Politics of U.S. Immigration Enforcement

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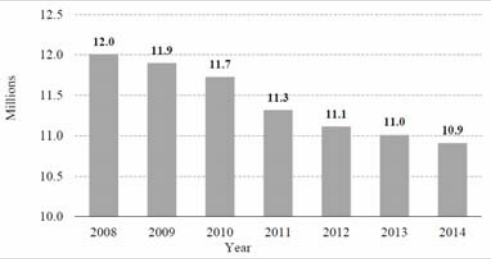
Politics of Immigration Policy

I. Politics of enforcing immigration policy
   i. Undocumented Immigrants
   ii. What to do?
   iii. Secure Communities
   iv. Obama's 2012 and 2014 Executive Orders
II. Reasons for Despair
   i. Trump's EO
   ii. The "Cantored" Effect
III. Reasons for Hope
   i. S. 744, Border Security, Economic Opportunity, and Immigration Modernization Act
   ii. Lobbying Coalitions
   iii. Youth of America
IV. Refugee Screening

Undocumented Status

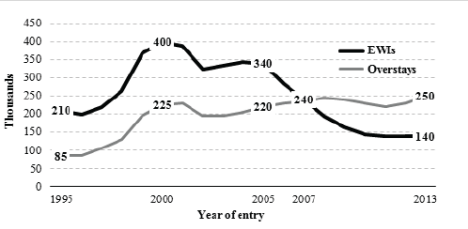
- No one is an "illegal."
- Wide belief that undocumented population is increasing – it is not.
  - Undocumented population has been declining since 2008; now below 11 million (Krogstad et al. 2016; Warren 2016).
- Roughly half are not "border crossers" (EWIs) but visa overstays;
  - overstays make up majority of recent undocumented (Warren and Kerwin 2017).

Total Undocumented Population: 2008-14



Data from Warren and Warren (2013) and ACS (2008-16)

Undocumented Pop by Mode of Entry



Data: U.S. Dept. of Homeland Security. 2015. *Entry/Exit Overstay Report FY 2015*. Washington, DC. https://www.dhs.gov/ publication/entryexit-overstay-report

What to do?

- Methods of enforcement:
  - Raids
  - 287(g)
  - Secure Communities

Secure Communities

- Established in 2008, Secure Communities is a collaborative program involving local law enforcement and the Department of Homeland Security.
- S-Comm works like a deportation screening program.
  - Individuals booked in local jails are screened through FBI and DHS databases.
- Designed to apprehend and deport dangerous, high-level criminal aliens.
- Decision to issue detainers and begin deportation proceedings is discretionary.

Criticisms of S-Comm

- The program has inaccurately identified more than 5,800 U.S. citizens as being here illegally during the program's first year (Preston 2009).
- It creates a fear of law enforcement in immigrant communities (Ray 2011).
- In first two years, roughly 90% of deported individuals were charged with petty crimes or had no criminal record (Tsankov and Martin 2010).
- Detainers require local law enforcement to hold suspects for up to 48 hours beyond their release date – regardless if the charges are dropped (Immigration Detainers 2010).

Deportations by State: 2008 – 2013

State	Deportations	State	Deportations
Alaska	1	Montana	18
Alabama	807	North Carolina	7,609
Arkansas	903	North Dakota	17
Arizona	26,668	Nebraska	747
California	98,504	New Hampshire	27
Colorado	2,423	New Jersey	805
Connecticut	490	New Mexico	1,666
Delaware	246	Nevada	2,917
Florida	16,213	New York	1,985
Georgia	9,052	Ohio	1,747
Hawaii	167	Oklahoma	2,329
Iowa	494	Oregon	2,189
Idaho	865	Pennsylvania	1,612
Illinois	2,658	Rhode Island	213
Indiana	1,386	South Carolina	2,927
Kansas	1,223	South Dakota	134
Kentucky	681	Tennessee	3,282
Louisiana	2,070	Texas	64,656
Massachusetts	995	Utah	2,868
Maryland	1,475	Virginia	5,887
Maine	4	Vermont	1
Michigan	1,829	Washington	2,155
Minnesota	902	Wisconsin	820
Missouri	976	West Virginia	36
Mississippi	672	Wyoming	187
	Total	**278,578**	

Most Serious Criminal Charge Category	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	Total FY 2008-13	% of Total	% with Criminal Conviction
Total Deportations	369,221	389,834	392,862	396,906	409,849	368,644	2,327,316	-	-
With Criminal Conviction	115,727	139,332	195,772	216,698	225,390	216,810	1,109,729	48%	-
Immigration	20,502	21,268	36,549	40,300	45,036	54,812	218,467	9%	20%
Traffic Offenses	16,249	27,254	42,339	56,989	51,504	47,249	241,584	10%	22%
Drug Offenses	36,053	38,269	45,003	44,651	42,202	41,335	247,513	11%	22%
Assault	8,011	9,878	13,339	14,324	13,153	13,445	72,150	3%	7%
Other	5,017	7,745	12,935	12,965	12,249	11,422	62,333	3%	6%
Larceny	3,589	4,468	6,205	6,766	5,482	5,162	31,672	1%	3%
Burglary	3,410	3,894	4,612	4,193	3,669	3,608	23,386	1%	2%
Fraudulent Activities	2,208	3,000	4,469	4,841	3,674	3,457	21,649	1%	2%
Robbery	3,188	3,284	3,808	3,886	3,436	3,341	20,943	1%	2%
Sexual Assault	2,982	2,811	3,379	3,666	3,384	3,325	19,547	1%	2%
Weapon Offenses	2,162	2,391	3,072	3,014	2,537	2,788	15,964	1%	1%
Obstructing the Police	895	1,481	2,199	2,765	2,350	2,266	11,956	1%	1%
Forgery	2,140	2,584	3,141	3,246	2,567	2,228	15,906	1%	1%
Family Offenses	2,266	2,763	3,854	3,532	2,348	2,198	16,961	1%	2%
Sex Offenses*	1,795	1,895	2,556	2,183	2,072	2,050	12,551	1%	1%
Other	4,464	5,257	6,592	7,324	16,506	68,159	108,302	5%	10%

	Total	Criminal	Noncriminal	Visa Violator
Favor AZ SB1070	9.217**	7.124**	2.094**	0.350**
Dream Act	-103.520*	-79.854*	-23.666**	-4.529**
% Rep. Pres. Vote	4.427**	3.393**	1.033**	0.275**
Border state	322.124**	250.356**	71.768**	10.725**
% Hispanic	3.837**	2.980**	0.857**	0.221**
Est. % of State Undoc.	31.049*	23.948*	7.101*	0.637
% GDP Fruits & Veg	51.994	32.163	19.831*	0.663
% GDP Construction	-52.255	-32.346	-19.909**	-0.669
% Unemployed	-9.137	-7.304	-1.834	-0.482
Population	0.003**	0.003**	0.001**	0.000**
Crime	-0.054**	-0.051**	-0.003*	-0.001**
287(g) Officers	14.308	9.933	4.375	1.01
Days Active	-0.035	-0.022	-0.013	-0.002
Constant	-753.875**	-605.494**	-148.380**	-38.925**
Adjusted R^2	0.667	0.650	0.694	0.650
R^2	0.669	0.652	0.694	0.658
N	2,143	2,143	2,143	2,143

*p < .05; **p < .01

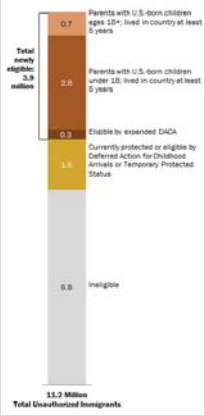
Obama Executive Orders

- Deferred Action for Childhood Arrivals (DACA) June 2012
- Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) Nov. 2014
  - Expanded DACA
  - Supreme Court blocked program (see *U.S. v. Texas* 2016)
- Ended S-Comm. Nov. 2014

Who it would have effected

- Nov. 2014 EO effected roughly 9. million undocumented immigrants
  - Roughly 2/3 from Mexico
- Added to the 1.5 million eligible through 2012 EO on DACA

- Chart from Pew Research Center



Reasons for Despair

- ICE civil immigration arrests skyrocket after Trump's January EO
- 38% increase over same period last year

"Cantored"

- Badly gerrymandered U.S. House
- Internal fight for identity of the Republican Party

Reason for Hope

- **S. 744, Border Security, Economic Opportunity, and Immigration Modernization Act**
- Passed U.S. Senate 68-32 in 2013
- Would have created pathway to "Lawful Permanent Residency" for individuals effected by Obama's recent executive order
  - After a few "triggers" were met
- Never passed the U.S. House
  - Didn't even receive a vote
  - Not even a committee vote

Who Supported it?

- Lobbying Reports for Immigration during S. 744
- 651 organizations filed a total of 2,614 lobbying reports in 2013
- Business and Industry is overwhelmingly pro-reform

Group/Organization	# Lobbying Reports
Microsoft Corp	61
Intel Corp	22
Consumer Electronics Assn	20
Facebook Inc.	19
Oracle Corp	18
Business Roundtable	17
Bipartisan Policy Center	16
Qualcomm Inc.	16
National Assn of Home Builders	15
US Chamber of Commerce	15
Cognizant Technology Solutions	14
Computer Sciences Corp	14
Entertainment Software Assn	14
Google Inc	14
Motorola Solutions	14
Yahoo! Inc.	14
Deloitte LLP	12
FWD.us	12
Internet Assn	12

Youth of America

- Two-thirds of millennials want undocumented immigrants to be able to stay.
- Have positive views of immigrants.

Numbers from: Opportunity Agenda. 2012. *Millennials' Attitudes Toward Immigrants and Immigration Policies,* https://opportunityagenda.org/files/field_file/millennials_attitudes_immigrants.pdf (accessed Feb. 7, 2017).