

WE WERE STRANGERS ONCE TOO: THE WAR ON TERROR AND ITS IMPACT
ON CONTEMPORARY IMMIGRATION POLICY AND RHETORIC,

2001-2021

by

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A thesis submitted to the Graduate Council of
Texas State University in partial fulfillment
of the requirements for the degree of
Master of Arts
with a Major in International Studies
December 2022

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ACKNOWLEDGEMENTS

I would like to express my deepest appreciation to my committee chair, Dr. Anadelia Romo. Without her guidance, support, patience, and persistent help this thesis would not have been possible. I would like to thank my committee members, Dr. Sarah Coleman, whose expertise on the topic of immigration proved vital to my success, and Dr. Ronald Johnson who has continued to mentor me from afar in all aspects of life.

In addition, a thank you to Dr. Paul Hart and Cheryl Howe who continuously and relentlessly pushed me throughout my thesis and who provided laughter on days it was very much needed.

Last but not least, I would like to thank my family: Mom, Dad, Eric, Stephen, Brad, Susan, Randy, and Nancy for always believing in me and pushing me to be the very best in all that I do. I am thankful for your love and support always.

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LIST OF ABBREVIATIONS

Abbreviation	Description
USA PATRIOT ACT	Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism
INS	Immigration and Naturalization Service
NSEERS	National Security Entry-Exit Registration System
DHS	Department of Homeland Security
CBP	Customs and Border Protection
ICE	Immigration and Customs Enforcement
USCIS Service	United States Citizenship and Immigration
DOJ	Department of Justice
S-COMM	Secure Communities
INA	Immigration and Nationality Act
IRRAIRA	Illegal Immigration Reform and Immigrant Responsibility Act of 1996
PEP	Priority Enforcement Program
DREAM ACT	Development, Relief, and Education for Alien Minors Act
DACA	Deferred Action for Childhood Arrivals

I. INTRODUCTION

September 11, 2021, marked twenty years since the world watched in horror as nearly 3,000 people died in New York City, Washington, D.C., and Shanksville, Pennsylvania as a direct result of terrorism. An overwhelming share of Americans are still able to recall where they were and what they were doing when they heard the news. Yet the further removed we become, an increase in the number of Americans who have no personal memory of that day, either because they were too young or not born yet, follows. I'd consider myself lucky in the sense that I was old enough to remember the event itself, but too young to fully grasp the magnitude and understand the significant changes in immigration law and policy that followed. It wasn't until 2021 and reflecting on the rise of Donald Trump, that I began to examine what scholar Vanessa Beasley describes as the "interplay between immigration history and presidential discourse."¹

Beasley complicates matters further when she writes, "although immigration to the United States has often been viewed primarily as a public policy problem, it represents something of a rhetorical dilemma as well...How can the immigrant of yesterday be lionized as the very foundation of the nation's character, while the immigrant of today is often demonized as a threat to the nation's safety and stability?"² In essence, Beasley is calling out the contradictions that have long dominated American immigration policy and rhetoric, and while this is not new, I questioned what role an event like 9/11 had in fueling this contradiction.

¹ Beasley, Vanessa B., ed. *Who Belongs in America? Presidents, Rhetoric, and Immigration*. 1st ed. Presidential Rhetoric Series, no. 16. College Station: Texas A&M University Press, 2006, p.4.

² *Ibid.*, 3.

This thesis will seek to determine the degree to which the immigration policies enacted under the Bush administration in the aftermath of 9/11 coupled with Presidential rhetoric have led to the creation of a highly securitized immigration apparatus that has far exceeded its directive of protecting Americans from threats posed by terrorism, failed to bring about comprehensive immigration reform, and contributed to an America that is perceived to be anything but a welcoming society. This thesis will first aim to describe in detail the optimistic environment that existed prior to the attacks on September 11th and recount the Bush administrations official launch of the War on Terror. I will then examine four pieces of legislation crafted under Bush based on their lasting implications related to contemporary immigration discourse and policy. Following this will be an analysis of all Bush, Obama, and Trump speeches and remarks on matters related to immigration, national security, homeland security, and terrorism as well as close examination of published National Security Strategies (NSS), budgets, legislation, and executive actions from 2001-2021 to see if there are parallels that may be drawn both in policy and rhetoric. Above all else, it's my hope that the research presented in this thesis will add another layer to better assist those seeking to understand the complexity of passing comprehensive immigration reform in the United States.

II. THE WAR ON TERROR

The 2000 Presidential Election saw Texas Governor George W. Bush narrowly defeat Democratic nominee Al Gore to win the presidency. During the initial months of Bush's first term in office the President's administration began gathering momentum for ambitious comprehensive immigration reform, including enhanced border security measures and a temporary guest worker program.

A few days before September 11, 2001, on September 5th, President George W. Bush hosted newly elected Mexican President Vicente Fox for the first state visit of his administration months after the President himself visited Mexico for his first trip abroad. The relationship between both leaders had gotten off to an excellent start with Washington asserting the paramount importance of the relationship.³ In a Joint Statement between the United States and Mexico, the Presidents highlighted their special friendship and authentic partnership brought about in response to finding “a practical and cooperative approach to the common opportunities and challenges we face as the well-being and prosperity of our peoples becomes increasingly intertwined in our shared North American community.”⁴ Both presidents agreed that U.S. – Mexican relations had “entered their most promising moment in history.”⁵ President Bush prided himself in being considered a compassionate conservative, emphasizing a need for respect and fairness, and that “America at its best is a welcoming society. We welcome not only

³ Sarukhan, Arturo. “9/11 Transformed US-Mexico Relations.” *Order from Chaos* (blog), Brookings, September 17, 2021. <https://www.brookings.edu/blog/order-from-chaos/2021/09/17/9-11-transformed-us-mexico-relations/>.

⁴ Bush, George W. “Joint Statement Between the United States of America and the United Mexican States.” *Weekly Compilation of Presidential Documents* 37, no. 36 (September 6, 2001): 1276.

⁵ *Ibid.*

immigrants themselves, but the many gifts they bring and the values they live by.”⁶ However, in the same speech on Ellis Island, the President, when discussing the hundreds of thousands of immigrants who go through the naturalization process each year stated, “each has come not only to take, but to give.”⁷ Indirectly responding to the common assumption that has dominated immigration concerns well before 2001; that immigration makes the nation somehow less American. Bush concluded that “immigration is not a problem to be solved. It is a sign of a confident and successful nation...and that new arrivals should be greeted not with suspicion and resentment, but with openness and courtesy.”⁸ Unbeknownst to the President at the time, this statement would contradict the policies he would advocate for in the aftermath of September 11, 2001, where nearly 3,000 people were killed. In addition, I argue that pursuit of such policies has led to the creation of a highly securitized immigration apparatus that has far exceeded its directive of protecting Americans from threats posed by terrorism and failed to bring about comprehensive immigration reform.

Perhaps best stated by prominent author, philosopher, and theologian, Michael Novak, “a single word from a president can send ripples around the world. It can cause an empire to unravel and to disintegrate,”⁹ or in this case, can launch the “war on terror.”¹⁰ Vanessa Beasley complicates matters further when she writes, “nationalism is ultimately

⁶ Bush, George W. “Remarks at an Immigration and Naturalization Service Ceremony on Ellis Island, New York.” *Weekly Compilation of Presidential Documents* 37, no. 28 (July 10, 2001): 1023.

⁷ Ibid.

⁸ Ibid.

⁹ Michael Novak, “President of All the People,” in *Who Belongs in America? Presidents, Rhetoric, and Immigration*. ed. Vanessa B. Beasley (College Station: Texas A&M University Press, 2006), 21.

¹⁰ Bush, George W. “Address Before a Joint Session of the Congress on the United States Response to the Terrorist Attacks of September 11.” *Weekly Compilation of Presidential Documents* 37, no. 38 (September 20, 2001): 1347.

a double-edged sword, an efficient tool for promoting shared identity, but one that may also encourage exclusion, intolerance, and even inhumanity”¹¹ or perhaps plant the seeds of suspicion or resentment which President Bush had warned about in the months before the attack when discussing tolerance for immigrants.

As attention shifted towards finding those responsible for the terrorist attacks, high-level discussions on immigration reform between the U.S. and Mexico were completely derailed. In the days immediately following 9/11, President Bush prepared to speak before Congress. President Bush allocated time to address Muslims throughout the world, stating, “the enemy of America is not our many Muslim friends; it is not our many Arab friends.”¹² The President called on Americans to “uphold the values of America, and remember why so many have come here,”¹³ and that “no one should be singled out for unfair treatment or unkind words because of their ethnic background or religious faith.”¹⁴ While the events of 9/11 ignited an overwhelming sense of patriotism, it also led some citizens to a newly heightened fear of foreigners.¹⁵ The anger and fear by the American public following the attacks allowed the Bush administration to propose a bold national security agenda and exercise greater decision-making authority and the unquestioned ability to make wide-ranging, long-term policies to meet the unique challenges brought about by terrorism. As a result, immigrants, and those perceived as

¹¹ Beasley, Vanessa B. *You, the People: American National Identity in Presidential Rhetoric*. First edition. Presidential Rhetoric Series: No. 10. Texas A & M University Press, 2004, 5.
<https://libproxy.txstate.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=cat00022a&AN=txi.b1584629&site=eds-live&scope=site>.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Beasley, Vanessa B. *You, the People: American National Identity in Presidential Rhetoric*. First edition. Presidential Rhetoric Series: No. 10. Texas A & M University Press, 2004, 5.
<https://libproxy.txstate.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=cat00022a&AN=txi.b1584629&site=eds-live&scope=site>.

immigrants, would be greatly affected by the many measures taken by the federal government under the guise of fighting terrorism.

In an effort to secure Americans from threats to the homeland, the administration recognized that this would require extensive coordination across a broad spectrum of Federal, State, local, and private sector entities to reduce the potential for terrorist attacks. As a result, President George W. Bush established the Homeland Security Council on October 8, 2001, through executive order.¹⁶ The 2002 National Security Strategy established a major revision of the framework by which the administration would attempt to meet the challenges brought about by terrorism, stating, “the major institutions of American national security were designed in a different era to meet different requirements. All of them must be transformed.”¹⁷

Concerns about immigration and travel quickly became centerpiece of the new security reforms. Because the terrorist attacks were carried out by foreign nationals who had successfully obtained temporary visas, the administration was now conscious of the “role that travel, border, and immigration policy must play in any national security strategy.”¹⁸ *The National Commission on Terrorist Attacks Upon the United States* (9/11 Commission), issued a report which found that none of the 9/11 attackers had crossed the

¹⁶ Bush, George W. “Executive Order 13228--Establishing the Office of Homeland Security and the Homeland Security Council.” *Weekly Compilation of Presidential Documents* 37, no. 41 (October 8, 2001): 1434.

¹⁷ White House, *National Security Strategy of the United States of America* (Washington, DC: White House, 2002), IX, 1. <https://georgewbush-whitehouse.archives.gov/nsc/nss/2002/nss9.html>

¹⁸ McCabe, Kristen. “Re-envisioning Security and the Movement of People.” Migration Policy Institute, February 28, 2011. <https://www.migrationpolicy.org/article/re-envisioning-security-and-movement-people>

U.S. – Mexico border illegally. However, the border was still viewed as a gateway through which possible terrorists might enter.¹⁹

More broadly, as historian/scholar Kristen McCabe argues, the emphasis the administration placed on “detering and detecting terrorist travel quickly became conflated with immigration policy.”²⁰ Measures that once lacked sufficient political and popular support now appealed to a broader base after being re-labeled as anti-terrorism measures. President Bush himself began to blur the lines between immigration and terrorism in his speech. In his framing, while “the United States has a long and valued tradition of welcoming immigrants and visitors, the attacks of September 11, 2001, showed that some come to the United States to commit terrorist activities.”²¹ For Bush, the events of 9/11 called for greater controls of immigration more broadly. The *Directive on Combating Terrorism Through Immigration Policies* also outlined measures the administration would be taking to end the abuse of student visas, increase the use of data sharing technologies, and gain budgetary support. Protecting national security, therefore, became a paramount objective of U.S. immigration policy, blurring the boundaries between immigrants and terrorists.

On January 25, 2002, President Bush outlined an *Action Plan for Creating a Secure and Smart Border*. In *Securing America’s Borders Fact Sheet: Border Security*,

¹⁹ National Commission on Terrorist Attacks upon the United States. Staff Statement: Entry of the 9/11 Hijackers into the United States, text, January 26, 2004; United States. (<https://digital.library.unt.edu/ark:/67531/metadc1228330/>, University of North Texas Libraries, UNT Digital Library, <https://digital.library.unt.edu>; crediting UNT Libraries Government Documents Department.

²⁰ McCabe, Kristen. “Re-envisioning Security and the Movement of People.” Migration Policy Institute, February 28, 2011. <https://www.migrationpolicy.org/article/re-envisioning-security-and-movement-people>

²¹ Bush, George W. “Directive on Combating Terrorism Through Immigration Policies.” *Weekly Compilation of Presidential Documents* 37, no. 44 (October 29, 2001): 1570.

Bush stated that “America requires a border management system that keeps pace with expanding trade while protecting the United States and its territories from the threats of terrorist attack, illegal immigration, illegal drugs, and other contraband.”²² Just days after, Bush would deliver his first State of the Union Address where he would elaborate by proposing a budget that “nearly doubles funding for a sustained strategy of homeland security, focused on four key areas: bioterrorism, emergency response, airport and border security, and improved intelligence.”²³ To Bush, “the budget for 2003 is much more than a tabulation of numbers. It is a plan to fight a war we did not seek—but a war we are determined to win.”²⁴ Basically, Bush is warning that the proposed solution to addressing the challenges of terrorism will require exorbitant amounts of money and resources. In the same message, Bush described the events of 9/11 as this generation’s Pearl Harbor, an event which has long served as an iconic symbol for American determination and resolve. In sum, the Bush administration defined the 9/11 attacks broadly to allow for maximum flexibility under the guise of fighting terrorism and proposed a bold agenda knowing the American public would support it. While there were several important pieces of legislation passed by the Bush administration in the aftermath of 9/11, four in particular held lasting implications related to contemporary immigration discourse and policy as viewed through a national security lens.

²² Office of the Press Secretary. “Securing America's Borders Fact Sheet: Border Security,” January 25, 2002, <https://georgewbush-whitehouse.archives.gov/news/releases/2002/01/20020125.html>.

²³ Bush, George W. “Address Before a Joint Session of the Congress on the State of the Union.” *Weekly Compilation of Presidential Documents* 38, no. 5 (January 29, 2002): 133.

²⁴ Office of Management and Budget, Executive Office of the President. "Budget FY 2003 - Budget of the United States Government, Budget of the United States Government, Fiscal Year 2003". <https://www.govinfo.gov/app/details/BUDGET-2003-BUD/>

2001 USA PATRIOT Act

The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act)²⁵, signed into law on October 26th, represents the U.S. government's official launch of the domestic war on terrorism. The legislation was intended to serve, in Bush's words, as "an essential step in defeating terrorism, while protecting the constitutional rights of all Americans."²⁶ The PATRIOT Act broadened the definition of terrorism and afforded new powers to federal and local authorities. The Act expanded the ability of the United States government to conduct electronic surveillance and wire taps, investigate and detain those that may be associated with suspicious persons, access and share private records, and conduct secret searches.²⁷ Though the USA PATRIOT Act has been reauthorized and amended several times since its initial enactment, I argue that it has continued to represent and provide the justification for heightened suspicion of perceived foreigners and increased hostility towards immigrant communities that has permeated American society.

While the global war on terror primarily focused on eradicating what Bush defined as the "axis of evil"²⁸ abroad, the domestic war on terror adversely affected

²⁵ Office of the Federal Register, National Archives and Records Administration. "Public Law 107 - 56 - Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001". Government. U.S. Government Printing Office, October 25, 2001. <https://www.govinfo.gov/app/details/PLAW-107publ56>

²⁶ Bush, George W. "Remarks on Signing the USA PATRIOT ACT of 2001." *Weekly Compilation of Presidential Documents* 37, no. 43 (October 26, 2001): 1550.

²⁷ Lee, Erika. *America for Americans: A History of Xenophobia in the United States*. First edition. Basic Books, 2019.

<https://libproxy.txstate.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=cat00022a&AN=txi.b5319378&site=eds-live&scope=site>.

²⁸ Bush, George W. "Address Before a Joint Session of the Congress on the State of the Union." *Weekly Compilation of Presidential Documents* 38, no. 5 (January 29, 2002): 133.

immigrant and minority communities, specifically Arab and Muslim Americans, regardless of citizenship status. In the months following 9/11, under the direction of the PATRIOT Act, the Migration Policy Institute found that “authorities used immigration powers to arrest more than 1,000 foreign nationals, most of them Muslims. Instead of targeting them based on individualized suspicion and specific evidence, U.S. authorities often used national origin as proxy for the risk they posed.”²⁹

There is significant literature exploring the racialization of securitization efforts in the aftermath of 9/11. The examination of restrictive legislation is not new, nor is it limited to Muslims. While not directly within the scope of this analysis, it is worth noting that the targeting of Muslims immediately after 9/11 also led to what author Anna Sampaio describes as an “inequitable burden imposed on Latina/o immigrants, generating harm to thousands of immigrants far removed from any actual terrorist activity.”³⁰ Components of the PATRIOT Act greatly contributed to intensifying the fear and mistrust of immigrants among the American public, and President Bush did little to ease public anxiety.

On November 8, 2001, a month after the President established the Homeland Security Council through executive order, the President urged the public to be vigilant but to “not give into exaggerated fears or passing rumors...we will not judge fellow Americans by appearance, ethnic background, or religious faith.”³¹ Contradictory to this,

²⁹ Muzaffar Chishti and Jessica Bolter. “Two Decades after 9/11, National Security Focus Still Dominates U.S. Immigration System,” Migration Policy Institute, September 22, 2021. <https://www.migrationpolicy.org/article/two-decades-after-sept-11-immigration-national-security>

³⁰ Sampaio, Anna. *Terrorizing Latina/o Immigrants: Race, Gender, and Immigration Politics in the Age of Security*. Philadelphia: Temple University Press, 2015, 10-13.

³¹ Bush, George W. “Address to the Nation on Homeland Security from Atlanta.” *Weekly Compilation of Presidential Documents* 37, no. 45 (November 8, 2001): 1614.

in his January 29, 2002, State of the Union Address, Bush stated that “America will continue to depend on the eyes and ears of alert citizens”³² in a combined effort with the government to secure the homeland from national security threats. Calling on the American public to remain vigilant coupled with the administration’s efforts to increase intelligence gathering and surveillance under the PATRIOT Act allowed for heightened suspicion of perceived foreigners and increased hostility towards immigrant communities.

In the FBI’s Hate Crime Statistics Report, 2001, there was a noticeable increase among religious-bias incidents. It was found that “Anti-Islamic religion incidents were previously the second least reported, but in 2001, they became the second highest reported among religious-bias incidents, growing by more than 1,600 percent over the 2000 volume.”³³ In addition, a Gallup poll examining the effects of September 11th found that prior to 9/11, 41 percent of those polled favored a decrease in U.S. immigration levels, in October 2001, this level dramatically increased to 58 percent. In the same poll, Gallup also observed an unprecedented surge in support for the current administration, which persisted into 2002.³⁴ Based on these observations, it is evident that Bush policy and rhetoric were influential on the American public.

³² Bush, George W. “Address Before a Joint Session of the Congress on the State of the Union.” *Weekly Compilation of Presidential Documents* 38, no. 5 (January 29, 2002): 133.

³³ United States Department of Justice, Federal Bureau of Investigation. “Hate Crime Statistics, 2001.” <https://ucr.fbi.gov/hate-crime/2001>

³⁴ Jones, Jeffrey M. “Sept. 11 Effects, Though Largely Faded, Persist.” *Gallup Poll Tuesday Briefing*, September 9, 2003, 1. <https://news.gallup.com/poll/9208/sept-effects-though-largely-faded-persist.aspx>

Enhanced Border Security and Visa Reform Act of 2002

In the months following 9/11, President Bush reiterated a desire for America to better determine “who’s coming into our country and who’s leaving our country.”³⁵ In an exchange with reporters following a meeting with the newly created Homeland Security Council, Bush stated, “we welcome legal immigrants, and we welcome people coming to America. We welcome the process that encourages people to come to our country to visit, to study, and to work. What we don’t welcome are people who come to hurt the American people. And so, therefore, we’re going to be very diligent with our visas and observant with the behavior of people who come to this country.”³⁶

The Enhanced Border Security and Visa Entry Reform Act of 2002³⁷ was signed into law by President Bush on May 14, 2002. The law required the creation of a data system containing information and intelligence to be shared and used for determining the admissibility or deportation eligibility of aliens. It authorized an increase in funding for additional inspectors, investigators, and support staff of the Immigrations and Naturalization Service (INS) as well as appropriations for improvements in technology and infrastructure. The Enhanced Border Security and Visa Entry Reform Act required that the Secretary of State also provide the INS with electronic versions of issued visa files to be accessed in real time at ports of entry, and for all issued travel documents to be tamper-resistant, machine-readable, and contain biometric identifiers, namely fingerprints

³⁵ Bush, George W. “Remarks to Police Department Command and Control Center Personnel in New York City.” *Weekly Compilation of Presidential Documents* 38, no. 6 (February 6, 2002): 185.

³⁶ Bush, George W. “Remarks Following a Meeting with the Homeland Security Council and an Exchange with Reporters.” *Weekly Compilation of Presidential Documents* 37, no. 44 (October 29, 2001): 1565.

³⁷ U.S. Congress. HOUSE. Enhanced Border Security and Visa Entry Reform Act of 2002. H.R.. 3525. 107th Cong., 2nd sess., ENR May 10, 2002 .May 9, 2002, <https://www.govinfo.gov/app/details/BILLS-107hr3525enr>.

and facial recognition. The law established terrorist lookout committees and stated that no nonimmigrant visa could be issued to any alien from a country designated as a state sponsor of international terrorism unless it's determined that the alien does not pose a national security threat. Lastly, the law required the implementation of a foreign student monitoring program.³⁸

Accompanying the passage of the Enhanced Border Security and Visa Entry Reform Act of 2002 was the development of the National Security Entry-Exit Registration System (NSEERS). NSEERS was a program first implemented in 2002 as a temporary measure in the aftermath of September 11th and was “designed to record the arrival, stay, and departure of certain individuals from countries chosen based on an analysis of possible national security threats.”³⁹ NSEERS more specifically required non-citizens from 25 countries, 24 of which were Muslim majority, to report to immigration offices to comply with special registration requirements such as fingerprinting, photographs, and interviews by Department of Homeland Security (DHS) officials.⁴⁰

NSEERS in particular is representative of a wider pattern of Bush-era programs that sweep too broadly in efforts intended to secure the homeland or protect against terrorism. Often using national origin as a basis for enforcement rather than individualized behavior, NSEERS targeted entire communities, subjecting them to special scrutiny and suspicion based solely on their religion, ethnicity, or country of

³⁸ Griffith, Bryan. “The Enhanced Border Security and Visa Reform Act of 2002, H.R. 3525.” CIS.org, June 1, 2002. <https://cis.org/Report/Enhanced-Border-Security-and-Visa-Reform-Act-2002-HR-3525>.

³⁹ Federal Register. “Removing Designated Countries from the National Security Entry-Exit Registration System (NSEERS),” April 28, 2011. <https://www.federalregister.gov/documents/2011/04/28/2011-10305/removing-designated-countries-from-the-national-security-entry-exit-registration-system-nseers>.

⁴⁰ Time. “How 9/11 Radically Expanded the Power of the U.S. Government.” Accessed May 9, 2022. <https://time.com/6096903/september-11-legal-history/>.

origin. Although the Department of Homeland Security ceased use of NSEERS in 2011, the Obama administration did not formally end the program until 2016 in light of comments made by then President-elect Donald Trump who was advocating for a ban on Muslim individuals attempting to enter the United States.

What was implied by the Bush administration's 2002 policies such as the Enhanced Border Security, Visa Entry Reform Act and NSEERS program was closer monitoring and restricting the number of visas granted to those from Muslim majority countries. The *Report of the Visa Office* is an annual report published by the State Department providing statistical information on immigrant and non-immigrant visa issuances. In 2001, the total number of nonimmigrant visas granted to the 25 countries targeted in the NSEERS program was 430,392. In 2002, this number decreased by 55 percent to a total of 192,161. For comparison, the grand total for nonimmigrant visas issued by nationality for 2001 was 7,588,778 while the 2002 total was 5,769,437, a 22 percent decrease.⁴¹

Although the report makes note that the event of September 11th impacted travel to the United States generally, the degree to which visa issuances of these 25 countries was impacted is worth highlighting. In light of these restrictive measures, President Bush stated, "America is not a fortress; no, we never want to be a fortress. We're a free country; we're an open society...but, on the other hand, we can do a better job of making our borders more secure."⁴² The Enhanced Border Security and Visa Entry Reform Act of

⁴¹ "Report of the Visa Office 2002." Accessed May 11, 2022. <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-statistics/annual-reports/report-of-the-visa-office-2002.html>.

⁴² Bush, George W. "Remarks on Signing the Enhanced Border Security and Visa Entry Reform Act of 2002." *Weekly Compilation of Presidential Documents* 38, no. 20 (May 14, 2002): 820–22.

2002 and NSEERS serve as examples of the many pieces of legislation that contributed to enhanced immigration enforcement.

Homeland Security Act of 2002

Almost immediately following the attacks on 9/11, President Bush established the Office of Homeland Security through executive order. In the months leading up to the passing of the Homeland Security Act, the President stressed the importance of establishing a “single Cabinet-level department of government, staffed by dedicated professionals who wake up every single day with one overriding duty, to protect the American people.”⁴³ Additionally, Bush stated that September 11th served as a lesson, “America is now a battlefield...the old ways are gone, the enemy can strike us here at home.”⁴⁴ The Bush administration felt it was of paramount importance that communication and intelligence sharing between agencies on matters affecting the homeland be streamlined under a single authority.

On November 25, 2002, President Bush passed the Homeland Security Act⁴⁵, creating an umbrella entity incorporating over 20 federal agencies (including agencies focused on immigration) charged with keeping the U.S. safe from future terrorist attacks, directly responding to the directives outlined in the 2002 National Security Strategy to transform the major institutions. The Homeland Security Act of 2002 formally disbanded the United States Immigration and Naturalization Service (INS) on March 1, 2003,

⁴³ Bush, George W. “Remarks Following a Visit to District of Columbia Metropolitan Police Department Headquarters.” *Weekly Compilation of Presidential Documents* 38, no. 46 (November 12, 2002): 2024.

⁴⁴ *Ibid.*

⁴⁵ U.S. Congress. HOUSE. Homeland Security Act of 2002. H.R. 5005. 107th Cong., 2nd sess., ENR November 25, 2002. November 24, 2002, <https://www.govinfo.gov/app/details/BILLS-107hr5005enr>.

however, “its constituent parts contributed to three new federal agencies serving under the newly formed Department of Homeland Security (DHS): Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), and U.S. Citizenship and Immigration Services (USCIS).”⁴⁶

Each agency was given broad discretion and deep resources to enforce immigration laws both at the border and in the interior of the country under the guise of fighting terror. Stated in the *Budget Message of the President*, “homeland security is a challenge of monumental scale and complexity. It will not be cheap, easy, or quick. Achieving our homeland security objectives will require vast sums of money, strenuous labor, and many years.”⁴⁷ More specifically, the proposed budget called for \$37.7 billion to homeland security in 2003—an \$18 billion increase over 2002. Of the \$37.7 billion, and in an effort to secure America’s borders, \$11 billion was intended for border security – an increase of \$2.2 billion from the 2002 Budget for border security.⁴⁸ The extent to which these agencies have evolved over time both in responsibilities and budget allocation will be further explored in subsequent chapters.

⁴⁶ “Post-9/11 | USCIS,” December 4, 2019. <https://www.uscis.gov/about-us/our-history/post-911>. Note: As described by the USCIS website, CBP prevents drugs, weapons, and terrorists and other inadmissible persons from entering the country. ICE enforces criminal and civil laws governing border control, customs, trade, and immigration. USCIS oversees lawful immigration to the United States and naturalization of new American citizens.

⁴⁷ Office of Management and Budget, Executive Office of the President. "Budget FY 2003 - Budget of the United States Government, Budget of the United States Government, Fiscal Year 2003". <https://www.govinfo.gov/app/details/BUDGET-2003-BUD/>

⁴⁸ “Securing the Homeland, Strengthening the Nation | Homeland Security.” Accessed May 8, 2022. <https://www.dhs.gov/publication/securing-homeland-strengthening-nation>.

Secure Fence Act of 2006

After winning reelection in 2004, it became possible again for the Bush administration to consider the passage of comprehensive immigration reform. While a major effort was made to pass such legislation in 2006 and 2007, an optimistic Bush would not see comprehensive immigration reform come to fruition during his time as President due to opposition from his own party. However, Bush was able to sign the Secure Fence Act of 2006 into law on October 26, 2006.⁴⁹ Along with authorizing the construction of 700 miles of reinforced fencing at the southern border, the bill also authorized additional vehicle barriers and checkpoints along the southern border as well as an increased use of advanced technology like ground-based sensors, cameras, satellites, and unmanned aerial vehicles in an effort to achieve operational control and prevent unlawful entry of aliens.⁵⁰ Perhaps most notably, section four authorized the Secretary of Homeland Security to “conduct a study on the feasibility of a state-of-the-art infrastructure security system along the northern border of the United States.”⁵¹ Though the Bush administration’s passage of the Secure Fence Act is often referenced in contemporary conversations about border wall construction, the first miles of border wall were built in the 1990s under President Bill Clinton. On October 1, 1994, the Border Patrol launched “Operation Gatekeeper”⁵² which involved the construction of walls and

⁴⁹ Office of the Federal Register, National Archives and Records Administration. “Public Law 109 - 367 - Secure Fence Act of 2006.” Government. govinfo.gov. U.S. Government Printing Office, October 26, 2006. <https://www.govinfo.gov/app/details/https%3A%2F%2Fwww.govinfo.gov%2Fapp%2Fdetails%2FPLAW-109publ367>.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Southern Border Communities Coalition. “Operation Gatekeeper and The Birth of Border Militarization.” Accessed November 14, 2022. https://www.southernborder.org/operation_gatekeeper.

other infrastructure where there had previously been none and dramatically increased the Border Patrol's personnel and technology it uses for border surveillance.⁵³

In his *Address to the Nation on Immigration Reform*, Bush states, "the United States must secure its borders. This is a basic responsibility of a sovereign nation. It is also an urgent requirement of our national security. The border should be open to trade and lawful immigration, and shut to illegal immigrants as well as criminals, drug dealers, and terrorists."⁵⁴ Language used by President Bush that fuses illegal immigrants with groups such as criminals, drug dealers, and terrorists does little to combat the negative perception of the southern border.

Although the northern border of the United States is roughly 2,000 miles longer⁵⁵, the southern border has long held a negative perception and absorbed the overwhelming majority of resources despite illegal border crossings accounting for a small portion of the unauthorized immigrant population. In a report published in 2019, the Center for Migration Studies found that visa overstays exceeded entries without inspection for a seventh straight year. As evident by this study, it was concluded that persons who overstay their visas add to the US undocumented population at a much higher rate than illegal border crossers.⁵⁶ Statistics provided by CBP compare border patrol agent staffing by fiscal year. In FY 2006, the northern border had 919 agents while the southern border

⁵³ Washington Post. "Perspective | For 25 Years, Operation Gatekeeper Has Made Life Worse for Border Communities," October 1, 2019. <https://www.washingtonpost.com/outlook/2019/10/01/years-operation-gatekeeper-has-made-life-worse-border-communities/>.

⁵⁴ Bush, George W. "Address to the Nation on Immigration Reform." *Weekly Compilation of Presidential Documents* 42, no. 20 (May 15, 2006): 931–34.

⁵⁵ "Lengths of United States Boundaries | U.S. Geological Survey." Accessed May 9, 2022. <https://www.usgs.gov/educational-resources/lengths-united-states-boundaries>.

⁵⁶ Gonzales, Richard. "For 7th Consecutive Year, Visa Overstays Exceeded Illegal Border Crossings." NPR, January 16, 2019, sec. Law. <https://www.npr.org/2019/01/16/686056668/for-seventh-consecutive-year-visa-overstays-exceeded-illegal-border-crossings>.

had 11,032. In FY 2007, the northern border increased to 1,098 while the southern border had 13,297. The northern border reached a peak number of agents in FY 2010 with 2,263, while the southern border has continued to see a steady increase with a peak of 18,610 agents in FY 2013.⁵⁷

Coupled with this, in May 2006, President Bush announced Operation Jump Start, where up to 6,000 National Guard members were deployed to assist the border patrol with surveillance, intelligence, construction, and logistics in Texas, California, Arizona, and New Mexico.⁵⁸ The militarization of the border is not new, and for the past three decades in particular, there has been a push to secure the borders, despite Bush stating, that “the United States is not going to militarize the southern border.”⁵⁹

September 11th provided the basis to justify the degree to which the border is militarized creating what is essentially a mock war zone. The negative perception of the southern border has been reinforced by the concept of the border wall and what it represents. As stated by Costica Bradatan of the *New York Times*, “walls, then, are built not for security, but for a sense of security. What a wall satisfies is not so much a material need as a mental one. Walls protect people not from barbarians, but from anxieties and fears.”⁶⁰ The effort by the Bush administration to secure the border and protect the homeland contradicted the President’s message of avoiding a “fortress America.”⁶¹

⁵⁷ “Stats and Summaries | U.S. Customs and Border Protection Preview.” Accessed May 7, 2022. <https://www.cbp.gov/newsroom/media-resources/stats>.

⁵⁸ “President Bush Discusses Border Security and Immigration Reform in Arizona.” Accessed May 9, 2022. <https://georgewbush-whitehouse.archives.gov/news/releases/2006/05/20060518-18.html>.

⁵⁹ Bush, George W. “Address to the Nation on Immigration Reform.” *Weekly Compilation of Presidential Documents* 42, no. 20 (May 15, 2006): 931–34.

⁶⁰ Bradatan, Costica. “Scaling the ‘Wall in the Head.’” *Opinionator* (blog), November 27, 2011. <https://opinionator.blogs.nytimes.com/2011/11/27/scaling-the-wall-in-the-head/>.

⁶¹ Bush, George W. “Remarks on Signing the Enhanced Border Security and Visa Entry Reform Act of 2002.” *Weekly Compilation of Presidential Documents* 38, no. 20 (May 14, 2002): 820–22.

Increased budget, personnel, and fencing have had significant impacts on the United States' ability to intimidate, apprehend, and remove unauthorized immigrants.

The New Normal

While the beginning of the Bush administration can be best summed up as optimistic, praising the many contributions immigrants bring to American society, the final Bush years were dominated by the prioritization of enforcement measures and a call for unauthorized immigrants to come out of the shadows. Seeking to strike a balance, “Bush often differentiated between illegal immigrants who had arrived recently versus those who had worked in America for many years and put down roots. The Bush proposal targeted the latter, and in order to apply for citizenship, it would be necessary for illegal immigrants to pay a fine, clear up back taxes, learn English, and wait in line behind those who had followed the law. Many of these proposals would reappear during the Obama administration.”⁶² In his *2006 Address to the Nation on Immigration Reform*, Bush stated, “we’re a nation of laws, and we must enforce our laws. We’re also a nation of immigrants, and we must uphold that tradition, which has strengthened our country in so many ways. These are not contradictory goals. America can be a lawful society and a welcoming society at the same time.”⁶³

However, when examining rhetoric over the course of his two terms, we can see that Bush contradicted himself on several occasions. Conflating immigrants as potential

⁶² Fisher, Louis. *President Obama: Constitutional Aspirations and Executive Actions*. University Press of Kansas, 2018, 121.

⁶³ Office of the Federal Register, National Archives and Records Administration. “2006 Public Papers 928 - Address to the Nation on Immigration Reform.” Government. govinfo.gov. Office of the Federal Register, National Archives and Records Administration, January 1, 2006. <https://www.govinfo.gov/app/details/PPP-2006-book1/https%3A%2F%2Fwww.govinfo.gov%2Fapp%2Fdetails%2FPPP-2006-book1%2FPPP-2006-book1-doc-pg928>.

terrorists, criminals, and drug dealers has continued to fuel a negative perception of anyone viewed as foreign and subjected immigrant communities to increased suspicion and resentment as evident by policies such as the PATRIOT Act and the Enhanced Border Security and Visa Entry Reform Act. In successfully launching the war on terror both at home and abroad, the Bush administration leveraged an environment which allowed for greater decision-making authority and the unquestioned ability to make wide-ranging, long-term, and impactful policies to meet the unique challenges brought about by terrorism, especially on matters related to immigration.

Since September 11, 2001, immigration has continued to be viewed exclusively through a national security lens, resulting in a highly securitized immigration apparatus that has far exceeded its directive of protecting Americans against potential terrorist attacks and failed to bring about comprehensive immigration reform. The change in rhetoric when discussing immigration is also indicative of where the policy conversation has shifted since 9/11. As a result, immigrants have been greatly affected by the many measures taken by the federal government in efforts to secure the homeland.

Additionally, in the 20 years since 9/11, presidential rhetoric has become increasingly negative when discussing immigration, creating a pervasive negative immigrant narrative that has continued to shape subsequent administrations and their policies on matters related to immigration, homeland security, and national security. What remains to be seen is the degree to which the immigration policies enacted under the Bush administration coupled with Presidential rhetoric have led to the creation of a highly securitized immigration apparatus that has far exceeded its directive of protecting Americans from

threats posed by terrorism, failed to bring about comprehensive immigration reform, and contributed to an America that is perceived to be anything but a welcoming society.

III. YES, WE CAN

Despite the Bush administration's failure to pass comprehensive reform, immigration remained a top priority for the 2008 presidential election with both Senator John McCain and Senator Barack Obama pledging that immigration reform would be a priority of their administration. While both Senator McCain and Senator Obama supported additional funding, personnel, infrastructure and technology on the border and at ports of entry, McCain prioritized securing the border first and foremost while Obama opted for a more holistic approach. Though they had distinct goals and may appear initially as stark opposites, George W. Bush and Barack Obama used similar language in their speeches about immigration reform and shared more commonalities than differences in their respective plans for what they considered common sense, comprehensive immigration reform. Appearing on CNN's Larry King Live, candidate Obama outlined his plan for tackling immigration if elected, "we have to recognize that we've got 12 million undocumented workers who are already here. Many of them living their lives alongside other Americans...and so, it's absolutely vital that we bring those families out of the shadows and that we give them the opportunity to travel a pathway to citizenship. It's not automatic citizenship. It's not amnesty."⁶⁴

While it seems there were more commonalities than initial differences on matters of policy, what truly set Barack Obama apart from others would be the change and promise he illustrated for voters. Marked with simple, yet effective slogans like "Change we can believe in" and "Yes, we Can," candidate Obama's campaign appealed to voters

⁶⁴ "CNN.Com - Transcripts." Accessed September 3, 2022. <https://transcripts.cnn.com/show/lkl/date/2007-03-24/segment/01>.

who were eager for something new in Washington. In his remarks at the 2008 National Council of La Raza Annual Meeting, Obama stated, “I will be a President who stands with you, and fights for you, and walks with you every step of the way. Because here’s something else I know: that when the system isn’t working, people who love this country can come together to change it.”⁶⁵

While voter turnout in general increased substantially in 2008, both McCain and Obama knew the 2008 election would ultimately be decided by Latino voters in key battleground states. Obama himself stated, “make no mistake about it: the Latino community holds this election in your hands. Some of the closest contests this November will be in states like Florida, Colorado, Nevada and New Mexico – states with large Latino populations”⁶⁶ and states that prioritized the issue of immigration. Obama’s promise to make immigration reform a top priority if elected was in part what got Latino voters to turn out in record numbers. With this, the 2008 Presidential Election saw Barack Obama defeat Republican nominee and longtime senator John McCain to win the presidency. Barack Obama’s historic election as the first African American President serves as a pivotal moment in U.S. history, breaking the color barrier for the nation’s highest elected office and serving as a symbol for change.

In her chapter addressing the Obama Administration’s immigration policy, historian Sarah Coleman states, “once in office, though, other political concerns began to

⁶⁵ “Remarks at the 2008 National Council of La Raza Annual Meeting in San Diego, California | The American Presidency Project.” Accessed June 3, 2022.
<https://www.presidency.ucsb.edu/documents/remarks-the-2008-national-council-la-raza-annual-meeting-san-diego-california-0>.

⁶⁶ Ibid.

weigh heavily on the new president.”⁶⁷ Confronted by a deep recession, a proposed health care overhaul, and bold energy policy, President Obama pushed several campaign promises to the back burner, including immigration reform. In a news Conference with President Felipe de Jesus Calderon Hinojosa of Mexico and Prime Minister Stephen Harper of Canada, Obama states, “now, I’ve got a lot on my plate, and it’s very important for us to sequence these big initiatives in a way where they don’t all just crash at the same time.”⁶⁸ While it’s true the President had little political capital left to tackle immigration reform immediately, the takeaway here is that Obama also showed little initiative to lead on this issue during his first year and instead thought that bi-partisan support for comprehensive immigration reform would still exist down the road. As evident in his memoir, *A Promised Land*, Obama admits to making a strategic choice not to immediately try to reverse the policies inherited by the former Bush administration in large part because he didn’t want to provide ammunition to critics who claimed that Democrats weren’t willing to enforce existing immigration laws.⁶⁹

⁶⁷ Sarah Coleman. 12 A Promise Unfulfilled, an Imperfect Legacy: Obama and Immigration Policy. Edited by Julian Zelizer. The Presidency of Barack Obama: A First Historical Assessment. Princeton University Press, 2018.

<https://libproxy.txstate.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=edspmu&AN=edspmu.MUSE9781400889556.18&site=eds-live&scope=site>.

⁶⁸ Office of the Federal Register, National Archives and Records Administration. “2009 Public Papers 1233 - The President’s News Conference with President Felipe de Jesus Calderon Hinojosa of Mexico and Prime Minister Stephen Harper of Canada in Guadalajara, Mexico.” Government. govinfo.gov. Office of the Federal Register, National Archives and Records Administration, July 1, 2009.

<https://www.govinfo.gov/app/details/PPP-2009-book2/https%3A%2F%2Fwww.govinfo.gov%2Fapp%2Fdetails%2FPPP-2009-book2%2FPPP-2009-book2-doc-pg1233>.

⁶⁹ Obama, Barack. *A Promised Land*. First edition. Crown, 2020, 615-616.

<https://libproxy.txstate.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=cat00022a&AN=txi.b5538400&site=eds-live&scope=site>.

Obama's immigration rhetoric, much like Bush, is structured around a basic dichotomy between the United States as a nation of immigrants and a nation of laws.⁷⁰ Echoing his predecessor, Obama stated, "we must build a future where the promise of America is kept for a new generation. We also know that keeping this promise means upholding America's tradition as a nation of laws and a nation of immigrants. Those things aren't contradictory, they're complimentary"⁷¹ Presidents Bush and Obama both favored more comprehensive immigration reforms to include legalization of most unauthorized immigrants, but both embraced tough enforcement partly to meet demands of hardliners in efforts to find some common ground, often toeing the line of contradiction.⁷² This is especially evident in Obama's first term and would play a pivotal role in crafting his approach in the second. In the midst of his frustration and inability to receive bi-partisan approval for comprehensive immigration reform, Obama stated quite simply, "we were strangers once, too." I argue that although the Obama administration reinforced and even expanded some controversial Bush era immigration policies, he made significant strides through executive action and altered the rhetorical landscape to frame immigration as a moral issue as well as an economic and security one.

Deporter in Chief?

When President Obama finally took office in 2009, his administration abandoned some Bush-era policies but allowed others to scale up as part of the administration's

⁷⁰ Cisneros, J. David. "A Nation of Immigrants and a Nation of Laws: Race, Multiculturalism, and Neoliberal Exception in Barack Obama's Immigration Discourse." *Communication, Culture & Critique* 8, no. 3, September 2015, 358.

⁷¹ United States: National Archives and Records Administration: Office of the Federal Register. "Remarks at the National Hispanic Prayer Breakfast. Presidential Documents." *Public Papers of the Presidents of the United States: Barack Obama (2009, Book I)*. 1, January 20, 2009, 854–56.

⁷² Rosenblum, Marc R. "A New Era in US Immigration Enforcement: Implications for the Policy Debate." *Georgetown Journal of International Affairs* 16, no. 2 (July 1, 2015): 130.

ongoing commitment to strike a balance between security and openness. Since the creation of the DHS in 2003, considerable efforts had been made to further integrate homeland security with national security, including increased coordination and data sharing among Federal, state, and local governments and large-scale budget proposals. Such efforts have enabled the DHS to embrace new and expand existing responsibilities especially on matters related to immigration.

In the wake of the 9/11 terrorist attacks, the relationship between the federal and state governments in immigration enforcement that was negotiated in the 1990s under President Bill Clinton was profoundly recalibrated,⁷³ and in its final days, the Bush administration launched Secure Communities (S-COMM). Viewed as a common-sense way to carry out ICE's enforcement priorities for those *aliens*⁷⁴ detained in the custody of another law enforcement agency. S-COMM uses data sharing between the DHS and Department of Justice (DOJ) to automatically check the fingerprints of those booked into a federal, state, or local jail or prison, allowing DHS to then initiate deportation proceedings against certain immigrants apprehended by law enforcement agencies. If these checks reveal that an individual is unlawfully present in the United States or otherwise removable, ICE takes enforcement action. While their directive was to prioritize the removal of individuals who present the most significant threats to public safety, they could also remove those who simply violated the nation's immigration

⁷³ Coleman, Sarah R. *The Walls within: The Politics of Immigration in Modern America*. Politics and Society in Modern America. Princeton University Press, 2021, 163. <https://search-ebscohost-com.libproxy.txstate.edu/login.aspx?direct=true&db=cat00022a&AN=txi.b5605062&site=eds-live&scope=site>.

⁷⁴ See "Reporting Terminology and Definitions | Homeland Security." Accessed October 23, 2022. <https://www.dhs.gov/immigration-statistics/reporting-terminology-definitions>. Terminology in Title 8 of U.S. Code to describe a person who is not a citizen or national of the United States. "Alien" is the term in statute; see also noncitizen, foreign national.

laws.⁷⁵ Findings in a report issued by the Task Force on Secure Communities revealed that by 2011, Secure Communities had been activated in approximately half of jurisdictions nationwide. The report also detailed plans for nationwide activation, and ICE successfully completed full implementation of Secure Communities to all 3,181 jurisdictions on January 22, 2013.⁷⁶

As previously mentioned, the origins of S-COMM can be traced back to the 1990s and in particular the 287(g) program. “The 287(g) program is named for Section 287(g) of the Immigration and Nationality Act (INA) and became law as part of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA).”⁷⁷ Proponents of the program argued that it would provide the federal government with a force multiplier by permitting specially trained state and local law enforcement to assist in immigration enforcement and in essence, perform the functions of an immigration officer.⁷⁸ Though it failed to be implemented in the 1990s due to public concerns about racial profiling, when calls for greater state and local involvement in immigration enforcement came after it was revealed that one of the hijackers on 9/11 had been previously pulled over on a traffic violation⁷⁹ and thus could’ve been stopped, 287(g) was on the sidelines ready to be used.

⁷⁵ “Secure Communities.” Accessed September 17, 2022. <https://www.ice.gov/secure-communities>.

⁷⁶ “Secure Communities Findings and Recommendations,” n.d., 33.

⁷⁷ American Immigration Council. “The 287(g) Program: An Overview,” November 29, 2012. <https://www.americanimmigrationcouncil.org/research/287g-program-immigration>.

⁷⁸ Capps, Randy. “Delegation and Divergence: A Study of 287(g) State and Local Immigration Enforcement,” n.d., 73.

⁷⁹ Coleman, Sarah R. *The Walls within: The Politics of Immigration in Modern America*. Politics and Society in Modern America. Princeton University Press, 2021, 163. <https://search-ebscohost-com.libproxy.txstate.edu/login.aspx?direct=true&db=cat00022a&AN=txi.b5605062&site=eds-live&scope=site>.

Aside from programs such as S-COMM, the Obama administration also built upon the Bush administration's southern border security initiative. In order to appease advocates of a border first initiative, the administration created one of the strictest immigration enforcement regimes which saw record numbers of deportations, increased Border Patrol personnel, and increased fence construction. In his remarks on comprehensive immigration reform in El Paso, Obama praised the efforts of his administration stating, "we have strengthened border security beyond what many believed was possible. They wanted more agents at the border. Well, we now have more boots on the ground on the southwest border than at any time in our history – more than twice as many as there were in 2004. It's a build-up that began under President Bush and that we've continued."⁸⁰ In making this comment, President Obama confirms that he looked to the previous administration's implementation and expansion of the roles and responsibilities housed under the department as a guide to be viewed as tough on the border.

While this security focused effort was made by the administration with the hope of nailing down something more concrete in regard to immigration reform, "estimates suggest that between 2009-2015, the Obama administration removed more than 2.5 million people not including those that self-deported or were returned/turned away at the border."⁸¹ In response to mounting criticism about the sheer number of removals during

⁸⁰ Obama, Barack H. "Remarks in El Paso, Texas, May 10, 2011." In Public Papers of the Presidents of the United States: Barack H. Obama, 2011, Book 1-January 1 to June 30, 2011, 504 - 510. Washington, DC: Government Publishing Office. 2011. December 31, 2010, <https://www.govinfo.gov/app/details/PPP-2011-book1/PPP-2011-book1-doc-pg504-2>.

⁸¹ News, A. B. C. "Obama Has Deported More People Than Any Other President." ABC News. Accessed September 14, 2022. <https://abcnews.go.com/Politics/obamas-deportation-policy-numbers/story?id=41715661>.

his first term, President Obama outlined new policies for the apprehension, detention, and removal of unauthorized immigrants in November 2014. The intent of this memorandum was to provide clear and more effective guidance to ICE, CBP, and USCIS to prioritize threats to national security, immigrants convicted of serious crimes, and recent border crossers. Complimentary to this, the Obama administration discontinued the S-COMM program and implemented the Priority Enforcement Program (PEP).⁸² In his 2014 Address to the Nation on Immigration, Obama stated, “we’re going to keep focusing enforcement resources on actual threats to our security. Felons, not families. Criminals, not children. Gang members, not a mom who’s working hard to provide for her kids. We’ll prioritize, just like law enforcement does every day.”⁸³ In making this comment, Obama attempted to humanize the debate around immigration by offering a complete picture of immigrants, who they are, and how they contribute to America’s success in everyday life. In the same speech, Obama called for a more “reasoned, thoughtful, compassionate debate that focuses on our hopes, not our fears,” directly addressing the common anxiety and misconception that immigration somehow changes American society.

DREAMers

With a record number of deportations under his administration, it is not completely surprising that the pressure to address immigration continued to grow

⁸² Note: According to DHS, PEP focuses on targeting individuals convicted of significant criminal offenses or who otherwise pose a threat to public safety. Under prior policy (S-COMM), detainees could be issued when an immigration officer had reason to believe the individual was removable and fell within one or more enumerated priorities, which included immigration-related categories and having been convicted of or charged with certain crimes.

⁸³ whitehouse.gov. “Remarks by the President in Address to the Nation on Immigration,” November 20, 2014. <https://obamawhitehouse.archives.gov/the-press-office/2014/11/20/remarks-president-address-nation-immigration>.

ahead of the 2010 midterm elections and was central to his re-election campaign in 2012. President Barack Obama ran on the promise to address an immigration system he described as “broken,” in his first year, and it’s in part what got him elected in the first place. Although Obama continued to urge Congress to pass immigration reform, Obama admits in his memoir that he had “no realistic path for delivering a new comprehensive law before the 2010 midterms.”⁸⁴ In efforts to get something done on immigration before Republicans would go on to win the House majority during the 2010 midterm election, Obama pressed for Congress to pass the Development, Relief, and Education for Alien Minors (DREAM) Act. In essence, the DREAM Act “would grant *DREAMers*, or young undocumented immigrants who were brought to the United States as children and who in many cases identify as American,⁸⁵ temporary legal residence and a pathway to citizenship, so long as they met certain criteria.”⁸⁶

Failure to pass the legislation ahead of the midterms was a significant blow and virtually guaranteed that any hopes for bi-partisan comprehensive immigration reform were dashed in Obama’s first term. After persistently resisting calls to bypass congress and tackle the issue himself, in 2012, President Obama frustratedly turned to his executive powers ahead of the November election and announced the

⁸⁴ Obama, Barack. *A Promised Land*. First edition. Crown, 2020, 616.

<https://libproxy.txstate.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=cat00022a&AN=txi.b5538400&site=eds-live&scope=site>.

⁸⁵ “What Is the Dream Act and Who Are the Dreamers?” Accessed October 19, 2022.

<https://www.adl.org/education/educator-resources/lesson-plans/what-is-the-dream-act-and-who-are-the-dreamers>.

⁸⁶ Obama, Barack. *A Promised Land*. First edition. Crown, 2020, 616.

<https://libproxy.txstate.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=cat00022a&AN=txi.b5538400&site=eds-live&scope=site>.

creation of the Deferred Action for Childhood Arrivals (DACA) program. Targeting approximately 1.5 million unauthorized immigrants aged 31 or younger, this policy allowed for this segment of younger immigrants brought to the United States as children to apply for a two-year renewable reprieve on deportation.

Although DACA was praised by immigration activists, Obama's inability to push for wider immigration reform and failure to keep his campaign promise remained central to the 2012 election. Nevertheless, Latino voters once more turned out in record numbers supporting Obama over Mitt Romney and re-elected the incumbent. Obama's second term was representative of a renewed promise to address the challenges of immigration, and while we see a shift in the Obama's administration to act on matters related to immigration, we also see a shift in tone and rhetoric.

While the first term could be best described as compassionate and tough, the second term saw concerted and increasing efforts to shape and shift the issue of comprehensive immigration reform from not only an economic imperative or a security imperative, but also a moral imperative. Additionally, Obama made significant progress in humanizing immigrants on one occasion stating, "remember that this is not just a debate about policy. It's about people. It's about men and women and young people who want nothing more than the chance to earn their way into the American story."⁸⁷

⁸⁷ [whitehouse.gov. "Remarks by the President on Comprehensive Immigration Reform," January 29, 2013. https://obamawhitehouse.archives.gov/the-press-office/2013/01/29/remarks-president-comprehensive-immigration-reform.](https://obamawhitehouse.archives.gov/the-press-office/2013/01/29/remarks-president-comprehensive-immigration-reform)

Regardless, the measures and improved rhetoric are far short of the fix that Obama had hoped a permanent comprehensive immigration bill would achieve and instead was only able to provide temporary relief. Additionally, since he was forced to act via executive order, his moves could later be wiped out with the stroke of a pen by a future president. Little did he know that he would be passing the torch to Donald Trump who had previously called for the immediate termination of what he termed “President Obama’s illegal executive order on immigration.”⁸⁸

⁸⁸ Staff, Washington Post. “Full Text: Donald Trump Announces a Presidential Bid.” Washington Post, June 16, 2015, sec. Politics. <https://www.washingtonpost.com/news/post-politics/wp/2015/06/16/full-text-donald-trump-announces-a-presidential-bid/>.

IV. MAKE AMERICA GREAT AGAIN

Ditching his golden escalator for a chance at the presidency, Donald Trump, the New York businessman, former reality TV show star, and political outsider officially launched his bid for the Republican presidential nomination in June of 2015 joining an already crowded field of sixteen other hopefuls. In a year where the economy and terrorism topped the list of issues for voters according to Pew Research Center, immigration was also considered a highly ranked issue among voters.⁸⁹ In the wake of President Barack Obama's executive actions (DACA) to shield millions of unauthorized immigrants brought to the United States as children, members of the Republican party hardened their stance on immigration and the need to secure the border leading up to the 2016 Presidential Campaign, none more so than Donald Trump.

In his presidential announcement, Trump stated, "when Mexico sends its people, they're not sending their best... They're sending people that have lots of problems, and they're bringing those problems with us. They're bringing drugs. They're bringing crime. They're rapists. And some, I assume, are good people."⁹⁰ In making this comment, Trump connected undocumented immigrants with a crime wave, underscoring a common public perception that crime is correlated with immigration, especially illegal immigration, a misperception which would greatly expand once elected and would become a hallmark to his ascendance.

⁸⁹ NW, 1615 L. St, Suite 800 Washington, and DC 20036 USA 202-419-4300 | Main 202-857-8562 | Fax 202-419-4372 | Media Inquiries. "4. Top Voting Issues in 2016 Election." Pew Research Center - U.S. Politics & Policy (blog), July 7, 2016. <https://www.pewresearch.org/politics/2016/07/07/4-top-voting-issues-in-2016-election/>.

⁹⁰ Staff, Washington Post. "Full Text: Donald Trump Announces a Presidential Bid." Washington Post, June 16, 2015, sec. Politics. <https://www.washingtonpost.com/news/post-politics/wp/2015/06/16/full-text-donald-trump-announces-a-presidential-bid/>.

After an extremely unconventional and increasingly divisive campaign, Donald J. Trump, stunned the political world in 2016 by defeating former first lady and career politician Hillary Clinton. The visions on immigration presented by Trump and Clinton were starkly different, with Clinton promising to build upon the Obama administration's record of relative tolerance toward immigrants and Trump pledging more enforcement, vetting, and reduction in overall immigration. Throughout his presidency, Obama alluded to a shift in political climate and increased suspicion of foreigners well before Trump entered the picture, stating, "here at home, we will strengthen our defenses, but we will not succumb to a siege mentality that sacrifices the open society and liberties and values that we cherish as Americans, because great and proud nations don't hunker down and hide behind walls of suspicion and mistrust." Contrary to his victory speech in which Trump stated, "now it's time for America to bind the wounds of division," the Trump administration and Trump himself would proceed to further divide the nation on the issue of immigration. He did so by severely restricting asylum, constructing hundreds of miles of border wall and fencing, slashing refugee admissions, and implementing a "zero tolerance" policy which led to the separation of thousands of families; all while he unrelentingly spewed rhetoric targeting illegal immigration and depicted many immigrants as criminals and threats to his America first ideology which emphasizes the need to put American interest above all else.

Big, Beautiful Wall

Donald Trump's promise to build a "big, beautiful wall" along the US/Mexico border arguably did more than anything else in his 2016 platform to propel him into the White House. It was this common sense, practical, and simplified approach that appealed

to so many voters who were tired of the status quo in Washington politics and electrified his infamous rallies. According to the *Washington Post*, Trump mentioned a wall more than 200 times in his 2016 campaign.⁹¹ What started as a policy position had taken on a life of its own. Often met with rapturous applause and laughter, Trump's wall served both as a physical barrier to keep people out and constructed much of his exclusionary rhetoric. In Trump's view, "the wall is necessary. That's not just politics, and yet it is good for the heart of the nation in a certain way because people want protection. And a wall protects."⁹² Trump is corroborating the often-contentious age-old adage that immigrants or those perceived as others represent a threat to the political and even physical safety of the United States.

While the concept of the border wall is not new, the reasoning behind the Trump border wall is at least explicitly different from previous administrations. As we will explore later in this chapter, the rise of Trumpism, and in particular the America First rhetoric has allowed for xenophobia to become more normalized both in the highest office in the land and among the American public, but xenophobia towards foreigners itself is not new. This anti-immigrant rhetoric, once relegated to more extreme quarters, was thrust into the spotlight during the 2016 Presidential campaign. Vanessa Beasley agrees when she writes, "even as Americans have realized that the threats allegedly posed

⁹¹ "Fact-Checking Trump's Misleading Border 'wall' Spin - Document - Gale In Context: Opposing Viewpoints." Accessed October 7, 2022. <https://go-gale-com.libproxy.txstate.edu/ps/i.do?p=OVIC&u=txshrad2550&id=GALE%7CA602443454&v=2.1&it=r&sid=ebsco>.

⁹² Fox News. "Cable Exclusive: President Trump Sits down with Sean Hannity at White House." Text.Article. Fox News, January 27, 2017. <https://www.foxnews.com/transcript/cable-exclusive-president-trump-sits-down-with-sean-hannity-at-white-house>.

by immigrants were, in hindsight, unjustified, they have allowed xenophobia to become an American tradition.”⁹³

George W. Bush was the last president to attempt a major border infrastructure project with the passage of the Secure Fence Act in 2006, ironically to help facilitate immigration reform and appease Republican hardliners who opted for a security first approach before considering an immigration system overhaul. Just as the case with former President Bush, the negative perception of the southern border has been reinforced and magnified by the concept of the border wall and what it represents under Trump. Trump’s wall even more so than Bush’s arouses deep, passionate, and highly conflicted emotions, because it means different things to different people.

Attempting to deliver on his campaign promise, President Trump acted swiftly to sign a series of executive actions to combat illegal immigration and embrace and expand an already robust immigration enforcement regime. On January 25, 2017, President Trump signed two executive orders, “Enhancing Public Safety in the Interior of the United States,”⁹⁴ which announced a massive expansion of interior immigration enforcement, and “Border Security and Immigration Enforcement Improvements,”⁹⁵ which called for immediate action to plan, design, and construct a physical wall along the southern border and hire an additional 5,000 Border Patrol agents. *Enhancing Public Safety in the Interior of the United States*’ stated purpose was to enhance national security

⁹³ Beasley, Vanessa B., ed. *Who Belongs in America? Presidents, Rhetoric, and Immigration*. 1st ed. Presidential Rhetoric Series, no. 16. College Station: Texas A&M University Press, 2006, 7.

⁹⁴ “Executive Order: Enhancing Public Safety in the Interior of the United States – The White House.” Accessed October 1, 2022. <https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-enhancing-public-safety-interior-united-states/>.

⁹⁵ “Executive Order: Border Security and Immigration Enforcement Improvements – The White House.” Accessed October 4, 2022. <https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-border-security-immigration-enforcement-improvements/>.

and homeland security by directing "executive departments and agencies to employ all lawful means to enforce the immigration laws of the United States."⁹⁶ Most notably, Section 10 of the executive order called for the review of previous immigration acts and policies and directed the secretary to reinstate Secure Communities (S-COMM) which was replaced in 2014 by the Priority Enforcement Program (PEP).⁹⁷

Paired with this, the *Border Security and Immigration Enforcement Improvements*' stated purpose was to "direct executive departments and agencies to deploy all lawful means to secure the Nation's southern border, to prevent further illegal immigration into the United States, and to repatriate illegal aliens swiftly, consistently, and humanely."⁹⁸ The order demanded the construction of a contiguous wall along the southern border; additional resources to Border Patrol agents; expansion of detention capacity and the use of expedited removal; and outlines enforcement changes.

Based on data provided by the U.S. Customs and Border Protection agency, the number of border patrol agents grew exponentially since FY 2002, peaking in FY 2011 under President Obama at 21,444 agents before retreating to Bush-era levels. Even with executive action and significant efforts to increase the number of border patrol agents, Trump was not able to overcome Obama's staggering 21,444 agents and instead reached

⁹⁶ "Executive Order: Enhancing Public Safety in the Interior of the United States – The White House." Accessed October 1, 2022. <https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-enhancing-public-safety-interior-united-states/>.

⁹⁷ See "Priority Enforcement Program." Accessed October 7, 2022. <https://www.ice.gov/pep>. Facing mounting criticism that S-COMM had driven a wedge between immigrant communities and local law enforcement and a strategic pivot by the Obama administration to address that criticism, the Obama Administration instead attempted to focus their enforcement resources on actual threats to national security. PEP focuses on targeting individuals convicted of significant criminal offenses or who otherwise pose a threat to public safety.

⁹⁸ "Executive Order: Border Security and Immigration Enforcement Improvements – The White House." Accessed October 4, 2022. <https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-border-security-immigration-enforcement-improvements/>.

his peak in FY 2020 at 19,740 agents before decreasing once more in FY 2021.⁹⁹

According to a report published by the Department of Homeland Security’s inspector general’s office, neither CBP nor ICE could provide data to support the operational need or deployment strategies for the additional 15,000 agents and officers they were directed to hire by Trump’s executive orders.¹⁰⁰ Additionally, according to final figures compiled by U.S. Customs and Border Protection and provided to U.S. News, the Trump administration had built 458 of its planned 1,000 miles of border wall system before President Joe Biden halted construction in 2021. The vast majority of these 458 miles were constructed in places where some kind of barrier already existed, including 226 miles in Arizona, 100 miles in New Mexico, 77 miles in California, and 55 miles in Texas.¹⁰¹ In other words, in highlighting the reality of border patrol agent staffing and border wall construction, we can see that Trump exaggerated his success in stating that his administration was responsible for “reforming our immigration system and achieving the most secure southern border in U.S. history. It is at a level that it’s never seen before.”¹⁰²

⁹⁹ “Stats and Summaries | U.S. Customs and Border Protection.” Accessed October 3, 2022. <https://www.cbp.gov/newsroom/media-resources/stats>.

¹⁰⁰ “Special Report: Challenges Facing DHS in Its Attempt to Hire 15,000 Border Patrol Agents and Immigration Officers | Office of Inspector General.” Accessed October 20, 2022. <https://www.oig.dhs.gov/reports/2017/special-report-challenges-facing-dhs-its-attempt-hire-15000-border-patrol-agents-and>.

¹⁰¹ “How Much of President Donald Trump’s Border Wall Was Built?” Accessed October 9, 2022. <https://www.usnews.com/news/politics/articles/2022-02-07/how-much-of-president-donald-trumps-border-wall-was-built>.

¹⁰² “Remarks by President Trump at the 45th Mile of New Border Wall | Reynosa-McAllen, TX – The White House.” Accessed October 7, 2022. <https://trumpwhitehouse.archives.gov/briefings-statements/remarks-president-trump-45th-mile-new-border-wall-reynosa-mcallen-tx/>.

Muslim Bans

However, the same cannot be said for the Trump administration's implementation of travel bans and historic reductions to the refugee ceiling and resettlement. As a presidential candidate, Trump had promised to ban Muslim individuals from entering the United States as a means of enhancing national security and securing the homeland. By the time he took office, the implied "Muslim ban" had morphed into a more politically correct "travel ban" on visitors, immigrants, and refugees from several Muslim majority countries. On January 27, 2017, President Trump issued executive order "Protecting the Nation from Foreign Terrorist Entry into the United States," which was designed, in his words, to "protect the American people from terrorist attacks by foreign nationals admitted to the United States."¹⁰³ Section 1 of this executive order referenced the 9/11 attacks directly and made the claim that there have been "numerous foreign-born individuals convicted or implicated in terrorism-related crimes since September 11, 2001, including foreign nationals who entered the United States after receiving visitor, student, or employment visas, or who entered through the United States refugee resettlement program."¹⁰⁴ In other words, this executive order essentially "suspended the entry of foreign nationals from seven countries – Iran, Iraq, Libya, Sudan, Somalia, Yemen, and Syria for 90 days, suspended the admission of refugees from Syria indefinitely, and suspended the overall refugee admissions program for 120 days."¹⁰⁵ It is worth noting

¹⁰³ "Executive Order Protecting the Nation from Foreign Terrorist Entry into the United States – The White House." Accessed October 1, 2022. <https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-protecting-nation-foreign-terrorist-entry-united-states/>.

¹⁰⁴ Ibid.

¹⁰⁵ Wadhia, Shoba Sivaprasad. *Banned : Immigration Enforcement in the Time of Trump*. New York University Press, 2019, 5. <https://libproxy.txstate.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=cat00022a&AN=txi.b5217725&site=eds-live&scope=site>.

though that none of the 19 hijackers who committed the 9/11 attacks came from the countries included in the suspension, but were instead from Saudi Arabia, the United Arab Emirates (UAE), Egypt and Lebanon.¹⁰⁶

The second ban came on March 6, 2017, after the first ban was halted by the courts. In efforts to move the needle on the issue, President Trump opted to revoke the initial executive order and replace it with this most recent version, which in his view was a “watered-down version of the first one.”¹⁰⁷ This version elaborated on the justification behind increased screening and vetting protocols and procedures, stating that “since 2001, hundreds of persons born abroad have been convicted of terrorism-related crimes in the United States. They have included not just persons who came here legally on visas but also individuals who first entered the country as refugees.”¹⁰⁸ In making this comment, Trump aims to arouse suspicion of all foreigners entering the United States. Notably, the indefinite ban on refugees from Syria was dropped as well as the ban on entrants from Iraq. In both executive orders, most of the nations targeted have populations that are overwhelmingly Muslim, and the bans have had devastating impacts on nationals of these countries and the way in which they have been perceived by the public.¹⁰⁹

¹⁰⁶ BBC News. “Trump’s Executive Order: Who Does Travel Ban Affect?,” February 10, 2017, sec. US & Canada. <https://www.bbc.com/news/world-us-canada-38781302>.

¹⁰⁷ Time. “Read President Trump’s Response to the Travel Ban Ruling: It ‘Makes Us Look Weak.’” Accessed October 14, 2022. <https://time.com/4703622/president-trump-speech-transcript-travel-ban-ruling/>.

¹⁰⁸ “Executive Order Protecting The Nation From Foreign Terrorist Entry Into The United States – The White House.” Accessed October 1, 2022. <https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-protecting-nation-foreign-terrorist-entry-united-states-2/>.

¹⁰⁹ See Also “Presidential Proclamation Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats – The White House.” Accessed October 1, 2022. [https://trumpwhitehouse.archives.gov/presidential-](https://trumpwhitehouse.archives.gov/presidential-actions/presidential-)

In addition to the travel bans issued via executive order, Trump drastically reduced refugee admissions. It is important to note that under the Refugee Act, the President consults with Congress to establish an overall refugee admissions ceiling and regional allocations before the beginning of each fiscal year. In response to the worldwide refugee crisis, the Obama administration had increased the refugee admission ceiling in FY 2016 from 70,000 to 85,000¹¹⁰ and even more so in FY 2017 to 110,000.¹¹¹ Following the executive orders issued by the Trump administration in 2017, the number of refugees admitted in FY 2017 declined to fewer than 54,000. In FY 2018, the president further reduced the refugee admission cap to 45,000, followed by 30,000 in FY 2019. By FY 2020, the administration had cut the number of refugee admissions to just 18,000. It is important to note that the ceiling represents the maximum number of refugees that may be resettled in a year. Based on the data provided in the Refugees and Asylees Annual Flow Report published by the Office of Immigration Statistics, the Trump administration only came close to reaching the threshold in FY 2019 at 29,916.¹¹² To be candid, even though the Trump administration explained that the refugee admission cap in FY 2020 had been affected by the COVID-19 pandemic and policy changes related to attempts to limit its spread, it is difficult to dispute the rate at which the refugee cap was decreasing over his term.

[proclamation-enhancing-vetting-capabilities-processes-detecting-attempted-entry-united-states-terrorists-public-safety-threats/](#)

¹¹⁰ whitehouse.gov. "Presidential Determination -- Presidential Determination on Refugee Admissions for Fiscal Year 2016," September 29, 2015. <https://obamawhitehouse.archives.gov/the-press-office/2015/09/29/presidential-determination-presidential-determination-refugee-admissions>.

¹¹¹ whitehouse.gov. "Presidential Determination -- Refugee Admissions for Fiscal Year 2017," September 28, 2016. <https://obamawhitehouse.archives.gov/the-press-office/2016/09/28/presidential-determination-refugee-admissions-fiscal-year-2017>.

¹¹² "Refugees and Asylees | Homeland Security." Accessed October 3, 2022. <https://www.dhs.gov/immigration-statistics/refugees-asylees>.

The Invasion

Like the travel bans, Trump’s use of the terms *angel families*, or families of victims killed by undocumented immigrants, and migrant caravans dramatically impacted the way Americans view immigrants and the issue of immigration. In Trump’s first State of the Union, he states, “for decades, open borders have allowed drugs and gangs to pour into our most vulnerable communities. They have allowed millions of low-wage workers to compete for jobs and wages against the poorest Americans. Most tragically, they have caused the loss of many innocent lives.”¹¹³ In essence, Trump’s message brings to life the anxiety-inducing worldview on immigration, committed to emphasizing that Americans should be cautious of the potential dangers immigrants bring to our communities.

The stories from the angel families serve as first-person accounts of this worldview and contribute to the overwhelming emotions that ensue. Trump mentioned angel families in each of his State of the Unions and even invited Angel Families to the House Chamber on occasion. In his February 5, 2019, State of the Union Address, Trump states “year after year, countless Americans are murdered by criminal illegal aliens. I’ve gotten to know many wonderful Angel moms and dads, and families. No one should ever have to suffer the horrible heartache that they have had to endure.”¹¹⁴ In his January 8, 2019, Address to the Nation on the Crisis at the Border, Trump doubled down asking

¹¹³ “Remarks by President Trump in State of the Union Address 2018 – The White House.” Accessed October 2, 2022. <https://trumpwhitehouse.archives.gov/briefings-statements/remarks-president-trump-state-union-address/>.

¹¹⁴ “Remarks by President Trump in State of the Union Address 2019 – The White House.” Accessed October 2, 2022. <https://trumpwhitehouse.archives.gov/briefings-statements/remarks-president-trump-state-union-address-2/>.

“how much more American blood must we shed before Congress does its job?”¹¹⁵ In providing a platform for angel families to share their stories, Trump urges the American public to take a closer look at the Americans undocumented immigrants have hurt by highlighting tragic and often times gruesome murders; intentionally building upon the increasingly negative perception of immigrants. However, several studies have shown no concrete evidence to suggest that immigration drives crime. According to data from a study led by Robert Adelman in collaboration with four universities and published in the New York Times, researchers found that while the immigration population increased between 1980 and 2016, crime stayed stable or fell. The study also focused on serious crimes to include – assaults, robberies and murders – however, this still failed to reveal a relationship between immigration and increased crime.¹¹⁶

Playing an equally important part in further constructing this pervasive narrative was the so-called invasion at the southern border. Fleeing persecution, poverty and violence in their home countries of Honduras, Guatemala, and El Salvador, these migrants traveled in large groups as it generally offers more protection during the journey. The people that made up the migrant caravans traveled with the goal to settle in the United States despite warnings by President Trump that these caravans would not be allowed into the United States, and insisted they should turn back, because they were

¹¹⁵ “President Donald J. Trump’s Address to the Nation on the Crisis at the Border – The White House.” Accessed October 1, 2022. <https://trumpwhitehouse.archives.gov/briefings-statements/president-donald-j-trumps-address-nation-crisis-border/>.

¹¹⁶ Flagg, Anna. “The Myth of the Criminal Immigrant - The New York Times.” Accessed October 18, 2022. <https://www.nytimes.com/interactive/2018/03/30/upshot/crime-immigration-myth.html?searchResultPosition=1&mtref=www.nytimes.com&gwh=8FC02749189DCEA38D309DA01D9FE686&gwt=pay&assetType=PAYWALL>.

wasting their time,¹¹⁷ regardless of the fact that the United States has a legal obligation to hear asylum claims from migrants. As images of these migrant caravans flooded the media, Trump used this moment to capitalize on his desired immigration policy ahead of the midterm elections. Insisting that these migrants would be taking advantage of immigration loopholes and porous borders, Trump authorized the deployment of the National Guard to support the Border Patrol to prepare for this “tremendous onslaught.”¹¹⁸

In his *Remarks on the Illegal Immigration Crisis and Border Security* on November 1, 2018, Trump further insisted how undesirable and concerning this caravan was, stating, “it’s like an invasion. They have violently overrun the Mexican border. These are tough people, in many cases. A lot of young men, strong men. And a lot of men that maybe we don’t want in our country.”¹¹⁹ Essentially, Trump is providing often misleading claims that those participating in the caravan are out to do more harm than good. Images and narratives if powerful enough stick in our minds, even if they do little to explain what’s really driving this influx of migrants. The president’s narrative attempted to scare people into believing there is a real threat and presented himself and his policies as the solution to this.¹²⁰ In essence, Trump promoted that unauthorized or

¹¹⁷ “Remarks by President Trump on the Illegal Immigration Crisis and Border Security – The White House.” Accessed October 1, 2022. <https://trumpwhitehouse.archives.gov/briefings-statements/remarks-president-trump-illegal-immigration-crisis-border-security/>.

¹¹⁸ “Remarks by President Trump in State of the Union Address 2019– The White House.” Accessed October 2, 2022. <https://trumpwhitehouse.archives.gov/briefings-statements/remarks-president-trump-state-union-address-2/>.

¹¹⁹ “Remarks by President Trump on the Illegal Immigration Crisis and Border Security – The White House.” Accessed October 1, 2022. <https://trumpwhitehouse.archives.gov/briefings-statements/remarks-president-trump-illegal-immigration-crisis-border-security/>.

¹²⁰ Bloomberg.com. “What’s Really Behind the Fear of Migration?,” November 2, 2018. <https://www.bloomberg.com/news/articles/2018-11-02/how-trump-s-caravan-rhetoric-weaponizes-migrants>.

illegal immigration leads to increases in crime and jeopardizes your safety and the safety of your community.

Ever since launching his presidential campaign in 2015, Trump had pledged to beef up border security, ban Muslims, deport the reported 11 million or so undocumented people living in the shadows, and build a massive wall along the southern border. In evaluating the lasting implications of his single term in office, he certainly attempted to deliver on these promises which have since gained traction among the American public and normalized xenophobia and racism in the political space. This rhetoric according to Erika Lee, “promotes an irrational fear and hatred of immigrants and demonizes foreigners (and, crucially, people considered to be foreign). It defines immigration as a crisis, likening the movement of peoples to an invasion of hostile forces requiring a military-like response”¹²¹ rather than a humanitarian crisis that can be solved without eliciting fear.

¹²¹ Lee, Erika. *America for Americans: A History of Xenophobia in the United States*. First edition. Basic Books, 2019, 8.
<https://libproxy.txstate.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=cat00022a&AN=txi.b5319378&site=eds-live&scope=site>.

V. CONCLUSION

It's been over 20 years since the attacks on September 11th, and while it succeeded in igniting an overwhelming sense of patriotism and pride despite the catastrophic loss, it changed the world forever. The shock and horror that engulfed the American public that September day gave way for the Bush administration to exercise greater decision-making authority and the unquestioned ability to make wide-ranging, long-term policies to meet the unique challenges brought about by terrorism especially on matters related to immigration. Since then, immigration has continued to be viewed exclusively through a national security lens, resulting in a highly securitized immigration apparatus that has far exceeded its directive of protecting Americans against potential terrorist attacks, failed to bring about comprehensive immigration reform, and contributed to an America that is perceived to be anything but a welcoming society. While there were several important pieces of legislation passed by the Bush administration in the aftermath of 9/11, four in particular were further examined as they were found to have lasting implications related to contemporary immigration discourse and policy. These Bush-era legacy programs included the following – Patriot Act, Enhanced Border Security and Visa Reform Act, Homeland Security Act, and Secure Fence Act.

Since 9/11, lawmakers have made several attempts to enact comprehensive immigration legislation that attempted to strike a balance between strong enforcement measures and a path by which unauthorized immigrants could obtain legal status and eventually citizenship, but such efforts have repeatedly failed. Congressional inaction and increasing partisan polarization have set the conditions for presidents to make

immigration changes through executive action. President Obama’s failure to reach bipartisan support on an immigration bill in his two terms led him to act unilaterally to implement DACA. Comparatively, according to the Migration Policy Institute, the Trump administration took more than 400 executive actions on immigration.¹²²

In the years following the Bush administration, the Department of Homeland Security has been expanded, executive actions among Presidents have increased, and yet the number of undocumented immigrants reported to be in the United States has not changed. The issue that was supposed to be solved still exists, but the rhetoric surrounding the conversation has changed significantly; negatively impacting immigrants and those perceived as immigrants. A central question in the research was to determine the degree to which the immigration policies enacted under the Bush administration in the aftermath of 9/11 coupled with Presidential rhetoric have served as a guide for subsequent administrations. Today, many of the post-9/11 initiatives, though motivated and supported by a desire to address national security concerns, have become highly effective tools to intimidate, apprehend, and remove unauthorized immigrants who pose no real security threat, a pattern that is almost certain to continue.¹²³ Beyond its direct impact on individuals, I argue that the near single-minded focus on immigration as a national security issue has come at a price, contributing to an America that is perceived to

¹²² migrationpolicy.org. “New MPI Report Catalogs the 400-Plus Immigration Executive Actions That Have Occurred During the Trump Presidency,” July 30, 2020. <https://www.migrationpolicy.org/news/migration-policy-report-catalogs-immigration-executive-actions-trump-presidency>.

¹²³ Bergeron, Muzaffar Chishti, Claire Bergeron Muzaffar Chishti, Claire. “Post-9/11 Policies Dramatically Alter the U.S. Immigration Landscape.” migrationpolicy.org, September 8, 2011. <https://www.migrationpolicy.org/article/post-911-policies-dramatically-alter-us-immigration-landscape>.

be anything but a welcoming society and led to an increased normalization of xenophobia in the political space for the foreseeable future.

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