separation of families. As part of several aggressive efforts to deter illegal immigration, in April 2018 the Trump administration adopted a "zero tolerance policy" and began separating parents from their children if they attempt to cross the border "illegally" into the United States. Even though the law allows families who cross "illegally" to remain together while their case is pending, more than 2 000 children were forcibly separated from their parents under Trump's policy until May 31.¹⁴ While parents were prosecuted, children were placed in the custody of the Health and Human Services Department. On June 20, Trump was forced to sign an executive order reversing this highly controversial policy after a national and international outcry demanding that

¹² If a non-Mexican migrant has an asylum claim, he/she must wait the necessary time in Mexico for a judicial appointment in the United States (Kopan, 2017).

¹³ This dropped from 23 countries in May 2016 to 12 in May 2017 (Bedard, 2017).

¹⁴ An additional 1 500 unaccompanied children were detained at the border.

families remain together. Nevertheless, and contradictorily, as usual, Trump's order instructs government officials to continue the "zero-tolerance" policy, prosecuting all immigrants who enter the U.S. illegally.¹⁵ A federal judge in California ordered the reunification of all families and a halt to family separation at the border.¹⁶ This heartless policy is an absolute violation of human rights that should be taken into consideration by multilateral institutions and to pressure congresspersons to end Trump's perverse and damaging actions.

INCREASING DOMESTIC ENFORCEMENT

Executive order 13 768, *Enhancing Public Safety in the Interior of the US (EO)*, issued January 25, was established in accordance with the immigration enforcement and removal priorities in the interior. The following are some actions and policies Trump has implemented:

- a) Acceleration of the detention of migrants in the interior. Through the "*Enforcement of the Immigration Laws to Serve the National Interest*" memorandum issued on February 20, 2017, Trump instructed federal agencies to enforce immigration laws against "all removable aliens." This 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 "criminals only" strategy throughout his eight years of presidency under the Secure Communities policy. For example, during FY 2016, Obama's final year as president, fewer than 240 255 migrants were deported (90 percent had been convicted of crimes). Removals declined from 240 255 in FY 2016 to 226 119 in FY 2017 (see Graph 3). The difference is that 43 percent of them were non-criminals (only violators of immigration law), a huge contrast with the Obama Administration (ICE, 2017). Although Trump's administration has not been able to surpass the number of deportations effected under the Obama administration, Trump has made the pool of "deportables" much larger. Now, anyone suspected of being undocumented is at risk, even if they

¹⁵ Trump is asking the court for a modification of the 1997 Flores Settlement Agreement, which prohibits the detention of migrant children for more than 20 days.

¹⁶ The order requires federal officials to stop detaining parents separately from their minor children and to reunify all parents with their children under the age of 5 within 14 days and with their children age 5 and older within 30 days (Jarret, 2018).

have been in the United States for more than 15 or 20 years. This has resulted in the separation of families who have lived together for many years, worked, some having created their own businesses and other productive investments, and payed taxes (Verea, N/D). Therefore, the spectrum of deportable migrants, which under Obama focused on criminals, has expanded to newly-arrived migrants as well as fulfilling pending removal orders.

- b) Hiring of more agents and judges. Trump's executive order proposes assigning 10 000 more agents in the interior, appointing more immigration judges, and expediting deportation hearings. He also suggests improving, building, and operating more detention centers for undocumented immigrants near the border. As a rule, U.S. authorities apprehend an undocumented migrant 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 immigrant due to lack of resources and the person is likely to show up in court anyway, it can practice "catch and release" (Lind, 2018), which means releasing migrants from detention as they await court hearings that can take place months or years later.

Currently, more than 684 000 cases await hearings in approximately 60 courts with 375 judges across the country (see Graph 4). Immigrants wait an estimated average of 677 days to be brought before a judge (Park, 2017). Due to this, Trump is encouraging expedited hearings, for which previous procedures are not necessarily completed in order to deport more immigrants more quickly, which shows his hardline, inhumane position. This is the why Trump is pressuring judges with a Department of Justice evaluation in order to accelerate deportation cases. One implication of this authoritarian attitude is that Trump is potentially jeopardizing the courts' fairness and perhaps leading to far more deportations than are required.

- c) Increased deportations. Trump believes that in order to increase the number of deportations, state agencies and local police must be further empowered by signing more 287(g)¹⁷ agreements and by reinstalling the Secure Communities

¹⁷ Section 287(g) of the *Immigration and Nationality Act* empowers the federal government's DHS to reach agreements with local governments to enter into agreements with state and local law enforcement units to allow their trained officers to assist with the investigation, apprehension, or detention of removable non-citizens. That is, policemen can now question the immigration status of foreigners and report it to immigration authorities (Verea, 2014a).

Program.¹⁸ 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.¹⁹

Trump's reactivation of the Secure Communities Program has the aim of identifying any non-citizen liable to removal without considering the severity of the charges against them and granting local jurisdictions the power to prioritize these cases. This directive increases the risk of removal for any unauthorized immigrant who comes into contact with the criminal justice system. However, since many local jurisdictions refuse to honor ICE detainers for less serious crimes because of a series of court rulings that have flagged privacy concerns, the impact of the program is generally more limited than expected (Pierce, Bolter, and Selee, 2018).

d) Punishing Sanctuary Cities.²⁰ Unlike Obama's, Trump's administration is seeking to punish jurisdictions that act as sanctuary cities by withholding federal funds from them if they do not comply with federal laws.

In September 2017, ICE announced that it had conducted a four-day nationwide enforcement operation focusing specifically on non-cooperative cities, resulting in the arrest of almost 500 immigrants. Cities targeted included Chicago, Los Angeles, New York, and Philadelphia (ICE, 2018b). To reaffirm his extreme position, Trump recently ordered raids in certain sanctuary cities that have refused to cooperate with the federal authorities, a sign of his authoritarianism.

Mayors and police chiefs of sanctuary cities have responded by filing lawsuits against Trump to block federal efforts to force local authorities to cooperate with immigration agents. San Francisco District Court Judge William H. Orrick has temporarily struck down this decree. He argues that the president has surpassed his powers, since Congress is the body authorized to approve and assign funding and not the executive branch. On the other hand, Trump's supporters, like the governor in Texas and more than a dozen other Republican states filed a lawsuit against California's so-called Sanctuary Laws.²¹

¹⁸ This program was in effect between 2008 and 2014 and had the purpose of sharing information that cross-checks the fingerprints of people put into 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 for their cooperation with ICE.

¹⁹ Of the 76 287(g) agreements currently in force, the Trump administration has promoted 47 (ICE, 2018a; Hermann, 2018).

²⁰ Sanctuary cities are the cities, counties, and states that do not cooperate with ICE in enforcing immigration laws. This non-compliance ranges from local law enforcement agencies refusing to hold people for ICE past their release date to preventing ICE from entering city jails or refusing to provide it with information about those in custody.

²¹ 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. John Bel Edwards, the governor of Louisiana, is a Democrat.

I believe sanctuary cities will continue to be a target for restrictionist Republicans in the Trump era and will be in the middle of the constant battle between the executive branch, Congress, and the courts. Fortunately, Trump has met with the rejection of state courts throughout this year and a half.

- e) Expansion of the E-Verify Program.²² Trump has suggested the allocation of US\$23 million to expand this program and make it mandatory nationwide. Although use of the system is not currently required at a federal level, many states have laws that either require or encourage employers to use it (Basten, 2018). Nevertheless, it is important to note that in recent years very little has been done to punish employers who hire undocumented immigrants. If between 2009 and 2016 the Obama administration deported more than 2.7 million immigrants, in that same period, only 1 337 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 statistics for infringement, it is not clear how many convictions were handed down for the hiring of undocumented workers. In the period analyzed, the Trump administration appears to have taken a step toward its goal by launching a series of largely publicized raids at 98 7-Eleven stores in towns and cities in 17 states (Pearce and Castillo, 2018). However, this does not mean that criminal and civil fines have been applied to employers or that they have lost their business licenses, which, to my knowledge, very seldomly occurs.²³

ENDING THE TEMPORARY PROTECTED STATUS GRANTED BY PREVIOUS ADMINISTRATIONS

- a) Deferred Action for Childhood Arrivals (DACA). Following his campaign promises to rescind Obama’s executive orders and under pressure from an ultra-conservative base—several states threatened to sue the new administration if it did not end DACA—, Trump decided to overturn the program in

²² E-Verify is a system managed by the Department of Homeland Security (DHS), the Verification Division of U.S. Citizenship and Immigration Services (USCIS), 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 the employee is authorized to work in the U.S.

²³ Fines can be high, for example, first offenders can cost an employer US\$250-US\$2 000 per undocumented employee; second-offense fines reach US\$2 000-US\$5 000; three or more offenses, US\$3 000-US\$10 000 per undocumented employee. A pattern of knowingly employing “illegal” immigrants can mean extra fines and up to six months in jail for an employer (Tran, 2018).

September 2017 and gave Congress six months to work on it. This cruel and inhumane resolution has negatively affected 690 000 migrants, 80 percent of them Mexican.

Lawsuits from 15 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 the “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. Trump has once again revealed his “Mexican-phobia” (Verea 2017a, 2017b). Trump’s actions on DACA, plus the looming threat about NAFTA, have thrown bilateral relations between Mexico and the U.S. into a deep crisis, one we had not seen since the establishment of the agreement in 1994.

It is important to note that since September, Senate Democrats have been pushing for a solution for Dreamers and opposing the building of the wall. On January 20, 2018, they partially won the first battle, which led to a three-day government shutdown, offering the party’s support for the construction of the wall and the appointment of more border agents in exchange for a solution for Dreamers; but this was not successful. 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 US\$25-billion budget for border security; and a reshaping of the legal immigration system, limiting the Diversity Visa Lottery and family-based migration.²⁴ Trump suggests that with the restriction of these benefits, available green cards will be given to the millions of people who have waited up to 30 years for one,²⁵ an unbelievable situation. One month later, to protect Dreamers, the Senate proposed and voted four unsuccessful immigration bills:

- The Coons-McCain Bill,²⁶ which allocated no money for Trump’s border wall initiative, but did include some border security measures;

²⁴ The Diversity Visa Lottery was part of the 1990 immigration reform and 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.

²⁵ Trump proposes limiting family admissions to spouses and minor children, eliminating visa categories such as married and unmarried adult children, parents of adult of U.S. citizens, and siblings of adult U.S. citizens. Experts have estimated that removing these categories would reduce the approximately 1 million green cards given out yearly by 25 percent to 50 percent (Kopan, 2018).

²⁶ Proposed by Senators Chris Coons (D-DE) and John McCain (R-AZ), this bill failed 52 to 47, with Democrats almost united in favor and Republicans mostly voting against it.

- The Toomey amendment,²⁷ which would have penalized sanctuary cities that refuse to enforce federal immigration policies by withholding federal funding from them;
- The Grassley Bill²⁸ and the Common-Sense Caucus,²⁹ 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. It reduces the chances for DACA recipients to successfully sponsor their parents for legal status.

Taking into account that House Republican leaders opposed including immigration matters in a tentative spending deal, Trump signed the Omnibus Bill without providing a resolution for DACA. The lack of funding for the building of the wall made him angry.

Since then, Congress and the executive branch have been striving to make a deal with no results, unlike in the courts. 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 the ending of the program and that the plaintiffs (the states of California, Maine, Maryland, Minnesota, and New York, as well as the University of California) had a good chance of winning. On January 13, 2018, U.S. Citizenship and Immigration Services (USCIS) began accepting DACA renewals (USCIS, 2018). On February 26, the Trump administration urged the Supreme Court to intervene, but the latter dismissed the complaint, choosing instead to allow the matter to proceed through the lower courts. One month later, Judge Nicholas G. Garaufis of Federal District Court in Brooklyn issued an injunction ordering the Trump administration to keep DACA in place while he considered 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" that the decision to end DACA had 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, but legal experts do not expect a decision anytime soon, and the case will probably

²⁷ Sen. Pat Toomey (R-PA) proposed the amendment, which failed 54 to 45 votes, with most Democrats against.

²⁸ Grassley failed, 39 to 60. Democrats opposed the bill en masse. It had been strongly supported by Trump.

²⁹ Democrats almost unanimously backed the plan, but it failed 54 to 45, and Trump threatened to veto it.

go to the Supreme Court, and that should preserve DACA through the November midterm elections.

So far, Trump has killed DACA and rejected two bipartisan deals, blaming the Democrats in Congress for not finding solutions. Even though most DACA recipients remain in limbo, the court's decision maintains a legal shield for "DACAmented immigrants" in place for the rest of this year. U.S. Citizenship and Immigration Services (USCIS) is accepting requests for DACA renewals (USCIS, 2018), which has meant a significant victory for the courts and a defeat for hard-liners in the Trump administration.

Nevertheless, the war against DACA continues. As they promised before Trump's attempted overturn of the program, Texas and six other states (Alabama, Arkansas, Louisiana, Nebraska, South Carolina, and West Virginia) sued the Trump administration in May 2018 over its failure to terminate DACA. The suit demands the U.S. District Court for the Southern District of Texas "declare DACA unlawful" and block the federal government from issuing any more work permits under the program (Sacchetti, 2018).

b) Temporary Protected Status (TPS).³⁰ 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. Up until now, this affects 200 000 immigrants from El Salvador; 58 557 from Haiti; 5 306 from Nicaragua; 7 000 from Syria; 9 000 from Nepal; 1 048 from Sudan; and 846 from Liberia (Johnson, 2018). Even though, the political situation in Honduras is extremely difficult, Trump has also decided to end the protection of 86 000 immigrants who will face the same situation in July 2018 (Tiffani and Wilkinson, 2018). He has described some of these countries as "shitholes," the most racist qualification a public figure could make, a statement he subsequently denied because of its severely racist implications. Half of TPS recipients have lived in the U.S. for at least 16 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 Central America. The United Nations just recently stated that more than 294 000 asylum seekers and refugees from Northern Central America had been registered globally in 2017, an increase

³⁰ Congress created the TPS 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.

of 58 percent compared to the previous year. I hope that Congress will eventually approve a bill to protect TPS holders and stop this inhumane situation, providing them with permanent legal residency and a pathway to citizenship.

ESTABLISHING TRAVEL BANS AND LIMITING REFUGEE ENTRY

a) *Travel Bans.* The executive order “Protecting the Nation from Foreign Terrorist Entry” (The 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 90 days. The second version, issued March 6 (Executive Order 13780, with the same title), applies to six of the originally banned countries and excludes Iraq. When it was implemented, this action created chaos at different points of entry, preventing access even to foreigners with permanent visas and triggering numerous protests. Both versions of the order were canceled by federal judges who deemed them 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 the courts. Surprisingly, the Supreme Court partially suspended the appellate court decisions that had temporarily stopped the implementation of key aspects of the executive order and agreed that it would allow 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” (The White House, 2017c), based on the provision of the March 6, 2017 executive order. The latter bans travel to the U.S. for citizens from eight countries: Iran, Libya, North Korea, Syria, Venezuela, Yemen, Somalia, and Chad. 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 allowed the travel ban to be fully implemented as the case continues to wind its way through the judicial system.

On April 10, 2018, Trump published another proclamation (The White House, 2018) lifting the entry ban on Chad, since that country has improved its identity-management practices by taking concrete action to enhance travel document

security for its nationals. Restrictions for other countries remain in place (Office of Visa and Immigration Services, 2017). 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, a victory for Trump and a major affirmation of his presidential power (Barnes and Marimow, 2018). In the past 18 months, the travel ban has had highly negative consequences for Muslims. The number of immigration visas issued to people from Muslim-majority countries has gone down by 26 percent, and temporary visitors have reduced by 32 percent, compared to 2016 (Nowrasteh, 2018). Moreover, the number of "new arrivals" from Muslim-majority countries under the travel ban is heading toward an 81-percent drop in 2018.

b) *Limiting Refugee Admissions.* In the first version of this executive order, Trump limited total refugee admissions to 50 000 people annually, contrasting with the 110 000-person limit established under Obama, another rage action against former president. The United States admitted 79 977 refugees in FY 2017, compared to 92 071 in 2016 (AIC, 2018). Trump intends to reduce this number to 45 000 by 2018, the lowest since the 1980s. In the first year of the Trump administration, the number of cases of border agents rejecting asylum applicants at the border using various tactics outside the law has increased markedly. In fact, legal claims have been made against border patrol agents who have rejected asylum-seeking migrants.

It is important to note that, since 2014, violence in Central America has prompted tens of thousands of people to make the journey to the United States and seek asylum.³¹ They either turn themselves in to U.S. authorities on their arrival or sneak into the country illegally. Some of the "caravan" migrants previously mentioned have requested asylum hoping to stay in the United States. Under the "zero tolerance policy," asylum seekers have been prosecuted for crossing the border "illegally." The law states that once an asylum seeker has been screened, the government must make an individual decision on whether he or she should be released or detained. Along with the cruelty of the family separation policy, this has resulted in a lose-lose situation for migrants, but for Trump's image as well.

³¹ According to government officials, the demand for asylum is growing today: one migrant out of ten applies for it today compared to only one percent in 2011 (Jordan, 2018).

REFORMING THE IMMIGRATION SYSTEM

- a) Immigration Admissions Policy. Trump believes that the immigration system should be reformed. He supports the Reforming American Immigration for a Strong Economy Act (RAISE Act), also known as the Cotton-Perdue Bill.³² The RAISE Act aims to create a merit-based point system, in order to substantially reduce the annual admission of immigrants, as well as the issuance of green cards from the current approximately one million to 500 000 by 2027. Trump has also called for limiting “chain migration,” a term he repeatedly uses to discuss family-based migration for relatives other than spouses and minor children. The main purpose of this bill 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” (The White House, 2017d). Today, approximately 63 percent of immigrants are admitted into the U.S. via family reunification, and around four million family members are on the waiting list for immigrant status. Trump supports the idea that admissions should be granted under a meritocratic system assigning applicants more points for having a high-paying job offer, high English test scores, educational achievement, and being close to 25 years of age, among other requirements, similar to the ones applied in Canada and Australia (Munro, 2017). I hope this initiative is not approved, given that approximately 16 percent of the one million immigrants admitted annually into the U.S. come from Mexico, the country that receives the largest number of visas in this category (see Graph 4). Sadly, some evidence exists that the administration has already slowed down the entry of family-based migrants. The number of applicants accepted for family-based visas dropped by nearly a quarter during 2017 to around 406 000 from 530 000 in 2016, despite the similar number of applications received during both periods (Rosenberg, 2018). This is in essence a perverse action to further Trump’s intentions to end “chain immigration.” 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).
- b) Non-Immigrant Admissions Policy. The State Department has proceeded to require an increased scrutiny of all applicants for non-immigrant visas. In

³² Republican Senators Tom Cotton of Arkansas and David Perdue of Georgia drafted the RAISE Act bill (Nakamura, 2017).

order to obtain or renew a non-immigrant visa, applicants have to submit five years of social media, e-mail, and telephone records. Under the slogan “Buy American, Hire American,” highly-skilled immigrants who have had their H1-B visas renewed for many years while they wait for a green card now face new scrutiny and compliance rules. This is an unprecedented level of difficulty for immigrants seeking customary renewals of their visas. These changes make it much costlier for employers to hire skilled foreign workers requiring H-1B visas, which is a probable reason that applications have dropped by 20 percent between 2016 and 2018 (Nowrasteh, 2018). Another aggressive policy has been the ending of work permits for the wives of H1-B visa-holding workers, who in turn receive H-4 visas, another kind of revenge for Obama’s former policies.³³ Surprisingly, the spending bill approved in March 2018 allowed for a larger number of low-skilled non-agricultural workers (H-2B visa holders), contrary to Trump’s alleged intentions of giving more opportunities to young, less-educated U.S. workers. The bill allows the Department of Homeland Security (DHS) to admit 63 000 more H-2B guest workers for 2019, almost doubling the size of this program, which has a yearly cap of 66 000.³⁴ Also, the number of foreign students at U.S. universities dropped by about 17 percent in 2017 compared to the previous year and is likely to fall further.³⁵

CONCLUSIONS AND FINAL REFLECTIONS

A hard-line, ultraconservative migratory policy has been the common denominator in the first 18 months of the Trump presidency. Trump’s anti-immigrant and anti-Mexican attitudes and policies have caused irreparable damage to immigrants in general and those of Mexican origin in particular. His violent rhetoric, hate speech, and ongoing bullying from a white-supremacist stance have created fertile ground for racism to surface in the form of nativist, discriminatory, violent attitudes against non-white immigrants, as if these unacceptable forms of behavior were being validated by the authorities. It seems Trump really wants to “make America white again.”

³³ 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).

³⁴ The number of certified positions increased by 12 percent from 119 232 in FY 2016 to 133 985 in FY 2017 (Center of Immigration Studies, 2018).

³⁵ A major draw for studying in the United States is the possibility to work there after graduation. Those with student visas can work legally for 12 months after obtaining their degrees, and STEM graduates can stay for three years under a program called Optional Practical Training. In 2016, about 200 000 students signed up for OPT, often a first step toward obtaining an H-1B visa (Nowrasteh, 2018).

Without congressional approval, the Trump administration has implemented a wide variety of executive actions and directives with the intent of overhauling the U.S. immigration system. Nevertheless, some of these still await resolution, such as the building of the wall, an icon of Trump's anti-immigrant rhetoric. The president's eagerness to secure the southern border at a time when migrant apprehensions are at their lowest levels since 1971 seems incomprehensible. His constant threats to quit NAFTA if the Mexican government does not pay for the border wall have greatly damaged the historically strong bilateral relationship between the U.S. and Mexico.

Even though the number of deportations has remained similar to that of the final year of the Obama administration, Trump has called excessive attention to them, making unauthorized immigrants more vulnerable. Unlike his predecessor, Trump has made the pool of "deportables" much larger, and as a result, non-criminal unauthorized immigrants are now in constant danger of being deported and facing separation from their families as well as the fear of returning to a country almost unknown to them. I am convinced that the real wall is being built within the U.S. through the cruel hunt for unauthorized migrants, further dividing the already fractured society. This entire situation has caused severe damage to the migrant community by violating its basic human rights.

DACA has been a major point of disagreement among the Trump administration, Congress, and the courts. His having repealed DACA knowing that 80 percent of the 680 000 "DACAmented migrants" are Mexican evidences Trump's "anti-Mexicanism." He has rejected several bipartisan bills put forward in the Senate to resolve the status of DACA, leaving these migrants in limbo. Fortunately, the courts have offered them temporary relief, which poses a defeat for Trump and his hard-line followers. Similarly, ending TPS for almost half a million protected migrants would have a devastating impact, forcing them to return to their original countries. I hope the Democrats will gain control of at least one of the houses of Congress in the coming 2018 mid-term elections and approve a humanitarian bill granting permanent legal residency and a pathway to citizenship for all DACA and TPS recipients.

On the other hand, Trump's several versions of the travel ban, which unfortunately have been supported by the Supreme Court, have had and will continue to have a tremendous negative impact on Muslims, since immigrant visas for people from Muslim-majority countries will be increasingly difficult to obtain. His heartless "zero tolerance policy," which includes the separation of migrant families, has affected mainly Central American families seeking asylum. It is imperative for the Mexican government to demand that children should not be separated from their parents—a violation of their elemental human rights—, bringing this claim before multilateral institutions and hopefully moving Congress members to stop Trump's

perverse actions. The Mexican government has been apprehending an increasing number of Central Americans crossing its territory in search of the American Dream, facing “the dangerous journey to the North.” Our government has done an expensive and painful job to indirectly satisfy the needs of the U.S. government through a form of bilateral cooperation not recognized by the Trump administration, which continuously demands more intensive cooperation. Simultaneously, our northern border has become an increasingly problematic and conflictive region, since many Central Americans and other nationals have been deported or are still waiting there to enter U.S. territory. The Mexican government should continue to demand that the Trump administration verify the nationality of deportees and demonstrate that they have had a deportation trial.

In order to overhaul the U.S. immigration system, which he perceives as “broken,” Trump has enjoyed broad discretion as president, promoting several anti-immigrant actions and policies without congressional approval. In a polarized society, objections from the courts have played an important role in countering Trump’s anti-immigrant stance. I believe Democrats in Congress have a fundamental role to play in advancing a piecemeal immigration policy that may eventually lead to a 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.

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