

THE LEGACY OF TRUMP'S ANTI-IMMIGRANT AGENDA: ACTIONS AND CHALLENGES FOR BIDEN

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Introduction

Historically, presidents in the United States have had a broad legal authority over immigration policies through administrative procedures. Nevertheless, Congress is the legal institution responsible for the nation's immigration laws. The executive branch can reinterpret immigration laws, exercise discretionary actions, and establish priorities according to its own interests. Courts have overturned executive initiatives on immigration, particularly those that interfere with national security.

In his four years as president, Trump enjoyed unlimited discretion to restrict immigration without congressional approval, which enabled him to rapidly implement new policies, mostly through executive orders (EOs),¹ as well as new regulations for federal agencies, in the hope that some of them would survive judicial review (Narea, 2020). Through these EOs, Trump established several directives to strengthen and toughen U.S. migration policy.

Since his presidential campaign in 2016, Donald Trump characterized himself as a xenophobe with a destructive, anti-immigrant, and pro-white nationalist rhetoric that became his signature. Going beyond his rhetoric, Trump took a highly hostile approach to unauthorized as well as legal migration. As part of his hard-line immigration policy, he established actions such as calling excessive attention to the pool of “deportable” migrants, and threatening 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”

¹ Executive actions are issued by the president, usually through the following vehicles: Executive Orders (EOs), Presidential Proclamations, and Presidential Memoranda.

policy that resulted in the cruel separation of families, a clear violation of their elemental human rights; prosecuting asylum seekers and forcing them to apply only at points of entry; coercing Mexico to formally accept the “Remain in Mexico” policy; responding aggressively to sanctuary policies; establishing a travel ban targeting Muslims; ending Temporary Protected Status (TPS) for over a million migrants; significantly decreasing refugee admissions; 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 other actions. Objections from several U.S. courts were crucial for stopping these harsh anti-immigrant policies (Verea, 2020).

Furthermore, the COVID-19 pandemic gave President Trump a perfect excuse to establish even harsher immigration policies as part of his anti-immigrant agenda. In 2020, Trump pressed to increase apprehensions; separate families; abandon migrants and asylum seekers in Mexican border towns; end the right to asylum in order to “protect” the border; promote general shut-downs of the legal immigration system for some permanent residence applicants; and block the entry of a range of temporary foreign workers, policies that will be analyzed throughout this essay.

President Biden has changed the official narrative on immigration through a more humane perception. He has signed several EOs with the intention of reversing many of the anti-immigrant policies established by Trump, a difficult task that requires substantial structural changes. The new administration is focusing extensively on issues related to entry into the United States through new directives and regulations. During his first six months in power, he established limits and better management for the construction of new segments of the border wall; promoted family reunification by ending the “zero tolerance” policy; ended the Muslim ban; revoked punishments to sanctuary cities; increased inclusion efforts for new Americans, incentivizing them to become citizens in an effort toward reducing anti-immigrant sentiment across the country; established a hundred-day moratorium on deportation, a decision banned by a Federal District Court; stopped the expulsion of unaccompanied children (UCS) under Title 42; phased out the Migrant Protection Protocols (MPP), better known as the Remain in Mexico program. He has preserved and strengthened the Deferred Action for Childhood Arrivals (DACA) initiative as well as the TPS; he has rescinded the “Muslim ban” and is pushing to modernize the immigration system. In the long run, he has focused on the

existing root causes that push migrants out of their countries of origin, and he has proposed to invest in the Central America region to fight the hunger and violence that drive immigrants north. A list of President Biden's immigration-related EOs and administrative policy changes is provided in Table 1.

TABLE 1
PRESIDENT BIDEN'S IMMIGRATION-RELATED EXECUTIVE ORDERS
AND ADMINISTRATIVE POLICY CHANGES
(January-May 2021)

<i>Name</i>	<i>Content</i>	<i>Date issued</i>
Executive Order: Ensuring a Lawful and Accurate Enumeration and Apportionment Pursuant to the Decennial Census	Revoke order that aims to exclude undocumented immigrants from census	January 20, 2021
Memorandum. Preserving and Fortifying Deferred Action for Childhood Arrivals (DACA)	Preserve/fortify DACA, which helps "Dreamers"	January 20, 2021
Proclamation on the Termination of Emergency with Respect to the Southern Border of the United States and Redirection of Funds Diverted to Border Wall Construction	Stop construction of border wall	January 20, 2021
Executive Order: Revision of Civil Immigration Enforcement Policies and Priorities	End "harsh and extreme immigration enforcement"	January 20, 2021
Proclamation on Ending Discriminatory Bans on Entry to the United States	Ensure that pending visa and waiver applications from certain countries are not executive order prejudiced by the previous bans	January 20, 2021
Executive order: Revision of Civil Immigration Enforcement Policies and Priorities	Protect national and border security, address the humanitarian challenges at the southern border, and ensure public health and safety	January 20, 2021
Executive order: Ensuring a Lawful and Accurate Enumeration and Apportionment Pursuant to the Decennial Census	Ensure that undocumented migrants are included in the census and states will not lose congressional representation or federal funding due to an incomplete census count	January 20, 2021
U.S. Citizenship Act of 2021	President Biden endorsed the Act, memorializing his commitment to modernize the U.S. immigration system.	January 20, 2021

TABLE I
 PRESIDENT BIDEN’S IMMIGRATION-RELATED EXECUTIVE ORDERS
 (continuation)

<i>Name</i>	<i>Content</i>	<i>Date issued</i>
DHS Statement on the Suspension of New Enrollments in the Migrant Protection Protocols Program	Suspending the Migrant Protection Protocols (MPP) or Remain in Mexico Agreement	January 20, 2021
Proclamation on the Suspension of Entry as Immigrants and Non-Immigrants of Certain Additional Persons Who Pose a Risk of Transmitting Coronavirus Disease	Reinstated the restrictions to enter U.S. territory by migrants from certain countries	January 25, 2021
Executive Order: Creating a Comprehensive Regional Framework to Address the Causes of Migration, to Manage Migration Throughout North and Central America, and to Provide Safe and Orderly Processing of Asylum Seekers at the United States Border	Begin ending “Remain in Mexico” program, restore U.S. asylum system	February 2, 2021
Executive Order: Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans	Start roll-back of “public charge rule” (which imposes a wealth test on would-be immigrants), review other recent barriers to legal immigration	February 2, 2021
Executive Order: Establishment of Interagency Task Force on the Reunification of Families	Create task force to reunite migrant families separated at the border	February 2, 2021
Executive Order: Rebuilding and Enhancing Programs to Resettle Refugees and Planning for the Impact of Climate Change on Migration	Rebuild U.S. refugee resettlement program Rebuild U.S. refugee resettlement program	February 4, 2021
A Proclamation on Revoking Proclamation 10014	Revoke Trump proclamations that aimed to suspend the entry of immigrants during the coronavirus crisis	February 24, 2021
Memorandum for the Secretary of State on the Emergency Presidential Determination on Refugee Admissions for Fiscal Year 2021	Keep in place the Trump administration’s refugee admissions cap of 15,000 for FY 2021 but returned to allocating refugee admissions based on region	April 30, 2021
Memorandum for the Secretary of State on the Emergency Presidential Determination on Refugee Admissions for Fiscal Year 2021	Increased the refugee admissions ceiling for FY 2021 from 15,000 to 62,500, and to meet its 125,000 goal for FY 2022	May 3, 2021

SOURCE: CMS (2021).

Biden has demonstrated a significant involvement in the attempt to revert Trump's inhumane immigration policies. Simultaneously, he also has hinted at an "open door" migration policy amidst a pandemic. The aim of this essay is to contrast Trump's administration (2017-2021) with Biden's postures and actions during the first six months of his presidency. We will describe Biden's migration proposals, the majority of which aim to dismantle or reverse Trump's anti-immigrant agenda. This is a descriptive, non-theoretical essay, supported by statistics when needed. We have based our research mainly on media and the results of research by academics in think tanks and specialized research centers across different countries. This essay's analysis of Biden's executive actions and the dismantling of Trump's immigration policies is divided in six major sections: firstly, we examine Biden's border enforcement priorities, specifically initiatives toward stopping the building of the wall, the apprehension challenges that have emerged, and the initiatives toward family reunification. The second and third sections deal with Biden's interior enforcement priorities and the unfulfilled promise of a moratorium on deportations. The fourth section discusses the ending of the Migrant Protection Protocols; specifically, we examine the agreements entered into by Trump and Biden with Mexican president Andrés Manuel López Obrador (AMLO). The fifth and sixth sections deal with the lifting of the ban on the entry of immigrants, non-immigrants, and tourists, as well as refugee admissions. The final section is devoted to the analysis of the role that Democrats, supported by President Biden, have played in the multiple and recent congressional initiatives dealing directly with immigration. The final section includes reflections and proposals. All sections examine specific policies or directives as well as different actions and initiatives adopted by both the Trump and Biden administrations.

Border Enforcement Priorities

THE BUILDING OF THE WALL

One of the main objectives of the Trump administration was to enhance border security, and the border wall was an icon of its anti-immigrant rhetoric. The border wall was a non-negotiable issue for his base, which includes

nationalists and white supremacists who have not abandoned him. Trump constantly harassed and threatened the Mexican government to pay for the building of the wall through different mechanisms. In 2019, President Trump declared a national emergency to allow funds from the defense budget to be diverted toward the construction of the wall and to replace or reinforce segments of the existing wall. Without congressional approval, he ordered the transfer of US\$2.5 billion from the Pentagon budget for the border wall, a matter that reached the Supreme Court (Kanno-Youngs, 2020). Despite court challenges, Trump continued the construction of the wall in order to turn political attention to his re-election campaign.

Biden has opposed Trump's building of the wall since his presidential campaign. Along with many Democrats, Biden publicly voiced a compromised support for a "virtual wall" and "smart borders," deploying surveillance technologies, more hidden in terms of the abuses they perpetrate (Miller and Buxton, 2021). The executive suspended the building of the wall in January 2021, detonating new tensions as critics urged him to tear down portions of the wall and Republican leaders called on him to finish it, following a significant increase in migrant apprehensions at the border since the beginning of 2021 (Romero and Kanno-Youngs, 2021). Biden has proposed that the remaining US\$1.4 billion be invested to counter environmental damage. Furthermore, he eliminated US\$1.5 billion for the border wall in his budget proposal, stating he would "not to add another foot to Trump's signature project" (Miroff and Sacchetti, 2021a).

APPREHENSION CHALLENGES

It is true that the fear instilled by Trump's aggressive, anti-immigrant rhetoric since the beginning of his presidential campaign in 2016 decreased the number of border apprehensions during the first year of his administration in 2017. Table 2 illustrates how apprehensions decreased significantly to 646,822 in fiscal year 2020 due to the COVID-19 pandemic, compared to 1,048,024 in 2019 due to an increased number of migrants coming from Central America in caravans (CBP, 2020).

TABLE 2
CBP ENFORCEMENT ACTIONS

	<i>FY17</i>	<i>FY18</i>	<i>FY19</i>	<i>FY20</i>	<i>FY21 October-June</i>
Office of Field Operations (OFO) Total Encounters ¹	216,370	281,881	288,523	241,786	232,396
U.S. Border Patrol Total Encounters ²	310,531	404,142	859,501	405,036	1,278,376
Total Enforcement Actions	526,901	683,178	1,148,024	646,822	1,510,772

¹ Fiscal Year 2021 runs October 01, 2020–September 30, 2021. Beginning in March FY 20. Fiscal Year 2021 runs October 01, 2020–September 30, 2021. Beginning in March FY 20. OFO Encounters statistics include both Title 8 Inadmissibles, and Title 42 Expulsions. To learn more, visit CBP (2021: Title 8 and Title 42 Statistics). Inadmissibles refers to individuals encountered at ports of entry who are seeking lawful admission into the United States but are determined to be inadmissible, individuals presenting themselves to seek humanitarian protection under our laws, and individuals who withdraw an application for admission and return to their countries of origin within a short timeframe.

² Beginning in March FY 20, USBP Encounters statistics include both Title 8 Apprehensions and Title 42 Expulsions. To learn more, visit CBP (2021: Title 8 and Title 42 Statistics). Apprehensions refers to the physical control or temporary detainment of a person who is not lawfully in the U.S. which may or may not result in an arrest.

SOURCE: CBP (2021).

Since the beginning of the Biden administration, the number of migrants traveling alone or with their families across the U.S.-Mexico border increased significantly. Apprehensions grew 62 percent between December 2020 and January 2021, one of the biggest month-to-month increases since 2014 (Chishti and Bolter, 2021). According to CBP data, apprehensions totaled 1,277,722 in just nine months—from October to June—almost equal to the 1,148,024 apprehensions made in all of 2019, and twice as many as in 2020 (see Table 2). This situation poses a great challenge for Biden.

Some of the pull factors that have influenced the significant increase in migrant flows and therefore apprehensions at the U.S.-Mexico border in recent months are seasonal migration and the feeling that pandemic risks in the U.S. are subsiding. Intentionally or not, Biden's promises and allegedly more humane migration policies and actions have increased the incentives to immigrate.

The push factors that have influenced Central American migrants to plan long and expensive journeys—at a time when human smugglers profit

by charging great fees—and make an infernal crossing through Mexican territory, exposing themselves to violence, robbery, rape, etc. for the sole purpose of surreptitiously crossing the U.S.-Mexico border or requesting asylum are: unstable and corrupt governments; fragile economies with zero growth; poverty and excessive violence from criminal gangs; and hurricanes—Eta and Iota for example—that have devastated their home countries. On the other hand, the push factors that explain the important increase of migrant flows from Mexico in recent years are:

- The consequences of a very serious global pandemic that has been managed poorly by AMLO's government since its beginning in March, 2020;
- The unprecedented 8.5 percent fall of the Mexican economy in 2020, coupled with zero growth during 2019, the first year of AMLO's government. Since the beginning of his presidency, AMLO made decisions that had a negative impact on the investment climate, promoting a lack of confidence and a significant fall in investments, which has cost thousands of jobs and caused an important increase in poverty, among other issues. The record high of US\$40.6 billion in remittances generated in 2020, according to data from Banco de México, has helped mitigate the blow to the Mexican economy.

It is important to mention that traditionally there has been a flow of Central American migrants crossing through Mexican territory toward the United States, a flow that has increased significantly in the last years,² along with a flow of Mexican migrants. Today, Mexico is a country of destination, transit, and emigration for migrants, having the greatest diaspora population in the United States. According to data from the U.S. Census Bureau, there were 38.5 million U.S. residents in 2018 who were either born in Mexico or of Mexican origin. In 2019, there were about 10.9 million Mexican-born individuals living in the United States, 51 percent of whom were unauthorized migrants in 2018, a 7 percent decline compared to the previous

² Apprehensions in the U.S. southern border amounted to 859,000 in 2019, twice as many as the previous year, with Mexicans accounting for 169,000 events, while migrants from other nationalities, including Central American residents, accounted for 689,995 apprehensions (Miroff and Sacchetti, 2021b).

decade, mainly due to increased immigration enforcement and deportations (Israel and Batalova, 2020). Today, the number of unauthorized migrants amounts to approximately 11 million.

Since the beginning of his administration, Biden has kept the Trump administration's border policies intact, permitting the apprehension and expulsion of almost all border crossers. The new Immigration and Customs Enforcement (ICE) guidelines established by the Biden administration state that fewer noncitizens will be apprehended and processed through the removal system, instead of simply focusing on removals.³ Now, as mentioned before, the U.S. is facing increased arrivals, which Republicans describe as a "border crisis," driven by push and pull factors, which suggests a more humane migration policy than Trump's.

Biden has suggested that Trump's decision to cut funding for the region in 2019 was partly to blame for this situation. The new condition is that the vast majority of apprehended migrants, with a notable increase in the number of single adults, have been swiftly expelled under Title 42, a public health emergency order invoked by Trump during the pandemic which has had the effect of rejecting asylum seekers. This mechanism has provided Republican critics with ammunition, as it has helped to inflate the number of arrests.⁴ Biden has been hesitant to revoke Title 42 because this decision could be interpreted as an incentive for more migrants to attempt crossing the border, and a decision of this nature might undermine public support for Biden's immigration agenda.

Biden's decision to exempt unaccompanied minors (UMs)⁵ from instant expulsion under the health emergency order has had a boomerang effect, as

³ These provisional guidelines represent the narrowest enforcement priorities that have been implemented in recent years. They ensure that the overwhelming majority of unauthorized immigrants are not a priority for arrest and removal, as was the case toward the end of the Obama administration: see Table 1. Interior Immigration Enforcement Priorities under Presidents Obama, Trump, and Biden (Chishti and Bolter, 2021).

⁴ Due to the fact that migrants are simply expelled to Mexico and not sent back to their home countries, one person can be arrested for multiple crossings if they are tempted to try again, making it seem as if more people are attempting to cross the border than is the case.

⁵ UMs are minors who arrive in the United States without a parent or legal guardian and who do not hold legal immigration status. They can't be deported immediately and instead are transferred to a network of government shelters run by the Office of Refugee Resettlement (ORR) of the U.S. Department of Health and Human Services (HHS), where they must wait while immigration authorities look for suitable adult sponsors who can care for them until their immigration cases are resolved.

the increase in migrant influx is driven by the reasons I have already mentioned: poverty, violence, instability, and natural disasters south of the border; additionally, it is encouraged by the mixed messages of the Biden administration (Washington Post Editorial Board, 2021a). Shelter care providers offer temporary homes and services, including educational, medical, and mental health services, as well as case management to reunite children with their families (CRI, 2021). By June 2021, U.S. Customs and Border Protection (CBP) holding facilities and federal youth shelters were overflowing with migrant families and UMS, even after being expanded by the Biden administration.⁶ Since the beginning of federal fiscal year (FY 2021) in October 2020, approximately 72,000 UMS had arrived in the United States for processing as of July 2021; 80 percent of them are waiting to be reunited with family members and only about 20 percent of them are from Mexico (CRI, 2021). Most of the UMS cross through Mexican territory, making a hellish trip, to reunite with family members or escape from poverty, which has worsened with the pandemic, and at a time when many believe the Biden administration will be more welcoming or less aggressive than the Trump administration was.

Republicans have blamed Biden for relaxing immigration policies, while some Democrats are concerned about facility conditions and the fact that children are being held for an extended period of time. Nevertheless, Biden was facing an emergent humanitarian and political crisis, with the highest number of migrants since 2019, before the pandemic aggravated the situation.

FAMILY REUNIFICATION VS. THE ZERO TOLERANCE POLICY

The arrival of several thousand migrants from Central America in caravans—a new form of collective organization—composed of 107,200 family units and 50,000 unaccompanied children, who were apprehended in 2018, intensified Trump’s anger (Batalova et al., 2021). In response to this situation, Trump established the “zero tolerance” policy. Through this policy, he started separating parents from their children when they attempted to

⁶ The Federal Emergency Management Agency (FEMA)—which usually responds to floods, storms and other major disasters—was deployed in March 2021 to help shelter and transport children at least until early June (Hesson and Rosenberg, 2021).

cross the border “illegally” into the United States. The Family Reunification Task Force estimates that a total of 5,636 children were separated from their parents between July 2017 and January 2021—3,913 of them under the Trump administration (Monyak, 2021). They were placed in the custody of the Department of Homeland Security (DHS) while their parents were prosecuted, an eminently immoral and arbitrary decision, given that families are typically allowed to remain together while their cases are decided.

Fortunately, amidst national and international outcry, Trump was forced to sign an executive order (EO) reversing this highly controversial policy in June 2018 (Liptak and Shear, 2018). As of June 2021, there still were 1,723 children whose cases remained pending (Morin, 2021). Since one of the main causes of this situation is that a parent was removed from the United States, the task force has been working with groups that are in touch with families to carefully plan their return, taking into account previous trauma.

Fortunately, the Biden administration has revived the Central American Minors Program (CAM), rescinded by Trump in 2018, which allows children fleeing violence from the Northern Triangle of Central America to apply in their home countries to settle in the United States. The administration has begun accepting new applications offering an opportunity for Central American migrants to reunite with their children legally.

Interior Enforcement: The Moratorium on Deportations

Deportation statistics can be confusing because they include both actions against immigrants living in the United States for many years and individuals stopped at the border. To get a clearer picture, it is helpful to look separately at enforcement actions initiated by Customs and Border Protection (CBP)—which are typically aimed at stemming entry—from those initiated by ICE, which are more likely to involve unauthorized immigrants who live in the country. Deportations or interior removals rose during the Trump administration compared to the immediately preceding years, but were fewer than during the Obama years of 2008-2012. Tara Watson (2021) states that the number of interior deportations fell from over 200,000 annually in 2008-2011 to under 70,000 by the end of Obama’s presidency, and that

they were higher in 2017-2019 (the latest number available) but never exceeded 100,000.

The Trump administration continued deportation policies of the Obama era. Nevertheless, deportations were conducted with minimal screening and targeted all immigrants, not only criminals as the Obama administration did. Even worse, notwithstanding the pandemic, Trump continued to enforce raids within the country in order to deport Mexicans and some Central Americans, also with minimal screening, exposing migrants to COVID-19 infection, and sending them to dangerous Mexican border towns in the middle of the night.

On a different note, at the beginning of his administration, Biden established a hundredday moratorium on most deportations with final resolutions, except for criminals and those migrants who had engaged in suspected acts of terrorism, people who had not arrived in the U.S. before November 1, 2020, or those who had voluntarily waived any right to remain in the country. Nevertheless, Federal Judge Drew Tipton, appointed by Trump, indefinitely blocked Biden's initiative to continue with the moratorium on most deportations, since it violated administrative laws and the state of Texas, which had filed a lawsuit against the White House and adequately demonstrated it would face harm due to the higher numbers of detainees and greater public education costs (Aguilar, 2021). The Biden administration did not challenge this decision. As a result, the moratorium on deportations was never implemented. From January to June 2021, ICE agents have averaged around 2,300 arrests per month, a fifth of the monthly average in 2019, before the pandemic began (*The Economist*, 2021). These figures show that President Biden is more sensible than his predecessors regarding this issue, and also more cautious of both Democrat and Republican critics.

With respect to the 287(g) agreements⁷ promoted by Trump, Biden has taken no action. Nevertheless, no major workplace raids have occurred. The Biden administration should fully rescind the Secure Communities Program⁸ and take measures to prevent future administrations from restoring it. Also,

⁷ Through the 287(g) program, state and local law enforcement officers collaborate with the federal government to enforce federal immigration laws. In the past, the 287(g) program has been costly for localities, has historically targeted individuals with little or no criminal history, and has harmed the relationship between police and local communities (AIC, 2021).

⁸ A federal immigration enforcement program is being implemented by ICE. If an individual is arrested and booked into a local jail for any reason, his or her fingerprints are registered in ICE's immigration database. This situation allows ICE to identify people who may be lawful immigrants and permanent residents—and potentially to initiate deportation proceedings against them.

he should take steps to rebuild trust and roll back all of President Trump's sanctions on sanctuary cities that refused to cooperate with federal immigration authorities on interior enforcement (Loweree and Reichlin-Melnick, 2021).

Ending the Migrant Protection Protocols (MPP)

THE TRUMP-LÓPEZ OBRADOR AGREEMENTS

In response to the caravan from Central America, Trump implemented a program known as Remain in Mexico. The unconstitutional Third Country (Transit) Asylum Rules sends non-Mexican undocumented aliens and asylum seekers to border cities in Mexico that are not necessarily secure (Verea, 2020). In order to stop migrant flows, Trump first threatened AMLO with the closing of the U.S.-Mexico border and shortly after with an incremental five percent tariff on trade in May 2019. This caused the Mexican president to shift his humanitarian strategy and reverse his initial “open door” policy. Through the bilateral agreement signed in June 2019,⁹ AMLO consented to asylum seekers being expelled without a hearing and/or access to an immigration lawyer, forcing them to live in dangerous conditions and subjecting them to the risk of rape, torture, and kidnapping.

The MPP included, among many other initiatives, the deployment of 27,000¹⁰ troops of the Mexican National Guard to combat irregular migration at the southern and northern borders as well as within the interior, forcing them to operate as unexperienced border patrol agents and leaving states and municipalities in Mexico without the protection of the National Guard, whose presence is much needed, given Mexico's failed public security situation. This agreement provided Trump with shelters across Mexican border cities for approximately 67,000 asylum seekers (CMS, 2021), held in deplorable conditions and made to wait for months or even years at the expense of Mexico. Cynically, Trump tweeted: “I am using Mexico to protect our

⁹ Marcelo Ebrard, the Mexican Secretary of State, flew to Washington, D.C. on May 31 to halt the imposition of five percent tariffs on all imports from Mexico, which would have otherwise come into effect on June 10, 2019.

¹⁰ Ten thousand National Guard troops to patrol the Mexico-Guatemala border and 15,000 to patrol the U.S.-Mexico border (Verea, 2020).

border. . . . I want to thank Mexico. . . [for their] 27,000 soldiers. . . . We use Mexico because the Democrats won't fix our broken immigration system" (Ramos, 2019). During their stay in Mexico's precarious facilities, many migrants have been interviewed by Human Rights Watch and testified that they have suffered rape, sexual abuse, robbery, and other acts of violence (Krauze, 2021). Trump symbolically moved the U.S. border further south in order to dismantle the U.S. asylum system.

Because of the COVID-19 pandemic, the Trump administration announced in July 2020 an initiative that would allow immigration officials to turn away asylum seekers from countries with any active disease outbreak, even beyond the coronavirus pandemic, that posed a threat to public safety. Trump also proposed the increase of the U.S. attorney general's authority to intervene in immigration court cases, potentially politicizing the proceedings, and he proposed speeding up immigration court processing that could result in the deprivation of fair treatment to asylum seekers in court (Narea, 2020). Trump reshaped immigration courts, which are a branch of the Department of Justice, driving out long-serving judges and instead appointing anti-immigrant hard-liners to conform a powerful appellate board serving his interests.

NEW AGREEMENTS BETWEEN BIDEN AND AMLO

The Biden administration put an end to the MPP program and has begun a slow and gradual admission of asylum seekers into U.S. territory. Although this measure is humane and decent in principle, it has incentivized an increase in migrant flows without creating a dedicated system to diminish the backlog of vulnerable people. Biden has promised to expand the system's capacity to accommodate more than 3,700 beds and expedite the release of parents together with children within 72 hours (Miroff and Sacchetti 2021b). He has also promised to shorten the review process, which can take years before a final decision is reached. Biden is attempting to restore the human rights commitments that Trump overthrew and ensure that those with reasonable grounds to apply for asylum get a fair hearing, but not necessarily obtain permanent status. He has stated that no one should be under any illusion that the system will be transformed dramatically overnight (Sargent, 2021).

Biden and AMLO reached an agreement in March 2021 to curb the flow of Central American migrants; although not of a quid pro quo nature, it resulted in an exchange of:

- the supply of 2.7 million AstraZeneca vaccines;
- the closing of Mexico's southern border for non-essential travel;
- the dispatch of approximately 10,000 National Guard troops in addition to those already sent in response to Trump's pressure in 2019, at the expense of Mexico's economy and security; these troops, which are highly needed throughout Mexico, are serving as unexperienced border patrol officers.

With a Trumpism-containment view, Biden has reached similar agreements with Central American countries to establish greater surveillance at their respective borders. Unfortunately, the U.S. Supreme Court ruled in August 2021 that the Biden government must comply with a local court ruling seeking to reinstate the Remain in Mexico policy because no adequate reason was given to cancel the program. Biden has accepted the decision, while continuing "vigorously" with the appeals.

In an effort to deal with the situation, Biden appointed Vice President Kamala Harris to deal with border issues in order to reach a regional agreement, a vision contrasting with that of Trump, who drastically cut off the annual aid offered to Central American countries.

Lifting the Entry Ban on Immigrants and Non-Immigrants

Trump's crusade against immigration brought down the number of foreign workers and immigrants without Congress's intervention or approval. The alarming number of rejections for the admission of new temporary workers quadrupled during the pandemic in 2020, while denial rates of visa extensions for skilled workers roughly tripled, a result of his xenophobic agenda. The Trump administration only issued visas to new students if their courses were onsite during the pandemic. U.S. schools saw a 72 percent decline in new international student enrollment in 2020 compared to 2019 (ICE, 2021).

Another decree announced at the end of the Trump era stated that most student visas would be limited to four years, rather than the specific duration of study programs. The actions of the Trump era badly damaged the government machinery necessary to screen and admit immigrants who wish to move to the United States. For instance, citizenship applications now take double the time (ten months) to be processed than they did years before the Trump administration. These arbitrary changes in policy and hateful rhetoric have driven away global talent and created uncertainty for immigrants and those considering emigration in the near future.

President Biden revoked the suspension of entry (Proclamation 10014) established by Trump in April 2020 and lifted the issuing ban on both immigrant and temporary worker visas, stating that it harmed the interests of his country.¹¹ During the pandemic, Trump halted the issuance of green cards until the end of 2020 in the name of protecting the coronavirus-wracked job market. For example, around 120,000 family preference visas were lost largely because of the pandemic-related freeze, which mainly affected Mexicans. With the alleged motivation of coronavirus safety and preserving jobs for Americans as unemployment spiked, Trump also blocked the entry of high- and low-skilled seasonal workers, with the exception of agricultural workers. In the case of Mexican temporary workers admitted to the U.S., the issuance of visas decreased by 11 percent from FY 2019 to FY 2020: for non-agricultural workers, the number decreased from 72,339 visas in 2019 to 46,201 in 2020; for highly-skilled workers, from 2,754 visas to 1,552; for intra-company employees, from 5,082 visas to 2,417; and for Trade NAFTA (TN) visas, from 21,122 to 13,735. The only increment was for agricultural workers with H2-A visas, which rose from 188,758 to 197,908 (see Table 3). The total of visas issued in 2019 to Mexican temporary workers under these categories was 297,778, compared to 265,333 in 2020, an 11 percent drop. For comparison purposes, Central Americans from the Northern Triangle (Guatemala, Honduras, and El Salvador) received a total of 5,811 temporary visas, while Mexicans received a total of 265,333 in 2020 (see Table 3). Biden has proposed to issue an additional 22,000 nonagricultural H2-B

¹¹ While Presidential Proclamation 10014 was rescinded by executive action on February 24, 2021, Presidential Proclamation 10052 remains in place, suspending entry to the United States of non-immigrant visa applicants “who present a risk to the U.S. labor market during the economic recovery following the novel coronavirus outbreak” (Libowsky and Oehlke, 2021).

visas in 2021 with respect to the 66,000 yearly cap; 6,000 of them will be granted to Central Americans, which is a good prospect.

TABLE 3
SELECTED TEMPORARY VISAS ISSUED IN THE U.S. TO MEXICANS
(VARIOUS YEARS DURING 2000-2020)

<i>Year</i>	<i>Total</i>	<i>E-1</i>	<i>H-1B</i>	<i>H-2A</i>	<i>H-2B</i>	<i>L-1</i>	<i>OPQR</i>	<i>TN</i>	<i>Total</i>
2000	332,082	331	2,404	28,442	27,648	2,290	7,174	878	69,177
2005	380,118	427	2,505	28,563	60,259	2,166	7,494	1,888	93,872
2010	359,680	593	2,494	52,317	33,375	1,976	6,112	3,376	100,243
2015	515,446	1,139	2,894	102,174	51,301	4,678	5,736	12,996	180,918
2016	573,526	1,130	2,540	123,231	61,128	4,856	6,373	14,646	213,904
2017	600,592	1,041	2,322	147,272	64,305	5,036	6,542	15,993	242,511
2018	633,361	1,097	2,524	180,420	62,162	4,951	6,841	17,859	275,854
2019	672,501	1,013	2,754	188,758	72,339	5,082	6,730	21,122	297,798
2020	488,113	400	1,552	197,908	46,201	2,417	3,120	13,735	265,333

SOURCE: DOS (2021).

In the case of permanent immigrants, the Biden administration is encouraging longtime residents to apply for U.S. citizenship and has launched a campaign to make some 9 million people eligible for becoming Americans. Furthermore, Biden has formed a working group with the purpose of reviewing the immigration process and integration mechanisms. They have proposed reducing the citizenship application fees from the US\$1,100 imposed by Trump, to US\$640. Nevertheless, the initiative has since been challenged in court.

Lifting the Travel Ban and the Cap on Refugee Admissions

The travel ban imposed on citizens of Muslim-majority countries at the beginning of Trump's administration has had very negative consequences: more than 40,000 people were denied visas as a result of the ban, although it's difficult to know how many more were discouraged from applying once it went into effect.

Biden hasn't changed the Trump policy blocking the entry of fully-vaccinated travelers from many countries with much lower case rates than the United States, as is the case of Europeans. Restrictions for them remain unchanged; a decision highly affecting the transatlantic relations between two continents. For example, a Mexican can travel to the United States and to Europe as of September 2021 with proof of vaccination and a PCR test. However, a Mexican citizen has to wait in quarantine during 15 days in Mexico if he/she traveled to any country of the European Union.

With respect to refugees, Trump limited total admissions to 50,000 people annually at the beginning of his administration, greatly contrasting with the 110,000-limit established under the Obama administration for FY 2017. Admissions dropped to 16 percent in FY 2018 and only 22,491 refugees were resettled in FY 2018, the lowest figure since the resettlement program was created through the Refugee Act of 1980. Naturally, the steepest decline involves Muslims, who have been hurt enormously. According to data from the State Department, 38,900 Muslim refugees came to the United States in FY 2016, a number which fell to only 3,495 in 2018. For 2020, about 11,800 refugees resettled in the United States: six times less than in pre-Trump decades.

Biden has taken emergency action to quadruple the refugee restrictions for FY 2021 to 62,500,¹² compared to the record-low level of 15,000 under Trump. He has also promised to eliminate discriminatory eligibility criteria, which excluded most refugees from Muslim and African countries, as well as raise the admission ceiling to 125,000 in 2022 (Rampell, 2021).

The Biden administration announced the restarting of a program that allows certain Central American children with parents living legally in the United States to apply for refugee resettlement from their home countries (Hesson and Rosenberg, 2021). Meanwhile, Biden is looking for a way to temporarily care for those children arriving at the U.S. border without a legal guardian.¹³

¹² The allocations will create spots for 22,000 refugees from Africa, 6,000 from East Asia, 4,000 from Europe and Central Asia, 5,000 from Latin America and the Caribbean, and 13,000 from South Asia, and 12,500 to unallocated spots (Hesson and Dwyer, 2021).

¹³ This includes expanding facilities where the children can be held legally for up to 72 hours under the custody of the Border Patrol; finding more residential sites where they can live for several months while the government searches for a relative or friend that can take care of them (Shear and Kanno-Youngs, 2021).

Biden's Support of Congress Initiatives on Immigration

Immigration is currently at the center of debate on how to stop unauthorized flows and, at the same time, allow the entry of more permanent or temporary migrants necessary for the U.S. economy. Democrats have been pressing for immigration reform for many years. As of 2018, most unauthorized migrants—around 60 percent—had lived in the United States for ten years or more and developed deep roots in their communities; moreover, many of them have children who are U.S. citizens. There is an imminent need to reform the U.S. immigration system, mainly through a legalization process.¹⁴ Congress has not passed a major immigration reform since 1996, but Democrats believe this year will be different, given the change in administration and the growing need for both parties to court Hispanic voters (Beitsch, 2021). We believe that after many years there is a possibility of carrying out the immigration reform that Mexicans on both sides of the border have been dreaming of.

With Democrats as the majority in the House of Representatives (HR) and with Biden's support, Senator B. Menendez (D-NJ) and Representative L. Sánchez (D-CA), daughter of Mexican migrants, introduced the U.S. Citizenship Act (HR 1177) on February 18, 2021 (White House, 2021). This bill would create an eight-year path to citizenship for most of the estimated 11 million unauthorized immigrants in the United States—60 percent of which have been in the United States for at least a decade and half of which are of Mexican origin—update border technology, eliminate visa backlogs and per-country visa caps, as well as discourage migration from Central American nations (Carney, 2021). TPS provisions could offer a direct path to legal permanent residence (obtaining a green card) for 1.85 million people—1,652,000 of which are Dreamers or TPS holders, and about 204,000 of which are unauthorized immigrants or their non-immigrant spouses or minor children. Democrats are still preparing Biden's U.S. Citizenship Act of 2021, which would reverse many EOs handed down by the Trump administration

¹⁴ This could be accomplished in incremental steps and entail eligibility requirements such as a minimum length of residence in the United States, work history, payment of taxes and application fees, and absence of serious criminal history; the process should begin by addressing the challenge of the country's existing unauthorized immigrant population (Chishti, Gelatt, and Meissner, 2021).

Other bills that have been discussed at Congress are: the Farm Workforce Modernization Act, which would provide permanent residency to approximately 1.1 million undocumented agricultural workers, the majority of them of Mexican origin, if they can demonstrate that they have worked 400 days in the past five years;¹⁵ the American Dream and Promise Act, introduced by Sens. Richard J. Durbin (D-ILL) and Lindsey O. Graham (R-SC), which would allow Dreamers and TPS holders and their families—about 1.85 million—to remain legally in the country and eventually apply for citizenship; this bill has been supported even by some Republicans who are more pragmatic and less nativist.¹⁶ Both bills were approved by the House of Representatives with bipartisan support, but have not yet been considered by the Senate. Biden has definitely restored the program to cover new registrations and extensions of prior registrations for qualified individuals. President Biden signed a proclamation on January 20 directing DHS to “preserve and fortify DACA.” According to U.S. Citizenship and Immigration Services (USCIS) data, a total of 640,700 individuals had DACA status as of September 2020, around 520,000 of whom were from Mexico. The Supreme Court rejected the efforts of the Trump administration to terminate DACA in 2020 and ruled that the program must continue. However, the Trump administration issued a memo instructing the DHS not to process any new DACA applications.¹⁷ Unfortunately, Judge Andrew Hanen ruled in July 2021 that the DHS violated the Administrative Procedure Act with the creation of DACA and its continued operation (Castronuovo, 2021). Biden condemned a federal judge’s decision and the Department of Justice (DOJ) plans to appeal it.

Trump also decided to abruptly end the TPS program, which benefited approximately 437,000 immigrants, most of them from Central America

¹⁵ Measures to normalize their status have broad support from the public, who recognize that these migrants have become an integral part of the fabric of American society. This bill would allow legalized farmworkers to sponsor their spouses and minor children living in the United States for the obtention of a green card (Wagner et al., 2021).

¹⁶ Requirements would include continuous residency in the United States; background checks; and college studies, work, or military service. The approach has broad support from business groups as well as the public (Washington Post Editorial Board, 2021a).

¹⁷ In 2001, Congress introduced the Development, Relief, and Education for Alien Minors Act (DREAM Act) to address the situation of the estimated 2.1 million minors who were brought illegally to the U.S. as children, including a pathway to citizenship for them. The bill went through several revisions and languished in Congress in the following years. In 2021, President Biden barred this group from deportation, and pledges to make the DREAM Act a part of a comprehensive immigration reform.

and the Caribbean. The program offered a reprieve from deportation for those who fled specific nations due to war, hurricanes, earthquakes, or other extraordinary conditions that could make it dangerous for them to live there.¹⁸ The deadlines for most groups were extended by the Trump administration. The Biden Administration and congressional Democrats have proposed under legislation that immigrants who have time-limited permission to live and work in the United States under TPS could be granted a pathway to citizenship if they met certain conditions.¹⁹ It would allow TPS holders to apply for citizenship three years after receiving a green card, which is two years earlier than usual for green-card holders. The Migration Policy Institute (MPI) estimates that nearly 3.3 million unauthorized immigrants who are Dreamers, farmworkers or holders of TPS, as well as their spouses, minor children present in the United States, could gain an immediate path to a green card and a three-year track to citizenship under the White House-backed legislation introduced in Congress (MPI, 2021).

On the other hand, The Congressional Hispanic Caucus proposed the bicameral bill Citizenship for Essential Workers Act, introduced by Sen. A. Padilla and Rep. J. Castro, in order to create a pathway to citizenship for immigrant workers that were essential during the pandemic.

All of this is extraordinary news for Mexicans. However, without Republican support in Congress, the legislation will be very difficult to achieve. Some Democrats consider that a comprehensive immigration reform has little chance of being approved, although a piecemeal approach may be more feasible. After months of fruitless bipartisan talks, Democrats are turning their last hopes to achieve their goal through a reconciliation bill and a complex budget plan that has not been tested before. They are looking to designate US\$120 billion for a pathway to citizenship for recipients of DACA, TPS, and farm workers. The question is whether Republicans will allow the inclusion of immigration provisions in a reconciliation bill (Fox et al., 2021).

Senators at the center of immigration discussions have expressed their doubts about the viability to pass a comprehensive reform anytime soon and worry that the bills might become stuck in limbo for several months, as

¹⁸ Federal immigration officials may grant TPS to immigrants for up to 18 months, initially based on the conditions in their home countries, and repeatedly extend eligibility if dangerous conditions persist (Cohn, 2021).

¹⁹ Citizenship would be granted if they pass additional background checks and meet the usual naturalization criteria of knowledge of English and U.S. civics (Cohn, 2021).

has happened several times before. Politically, it is difficult to find the perfect time to pass an immigration reform because there is no quick and easy solution. Biden's great challenge is to achieve a bipartisan consensus on his immigration reform plan in parts or as a whole. The truth is that current immigration policies are mismatched with market forces and demographic realities. These mismatches have led to serious dysfunctions in the immigration system, as demonstrated by the 11 million undocumented migrants currently living in the United States, the tremendous backlog in the immigration court system, and the overflowing shelters, among other serious problems.

Final Reflections

Since the beginning of his administration, President Biden has had a more positive attitude toward migration and has been trying to undo the damage caused by the Trump anti-immigrant policies. We hope that he can keep changing the anti-immigrant rhetoric that prevailed during the Trump era for a more humane, sensible, and realistic one which emphasizes the economic benefits that immigrants bring to the U.S. economy and society, as well as the predominant need for its workforce; that is, how to devise a change in the approach to this phenomenon from a negative, reactive rhetoric to a one that places the benefits of immigration into a long-term perspective.

It is true that nearly every major regulatory or processing change to the immigration system was challenged in court during the Trump era. But will it be easy for Biden to reverse the damage caused by Trump to the whole immigration system? One might assume that Trump's changes to the immigration system can be easily undone, particularly since most of his highly restrictive immigration directives were enforced unilaterally through *EOs*. It is also true that regulatory actions would likely be reversed by Biden, but such reversals are happening slowly, and we are not sure that immigration will be his top priority in the short run, due to midterm elections in 2023. Republicans have been highly critical of Biden's immigration stance, especially his handling of the flow of migrants and asylum seekers at the border, which has been characterized by restrictionists as a "border crisis." The fact is that, in the first six months of his presidency, Biden found the unwinding of restrictionism and Trump's anti-immigrant policies to be logistically and politically difficult.

So, the transition has been bumpy and challenging. Politically, it is difficult to find the perfect timing for an immigration reform because there is no quick and easy fix.

It is a fact that policies involving the expansion of walls, punishing nature of family separation, increase in removals and deportations, and limitation of the admission of refugees and temporary workers did not stop the flow of migrants and asylum seekers.

In a spirit of cooperation, Biden has recognized that shared problems need to be overcome together with his country's neighbors. He knows that the most effective and sustainable way to reduce migration from the Northern Triangle Central American countries is to address its root causes. We hope that the program headed by Vice President Kamala Harris, a four-year, US\$4 billion regional strategy of aid to the region, will prove effective in addressing the factors driving migration to the United States. Unfortunately, Biden has forced AMLO's government, as Trump did previously, to collaborate contentiously by assigning Mexican National Guard troops as border patrols at both borders to contain the growing number of migrants coming from Central America and Mexico as asylum seekers or undocumented migrants. It is essential to rescind the Remain in Mexico program, as Biden did at the beginning of his mandate. While the Biden administration is appealing the court decision, AMLO has to prepare a program of agreement with the Northern Triangle Countries to solve this inhumane situation. The opening of legal pathways in the U.S. market, meaning an extension of temporary agricultural and non-agricultural worker visas (H2-A and H2-B), is essential for the safe entry of Mexicans and Central Americans into the United States.

In the short run, it is necessary to institutionalize the return and integration of thousands of rejected and expelled migrants to root them in their towns or cities of destination, and to resolve the problem of the shelters that are in deplorable conditions on both Mexican borders. It should be noted that if it were not for the assistance of non-governmental and international organizations, these shelters would be in even more disastrous conditions. At a regional level, we need to explore the potential role that Canada could play in the acceptance of more refugees and temporary workers. We must think about a reality with post-COVID pandemic rules: remote jobs and education through digital mechanisms in order to support Mexicans and Central Americans. We hope that the Biden administration rescinds the decree forcing

migrants to wait in Mexico for asylum hearings through the Migration Protection Protocols, which poses a significant burden for Mexico, especially at border towns. Driving people back into their countries of origin fuels the criminal activity that plagues them even more.

President Biden has a hard job not only to dismantle Trump-era policies and actions, but also to raise awareness of the need to transform the immigration system either through a comprehensive immigration reform or a piecemeal approach against Trumpism and Republican conservative trends.

Bibliography

ACLU (AMERICAN CIVIL LIBERTIES UNION)

2012 “Secure Communities (S-Comm),” <https://www.aclu.org/other/secure-communities-s-comm>.

AGUILAR, JULIÁN

2021 “Federal Judge Indefinitely Blocks Enforcement of Biden Administration’s 100-Day Deportation Freeze,” *Texas Tribune*, February 24, <https://www.texastribune.org/2021/02/24/texas-Biden-immigration-deportation/>.

AIC (AMERICAN IMMIGRATION COUNCIL)

2021 “The 287(g) Program: An Overview,” Fact Sheet, <https://www.americanimmigrationcouncil.org/rising-border-encounters-in-2021>.

BATALOVA, JEANNE, MARY HANNA, and CHRISTOPHER LEVESQUE

2021 “Frequently Requested Statistics on Immigrants and Immigration in the United States,” *Migration Information Source*, Washington, D.C., Migration Policy Institute, February 11, <https://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states-2020>.

BEITSCH, REBECCA

2021 “Biden Immigration Bill Reveals Hardened Battle Lines in Post-Trump Era,” *The Hill*, February 18, <https://thehill.com/policy/national->

security/539503-biden-immigration-bill-reveals-hardened-battle-lines-in-post-trump.

CARNEY, JORDAIN

2021 “Border Surge Scrambles Senate Immigration Debate,” *The Hill*, March 18, <https://thehill.com/homenews/senate/543751-border-surge-scrambles-senate-immigration-debate>.

CASTAÑEDA, JORGE

2021 “Otra vez los migrantes,” *Nexos*, March 16, <https://jorgegcastaneda.nexos.com.mx/otra-vez-los-migrantes/>.

CASTRONUOVO, CELINE

2021 “Biden Calls Court’s DACA Decision ‘Deeply Disappointing,’ Vows to Appeal It,” *The Hill*, July 17, <https://thehill.com/homenews/administration/563534-biden-calls-courts-daca-decision-deeply-disappointing-vows-to-appeal>.

CBP (CUSTOMS AND BORDER PROTECTION)

2021 “CBP Enforcement Statistics Fiscal Year 2021,” *Newsroom*, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>.

2020 “Southwest Border Migration FY 2020,” *Newsroom*, <https://www.cbp.gov/newsroom/stats/sw-border-migration-fy2020>.

n.d. “Nationwide Enforcement Encounters: Title 8 Enforcement Actions and Title 42 Expulsions,” *Newsroom*, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/title-8-and-title-42-statistics>.

CHISHTI, MUZAFFAR, and JESSICA BOLTER

2021 “Legal Snags and Possible Increases in Border Arrivals Complicate Biden’s Immigration Agenda,” *Policy Beat*, Washington, D.C., Migration Policy Institute, February 25, <https://www.migrationpolicy.org/article/snags-border-arrivals-biden-immigration-enforcement>.

CHISHTI, MUZAFFAR, JULIA GELAT, and DORIS MEISSNER

2021 “Rethinking the U.S. Legal Immigration System: A Policy Road Map,” *Policy Brief*, Washington, D.C., Migration Policy Institute,

May, https://www.migrationpolicy.org/sites/default/files/publications/Rethinking-LegalImmigration-Roadmap_FINAL.pdf.

CMS (CENTER FOR MIGRATION STUDIES)

2021 “President Biden’s Executive Actions on Immigration,” <https://cmsny.org/biden-immigration-executive-actions/>.

COHN, D’VERA

2021 “Venezuelans, Burmese among More than 600,000 Immigrants Eligible for Temporary Protected Status in U.S.,” *Fact Tank*, Washington, D.C., Pew Research Center, March 19, <https://www.pewresearch.org/fact-tank/2021/03/19/venezuelans-burmese-among-more-than-600000-immigrants-eligible-for-temporary-protected-status-in-u-s/>.

CRI (COMMITTEE FOR REFUGEES AND IMMIGRANTS)

2021 “Arriving Unaccompanied Children,” *USCRI Factsheet*, OCHA Services, Relief Web, July, <https://reliefweb.int/report/united-states-america/uscri-factsheet-arriving-unaccompanied-children-july-2021>.

DOS ([DEPARTMENT OF STATE)

2021 “Nonimmigrant Visa Statistics, Nonimmigrant Visa Issuances by Visa Class and Nationality, FY 1997-2020,” Bureau of Consular Affairs, <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-statistics/nonimmigrant-visa-statistics.html>.

ECONOMIST, THE

2021 “Deportations of Undocumented Immigrants Are at a Record Low,” *The Economist*, June 10, <https://www.economist.com/united-states/2021/06/12/deportations-of-undocumented-immigrants-are-at-a-record-low>.

FOX, LAUREEN, DANIELLA DIAZ, and ANI ZASLAV

2021 “Democrats Look to Infrastructure as Last Chance on Immigration Reform,” *CNN*, July 15, <https://edition.cnn.com/2021/07/15/politics/immigration-infrastructure-democratic-negotiations/index.html>.

HESSON, TED, and MICA ROSENBERG

2021 "Explainer: Why More Migrant Children Are Arriving at the U.S.-Mexico Border," *Reuters*, March 18, <https://www.reuters.com/article/us-usa-immigration-children-explainer-idUSKBN2BA11B>.

HESSON, TED, and MIMI DWYER

2021 "Biden to Raise Current U.S. Refugee Camp from Historic Lows," *Reuters*, February 6, <https://www.reuters.com/article/us-usa-biden-refugees-idUSKBN2A60BC>.

ICE (IMMIGRATION AND CUSTOMS ENFORCEMENT)

2021 "ICE Report on International Students in U.S. Details Impact of COVID," <https://www.ice.gov/news/releases/ice-report-international-students-us-details-impact-covid>.

ISRAEL, EMMA, and JEANNE BATALOVA

2020 "Mexican Immigrants in the United States," *Migration Information Source*, Washington, D.C., Migration Policy Institute, November 5, <https://www.migrationpolicy.org/article/mexican-immigrants-united-states-2019>.

KANNNO-YOUNGS, ZOLAN

2020 "Appeals Court Rejects Trump's Diversion of Military Funds for Border Wall," *New York Times*, June 28, <https://www.nytimes.com/2020/06/26/us/politics/trump-border-wall.html?>

KRAUZE, LEON

2021 "The Media Is Failing to Grasp the Pain and Despair at the Border," *Washington Post*, March 25, http://thewashingtonpost.newspaper-direct.com/epaper/iphone/homepage.aspx#_article22aaf226-e242-40c4-a46d-33215080ee22.

LIBOWSKY, SARA, and KRISTA OEHLKE

2021 "President Biden's Immigration Executive Actions: A Recap," *Lawfare*, March 3, <https://www.lawfareblog.com/president-bidens-immigration-executive-actions-recap>.

LIPTAK, ADAM, and MICHAEL D. SHEAR

2018 “Key Justices Seem Skeptical of Challenge to Trump’s Travel Ban,” *New York Times*, April 25, <https://www.nytimes.com/2018/04/25/us/politics/trump-travel-ban-supreme-court.html>.

LOWEREE, JORGE, and AARON REICHLIN-MELNICK

2021 “Tracking the Biden Agenda on Immigration Enforcement,” Special Report, American Immigration Council, https://www.americanimmigrationcouncil.org/sites/default/files/research/tracking_the_biden_agenda_on_immigration_enforcement_0.pdf.

MILLER, TODD, and NICK BUXTON

2021 “Biden’s Border: The Industry, the Democrats and the 2020 Elections,” *Mijente*, Transnational Institute, American Friends Service Committee, February, <https://www.tni.org/files/publication-downloads/bidens-border-briefing-tni-feb14.pdf>.

MIROFF, NICK, and MARIA SACCHETTI

2021a “Biden Budget Reflects Shift in U.S. Immigration Policy and Border Enforcement,” *Washington Post*, May 28, https://www.washingtonpost.com/national/biden-border-wall-immigration-budget/2021/05/28/18836084-bff0-11eb-9bae-5a86187646fe_story.html.

2021b “Family Groups Crossing Border in Soaring Numbers Point to Next Phase of Crisis,” *Washington Post*, March 28, https://www.washingtonpost.com/national/migrant-families-border/2021/03/28/355c59a2-8d70-11eb-aff6-4f720ca2d479_story.html.

MONYAK, SUZANNE

2021 “Biden Task Force to Reunify 29 More Migrant Families,” *Rollcall*, June 8, <https://www.rollcall.com/2021/06/08/biden-task-force-to-reunify-29-more-migrant-families/>.

MORIN, REBECCA

2021 “Biden Administration: More than 3,900 Children Separated under Trump ‘Zero Tolerance’ Policy,” *USA Today*, June 8, <https://www.usatoday.com/story/news/politics/2021/06/08/dhs-task-force-children-separated-trump-zero-tolerance-policy/7594577002/>.

MPI (MIGRATION POLICY INSTITUTE)

2021 “MPI Offers Estimates of the Number of Unauthorized Immigrants Who Could Be Placed on Expedited Path to Citizenship under Biden-Backed Bill,” Press Release, Washington, D.C., <https://www.migrationpolicy.org/news/mpi-estimates-unauthorized-immigrants-path-citizenship>.

NAREA, NICOLE

2020 “A Nation of Immigrants No More. How a Second Term Could Cement Donald Trump’s Vision of America,” *Vox*, August 27, <https://www.vox.com/policy-and-politics/21366213/trump-immigration-policy-second-term>.

RAMOS, JORGE

2019 “Trump: ‘I’m Using Mexico’,” *New York Times*, October 7, <https://www.nytimes.com/2019/10/07/opinion/trump-im-using-mexico.html>.

RAMPELL, CATHERINE

2021 “Biden Can Easily Lift the Refugee Ceiling. So Why Hasn’t He?” *Washington Post*, March 15, <https://www.washingtonpost.com/opinions/2021/03/15/biden-wants-credit-reversing-trumps-terrible-refugee-policies-so-why-has-he-left-them-place/>.

RAUCH, JONATHAN

2021 “Plan Z for Immigration,” *The Atlantic*, September, 2, <https://www.theatlantic.com/magazine/archive/2021/10/let-states-sponsor-immigration/619813/>.

ROMERO, SIMON, and ZOLAN KANNO-YOUNGS

2021 “Trump’s Incomplete Border Wall Is in Pieces that Could Linger for Decades,” *New York Times*, March 16, <https://www.nytimes.com/2021/03/16/us/border-wall-trump-biden.html?referringSource=articleShare>.

SARGENT, GREG

2021 “The Biden Administration Needs to Fix Its Message to Asylum Seekers,” *Washington Post*, March 1, <https://www.washingtonpost.com>.

com/opinions/2021/03/01/biden-administration-needs-fix-its-message-asylum-seekers/.

SHEAR, MICHAEL D., and ZOLAN KANNO-YOUNGS

2021 “Surge in Migrants Defies Easy or Quick Solutions for Biden,” *New York Times*, March 16, <https://www.nytimes.com/2021/03/16/us/politics/biden-immigration.html>.

VEREA, MÓNICA

2021 “Trump’s Asylum Ban and the Lopez Obrador Response,” in Graciela Martínez- Zalce, and Mónica Vereá, eds., *Migration and Borders in North America: Views from the Twenty-First Century*. Mexico City: CISAN, UNAM.

2020 “Trump’s Anti-immigrant, ‘Mexican-phobic’ Rhetoric and Policies in His First Thirty Months as President,” in Mónica Vereá, ed., *Anti-Immigrant Policies During the Trump Era*. Mexico City: CISAN, UNAM.

WAGNER, JOHN, COLBY ITKOVITZ, and AMY B. WANG

2021 “House Passes Bills to Open Path to Citizenship for Young Undocumented Immigrants, Legal Status for Farmworkers,” *Washington Post*, March 18, <https://www.washingtonpost.com/politics/2021/03/18/joe-biden-live-updates/>.

WASHINGTON POST EDITORIAL BOARD

2021a “The Influx of Migrants Isn’t a Crisis. But it Could Become One without Careful Management,” *Washington Post*, March 19, https://www.washingtonpost.com/opinions/the-influx-of-migrants-isnt-a-crisis-but-it-could-become-one-without-careful-management/2021/03/19/bced56ba-874d-11eb-8a8b-5cf82c3dffe4_story.html.

2021b “Republicans Have a Chance to Support the ‘Dreamers.’ It’s a Defining Moment for the GOP,” *Washington Post*, March 16, https://www.washingtonpost.com/opinions/republicans-have-a-chance-to-support-the-dreamers-its-a-defining-moment-for-the-gop/2021/03/16/35fa64e2-85d4-11eb-bfdf-4d36dab83a6d_story.html.

WATSON, TARA

2021 “Immigrant Deportations during the Trump Administration,” *Econofact*, The Econofact Network, March 25, <https://econofact.org/immigrant-deportations-during-the-trump-administration>.

WHITE HOUSE

2021 “President Biden Sends Immigration Bill to Congress as Part of His Commitment to Modernize Our Immigration System,” *Fact Sheet*, The United States Government, January 25, www.whitehouse.gov/briefing-room/statements-releases/2021/01/20/fact-sheet-president-biden-sends-immigration-bill-to-congress-as-part-of-his-commitment-to-modernize-our-immigration-system/.