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## **Abstract Immigration Policies of the Obama and Trump Administrations Focused on Alien Arrests**

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*Walden University*

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# Walden University

College of Health Sciences and Public Policy

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Walden University  
2022

Abstract

Immigration Policies of the Obama and Trump Administrations Focused on Alien Arrests

by

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MPA, Public Administration, University of Colorado, 2016

BA, Homeland Security, American Military University, 2014

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Public Policy & Administration

Walden University

August 2022

## Abstract

Immigration policy has been a growing concern for the United States, but it was unknown what differences had been experienced between President Trump and President Obama's implemented immigration policies. Therefore, the purpose of this quantitative descriptive study was to determine if any statistically significant differences existed between the number of "criminal aliens" arrested for removal versus non-criminal aliens arrested with victimless crimes during the Obama and Trump administration. This cross-sectional study was guided by punctuated equilibrium theory and data were gathered by available public, archival data. The total number of documented/undocumented non-criminal alien arrests during the Obama Administration from January 2015 through December 2016 was higher than the Trump administration, identifying a 190% difference between criminal and non-criminal alien arrests. The Obama Administration's immigration policies led to more arrests, as fewer arrests were made during the 2017-2018 Trump Administration. These results can impact positive social change by informing the American public and Congress of the critical need to bring attention to Congressional established national immigration policy.

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## Dedication

I first would like to thank God for allowing me to be mentally and physically able to take on such a tremendous project. Additionally, I would like to dedicate this dissertation to my ever-enduring wife, Min Kyoung Johnson. I thank you for the many supportive words spoken when I wanted to give up, dealing with my many long study nights, and for the many years of encouragement. Without your constant and unwavering ability to see my potential, I do not think I would have ever made it this far. I also want to thank the many supportive people in my life who never gave-up on me, even after I was dropped from high-school and told to give up on life.

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## Chapter 1: Introduction to the Study

### Background

Intro to immigration policy—Obama administration The elections of President Obama and Trump conjured up the immigration debate, as both presidents took different approaches to implement their immigration agendas throughout the United States. In 2001, the Development, Relief, and Education of Alien Minors (DREAM) bill was introduced by senators to give legal status to illegal immigrants who arrived in the United States as children. When Obama took over administration in 2009, his government targeted comprehensive immigration reforms before the year's end in order to (a) fix border enforcement, (b) prevent of visa extensions/overstays, (c) prevent working without a permit, (d) check visa issuance to cope with economic dynamics, (e) provide legal status to illegal immigrants, and (f) provide programs to help immigrants adapt to life in the States (Hernandez, 2010). But critics argued against what they believed to be Obama's efforts to give foreign workers access to U.S. jobs when millions of Americans were looking for jobs (Preston, 2009). In 2012, former President Obama finally signed the Deferred Action for Childhood Arrivals (DACA), which allowed some immunity from deportation but did not lead to citizenship. There were increased talks of immigration reforms and a need to repair the broken immigration system (Keeling & Drew, 2014).

Continued to discussion of policy, leading into Trump administration The House of Representatives abandoned Obama's call for immigration reforms in 2015 and blamed his executive orders (EOs), which lacked consultation. Under Trump's administration,

the DACA program fell under heavy scrutiny. Trump's immigration framework proposed a "path to citizenship" to replace DACA, which did not offer a path to citizenship to immigrants. The EO 13767 allocated funds for the expansion of border infrastructure. The EOs 13769 and 13780 were signed by Trump and targeted immigrants and travelers from six major Muslim countries: Libya, Yemen, Somalia, Iran, Syria, and Chad, as well as North Korea and Venezuela (Pierce & Meissner, 2017). The bans were placed to keep off illegal immigrants who could travel to the United States and threaten national security. The EO 13780 would vet and screen foreigners entering the United States and enhance the detection of malicious characters seeking entry.

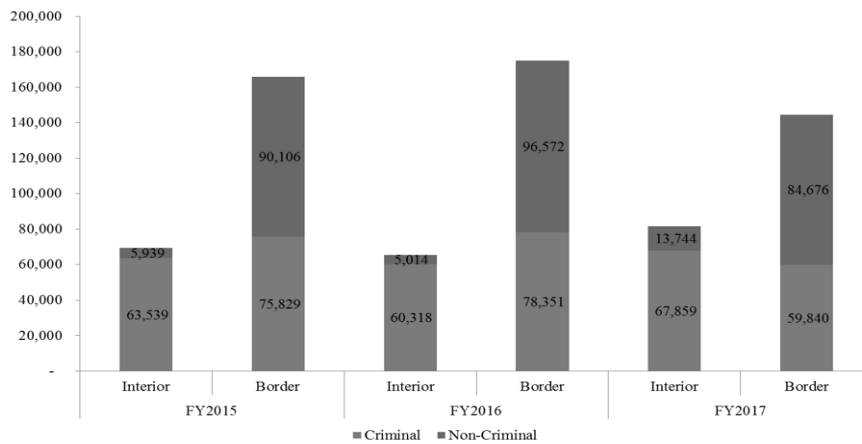
Discussion of economic impact of immigration policy in both administrations

Both Presidents Trump and Obama's immigration policies attempted to protect the economy from the cost implication of immigration by selectively allowing immigrants into the United States. In Obama's comprehensive immigration reforms, he sought to bar visa overstays, work with a permit, and check visa issuance (Hernandez, 2010). Analysts have related illegal immigration with a massive drain of public funds (Sherman, et al., 2019). The National Academy of Sciences found that revenue generated from immigrants cannot be equated to the budget spent on them through quality education, health care, and other social services (National Academy of Science (NAS), 2015). According to analysts, the burden brought by immigrants is due to their state of poverty and lack of skills (NAS, 2015). On top of these, job competition from immigrants unfairly lowers the wage bill of American workers, especially minority workers and semi-illiterate Americans (National Academy of Science, 2015).

Discussion of criminality in both administrations the topic of illegal immigration being a victimless crime is still unresolved during the administrations of Presidents Obama and Trump. Although ICE has claimed to work to remove criminals from the United States to protect its citizens, data has shown that between the fiscal years 2009 and 2017, ICE has on average removed about half of immigrants without crimes. Furthermore, 30% had committed victimless crimes such as drug abuse (ICE, 2017; see Figure 1). During this same time, ICE deported 47.7% aliens with no convictions and 52.3% with convictions. Additionally, 60% of arrested and removed undocumented aliens who were non-convicted or convicted aliens committed victimless crimes. Most of the apprehensions and removal, mainly of immigrants with victimless crimes, occurred on the southern border. The southern border has remained the focal point when illegal immigration enters the picture. According to researchers like Hing (2018), Obama’s enforcement tools laid the groundwork for Trump’s administration and the handling of immigrants on the southern border.

**Figure 1**

*Data for the Fiscal Year 2017 ICE Enforcement and Removal Operations Report*



Relevance of study in prior research examining the terminology “criminal aliens,” President Trump’s use of EO 13768 and other immigration directives have been studied to show what crimes undocumented aliens are being arrested and deported for (Bier, 2018). The research also discussed criminal aliens being deported for victimless crimes (Bier, 2018). However, the research does not discuss the comparison of President Trump’s EO and former President Obama’s EO PEP and the differences in “criminal alien” arrests. Furthermore, there is a precedent for similar language in Congressional Bill H.R. 4437, which never passed law. Bill H.R. 4437 aimed to make criminals out of all unauthorized/undocumented aliens who would extend immigration arrest authority to local law enforcement agencies to arrest all undocumented aliens if encountered in the United States (Leisy et al., 2017, p. 710). Prior research did not compare the number of undocumented aliens arrested by class for victimless crimes and non-criminal/collateral arrest between former president-implemented immigration policies. Additionally, this study was needed to fill the gap in research on immigration and any significant differences between EOs or immigration policy and the number of criminal and non-criminal arrests or aliens to remove individuals under a particular language. This study filled the research gap with the hope of creating positive social change for immigrants throughout the United States by bringing attention to the need for Congressional established national immigration policy.



### **Statement of the Problem**

Though immigration policy has been a concern in the United States, it was unknown what differences had been experienced between President Trump and President Obama's implemented immigration policies. Prior research did not compare the number of undocumented aliens arrested by class for victimless crimes and non-criminal/collateral arrest between former president-implemented immigration policies. Additional research may be needed in understanding how law can reinforce links between criminality and immigration, such as the Immigration Reform and Immigrant Responsibility Act, which expanded the definition of felonies to include minor offenses like shoplifting (Leisy et al., 2017). Therefore, there was a need for this quantitative study to understand whether President Trump's and former President Obama's immigration policies only target "criminal aliens" for removal from the United States or include removing immigrants with no criminal records and after better livelihoods or asylum.

### **Purpose of Study**

The purpose of this quantitative study was to determine if there were any differences in the immigration policies of Obama and Trump and if there were any statistically significant differences between the number of criminal aliens arrested for removal versus non-criminal aliens arrested victimless crimes between Presidents Obama and Trump. This study measured the differences between President Trump's and President Obama's immigration policies (independent variables; IVs) with the dependent variables (DVs)—the number of arrested for removal documented/undocumented 'criminal' aliens with victimless crimes, and the number of arrested for removal

documented/undocumented non-criminal aliens. This study has the potential for positive social change by highlighting the need for Congressional established national immigration law, which would clarify and unify America's immigration policies. Further, this study demonstrated through quantitative data analysis representing both President Obama and Trump administrations how immigration policy could be used as a tool to target and arrest individuals deemed removable through means of criminality.

### **Framework of Study**

Punctuated equilibrium theory (PET) was used as a framework because it “explains why and how political systems, generally characterized by stability and incrementalism, occasionally produce large-scale departures from the past” (Weible & Sabatier, 2018, p. 305). The PET was first introduced by Frank Baumgartner and Bryan Jones in 1993 and is a conceptual framework for understanding change in complex social systems to include the evolution of policy change (Baumgartner et al., 2009). Previous research has used PET to align their studies on border patrol policies as well as incremental changes to immigration policy and how it criminalized undocumented immigrants and led to the criminalization of all aliens (Amuedo-Dorantes & Pozo, 2014; Leisy et al., 2017). The PET framework allowed for the presentation of policy incrementalism, which caused the new priorities found in President Trump's EO 13768.

### **Research Questions**

Research Question 1: What differences in the number of documented/undocumented criminal/non-criminal alien arrests were made between former President Obama established PEP immigration policy (January 19, 2015–January

19, 2017) compared to former President Trump's established EO 13768 immigration policy (January 20, 2017–January 20, 2019)?

$H_{11}$ : There is a statistically significant difference between the mean number of documented/undocumented “criminal” alien arrests made between former President Obama's established policies compared to that of former President Trump's immigration policies.

$H_{01}$ : There is no statistically significant difference between the mean number of documented/undocumented “criminal” alien arrests made between former President Obama's established policies compared to that of former President Trump's immigration policies.

$H_{12}$ : There is a statistically significant difference between the mean number of documented/undocumented “non-criminal” alien arrests made between former President Obama's established policies compared to that of former President Trump's immigration policies.

$H_{02}$ : There is no statistically significant difference between the mean number of documented/undocumented “non-criminal” alien arrests made between former President Obama's established policies compared to that of former President Trump's immigration policies.

### **Nature of Study**

I followed a quantitative descriptive design approach that utilized a non-parametric test to identify significant differences between the mean number of documented/undocumented non-criminal and criminal alien arrests made between former

President Obama's established policies compared to that of former President Trump's immigration policies. My research approach aimed to fill that gap and address policies and how these policies change with each administration and be used as a tool to target specific populations. I hoped to determine whether President Trump's EO only targeted criminal aliens or whether it was being used to target all documented and undocumented aliens in the United States. I also analyzed whether their crimes were victimless but labeled as criminal. A quantitative descriptive design was selected because it allowed me to establish associations between the different variables via statistical analysis (Bloomfield & Fisher, 2019). Additionally, a non-parametric test was selected because they are easily understandable, are applicable to all data types, and an assumption of distribution is not required (Harrar & Xu, 2022). In this study, I used available public/archival data by comparing President Trump's EO 13768 and President Obama's PEP. The dependent variables in this study included the number of arrests for removal on documented/undocumented criminal aliens who committed victimless crimes and arrest for removal of documented/undocumented non-criminal aliens.

### **Definitions**

*Aliens:* An alien was defined as an individual who is not a United States citizen or a United States National (Volpp, 2004).

*Documented aliens:* A documented individual was defined as an individual granted permission by the United States Citizenship and Immigration Services (USCIS) to permanently reside in the United States and work without restrictions (<https://www.uscis.gov>).

*Immigration:* Immigration was defined as the act of an individual who moved to a non-native country or region to live (Helbling et al., 2017).

*Undocumented aliens:* An undocumented individual was defined as residing in the United States without citizenship or another legal immigration status (<https://www.uscis.gov>).

### **Assumptions**

It was assumed that the data that were collected would answer the research questions. To increase the validity of the data gathered, I ensured that they met requirements. Therefore, each of the records collected during data collection contained the variables studied within this research—Trump’s EO 13768 and Obama’s PEP (independent variables) and the number of arrests for removal between documented/undocumented criminal aliens who committed victimless crimes and arrest for removal of documented/undocumented non-criminal aliens (dependent variables). This assumption was important because it ensured that the validity of the data increased and would answer the identified research questions.

### **Scope and Delimitations**

The purpose of this quantitative descriptive study was to determine if there were any differences in the immigration policies of Obama and Trump and if there were any statistically significant differences between the number of criminal aliens arrested for removal versus non-criminal aliens arrested victimless crimes between Presidents Obama and Trump. Therefore, this study was delimited to these two presidential administrations while focusing on the number of arrests for removal of documented/undocumented

criminal aliens who committed victimless crimes and arrests for removal of documented/undocumented non-criminal aliens. Any records that did not contain these variables were not used in this study.

### **Limitations**

Some limitations must be addressed in this study. The first limitation included the data collected; this study reanalyzed an archival data set from President Trump's and President Obama's EOs. The dependent variables were the number of arrests for removal of documented/undocumented criminal aliens who committed victimless crimes and arrests for removal of documented/undocumented non-criminal aliens. Therefore, the data collected provided the entire overview of arrests. For example, the collected data included individuals with a lengthy arrest record than those otherwise indicated by the arrest records. An individual could be arrested for removal from a victimless crime due to prior records, which I may not have otherwise known about. Therefore, to address this limitation, I ensured that the records collected were removed from victimless crimes.

### **Significance**

The Obama administration PEP dramatically narrowed the scope of ICE targeting and removal operations. Alternatively, Trump's EO 13768 significantly widened ICE targeting operations; all undocumented aliens with any offense could be targeted for arrest and removal from the US under the term "criminal alien" (Executive Order 13768, 2017). Additionally, the EO highlighted how criminal aliens were being a threat to U.S. national security and whether someone had a criminal record or not, they could be removed. However, the Obama era considered "catch and release" policy

(November/2014 to January/2017) showed that ICE deported 47.7% aliens with no convictions and 52.3% with convictions (Bier, 2018; see also Lind, 2018). Catch and release were an immigration policy implemented by presidential agendas. An administration would release undocumented aliens in the United States if they did not pose a significant threat or crimes were considered insignificant (Lind, 2018). In November 2014, the Obama administration issued a memo to ICE and border patrol, putting in place priorities for the arrest of undocumented aliens only convicted of criminal crimes before being eligible for deportation or removability, even though “catch and release” was officially ended during the Bush administration in 2006 because it limited who would be deported for illegal entry (Lind, 2015). Still, it was found that totaled deportation numbers seemed to support President Trump’s EO (13768) on the need to remove all criminal aliens from the United States. That was until I researched further and found that 60% of non-convicted/convicted aliens committed only victimless crimes, which ranged from “an immigration offense, traffic infraction, or vice crimes like illicit drugs” (Bier, 2018, p. 1). Furthermore, “administrative” arrest of at-large undocumented aliens from under Obama’s PEP in 2015 to Trump’s inauguration on January 20, 2017, and implementation of EO 13768 on January 25, 2017 that at-large arrest of non-criminal aliens with no convictions increased from an average of 30,350 under Obama to 40,000 under Trump (ICE, 2017a).

### **Summary**

The purpose of this quantitative descriptive study was to determine if there were any differences in the immigration policies of Obama and Trump and if there were any

statistically significant differences between the number of criminal aliens arrested for removal versus non-criminal aliens arrested victimless crimes between Presidents Obama and Trump. This study examined prior President Obama's PEP compared to former President Trump's EO 13768. Additionally, I hoped to demonstrate through a descriptive research quantitative approach and a non-parametric test what number of criminal aliens were arrested for removal between Obama and Trump and whether those arrested were for victimless crimes and non-criminal aliens. This chapter provided an overview of the introduction to the study, highlighting the study's problem, purpose, the research questions and hypotheses, and the study's conceptual framework and theoretical foundation. This chapter concluded with a discussion on the limitations that could be experienced, the study's significance, and the delimitations. Chapter 2 will provide a complete overview of the literature.



## Chapter 2: Literature Review

Throughout the last few years, immigration policy has been a growing concern for the United States. The election of President Trump allowed for a new administration to guide immigration policy through EOs instead of through established Congressional law on the issue. Because of Congressional intransigence on reforming and implementing comprehensive immigration law throughout the United States, presidents have had to dictate national immigration policy through EO. The purpose of this quantitative descriptive study was to determine if there were any differences in the immigration policies of Obama and Trump and if there were any statistically significant differences between the number of criminal aliens arrested for removal versus non-criminal aliens arrested victimless crimes. This chapter will provide a firm overview of the literature and the study's theoretical framework. This chapter provides an overview of the literature that identifies the gap that makes this study viable.

### **Literature Review Search Strategy**

This literature review included peer-reviewed articles that focused on immigration policies and reforms throughout the history of the United States and former President Obama and former President Trump. Moreover, this literature discusses the conceptual model utilized in this study and a historical overview of immigration in the United States. Additional references such as published online reports and sources were identified concerning immigration policies and past research of why they are not offered. Search terms used in this literature review included that of the following: *Criminal Aliens*, *Immigrants & History*, *Foreign Policy & Immigration*, *Deportation*, *Immigration*

*Policies, Obama Immigration Policy, Trump Executive Orders, crimmigration, Policy & Incrementalism, Immigration & Psychology, and Immigrations & National Security Threats.*

### **Theoretical Framework**

PET is the framework that guided this study. PET was first introduced by Frank Baumgartner and Bryan Jones in 1993 and was a conceptual framework for understanding the process of change in complex social systems to include the evolution of policy change (Baumgartner et al., 2009). PET had been used in a variety of studies within the federal government. For example, Joly and Richter (2019) used PET to understand foreign policy. In their study, the authors argued that PET has mainly been used in domestic issues; however, they argued the importance of PET in more significant issues on an international front. The authors reported that PET could provide a deeper understanding of issues while comparing the causes of stability and change in different political systems when used in both a national and international arena. Therefore, Joly and Richter have set the need for PET to be used in this current study, focusing on international issues while comparing the different policies of Presidents Obama and Trump. The PET framework allowed for the presentation of policy incrementalism to cause changes such as the new priorities found in President Trump's EO 13768.

### **Literature Review**

In this literature review, a discussion on the different immigration policies of former President Obama and former President Trump will ensue. I will also discuss populations targeted by both presidents and how each utilized their authority through

policy changes to implement their immigration agendas. Further, insight into the two competing opposition sides (anti-reformers against pro-reformers) will be provided and how each side contributes to the overall national debate on immigration reform.

Discussions throughout this review will not only be used to pose a critical analysis of two different American presidents, but they will draw out the need for a continued national discussion on immigration reform and the need for Congressional authority to enact a policy that will reform national immigration policy.

### **Immigration as a Tool**

Although the U.S. media environment has portrayed the Trump administration as the architect for national immigration dilemmas, immigration topics have always been part of campaigns (Saldaña et al., 2018). Additionally, there is intersectionality between politics and news media:

The news media as a political actor has intensified since partisan cable news began operating, imposing an open-bias reporting style. Partisan news media such as Fox News and MSNBC adopt conservative or liberal points of view, respectively, to report information and reinforce the political views of their audience, acting as echo chambers. Research shows that the emergence and consumption of partisan news media have contributed to political polarization, selective exposure, and broader belief gaps. (Saldaña et al., 2018, p. 792).

Early examples of media popularization can be seen in 2012 when President Obama faced his Republican rival, Mitt Romney, in a debate for President of the United States, Obama argued for comprehensive immigration reform, including a path to citizenship. In

2010, Obama urged Congress to pass the DREAM Act, which would grant a path to citizenship to young immigrants, although it failed. Romney argued for completion of a high-tech fence along the length of the U.S.-Mexico border and also promised to oppose plans to give illegal residents citizenship (Lauter, 2012). Similarly, in 2006, Senator Obama and Hillary Clinton proposed the Secure Fence Act, which supported building a 700 mile fence along the Mexican border. However, Romney had called for self-deportation, even to immigrants who had lived in the United States for over 50 years. But during the Presidential debates in 2012, it is imperative to acknowledge calls for Congressional national immigration policy reform that centered over “what to do with the estimated 11 million people — most of them Latino — who are in the U.S. unlawfully” (Lauter 2012). By the time the 2016 elections were on their way, the national conversation on immigration had continued. Trump was critical of the immigration crisis and attacked prominent persons of color such as Ilhan Omar, asking them to return to their countries. This supported his *make America great again* slogan, which he used to seek election.

### **Perception of Immigrants in the United States Throughout the 2000s**

Immigration has been met with divided opinions and legislations, from pro-reformists and anti-reformists since the increased immigrant population in the 2000s. The 2000s brought to the United States a record number of new immigrants and increased national conversation on immigration, leading to heightened pro- and anti-immigration levels sentiments (Wallace & Figueroa, 2012). From 2000 to 2005 alone, the United States saw:

7.9 million immigrants— almost half of them undocumented—arrived in the United States, more than any other five-year period in the nation’s history. By 2005, about 12 percent of the U.S. population—35.7 million people—were foreign-born; almost one-third of these—11.1 million—were undocumented. At mid-decade, Americans expressed ambivalence toward immigrants: in 2006, 67 percent indicated that immigration was a “good thing” for the country (vs. 28 percent who said it was a “bad thing”), but 51 percent thought that immigration should be decreased (vs. 15 percent who thought it should be increased). (Wallace & Figueroa, 2012, p. 583).

As U.S. national attention continued to focus on immigration concerns throughout the 2000s, legislation was incrementally passed to address the issue. In 2005, Republicans passed the Border Protection, Anti-Terrorism, and Illegal Immigration Control Act of 2005 (H.R. 4437), but this bill failed to pass the Senate. The bill would have allowed for harsher penalties to illegal immigrants, those who aided them into the United States, and mandated employers verify all employees to ensure they were documented and able to work in the United States (Wallace & Figueroa, 2012). In 2006, the Congressional Democrats passed the Comprehensive Immigration Reform Act of 2006, but it was not passed in the House of Representatives (Wallace & Figueroa, 2012). The Democratic bill would have increased border security, increased guest workers into the United States, and created a pathway for undocumented aliens to become U.S. citizens (Wallace & Figueroa, 2012). As President Obama took the presidency in 2008 and dealt with the then financial crises, all efforts to create immigration reform

languished (Wallace & Figueroa, 2012). By 2010, due to the lack of immigration actions by the federal government, all fifty states attempted to enact their immigration policies (Wallace & Figueroa, 2012).

### **Contributions Made by Immigrants**

In the past, the United States portrayed itself as a nation willing to accept immigrants in need from across the world (Brockell, 2018). Since WWII, the United States has opened its doors to people fleeing oppression, discrimination, hardships, and religious suppression. President Jimmy Carter allowed Cuban and South American asylum seekers into the United States (Celeste, 2013). The United States is a nation that demonstrated through acceptance and diversity of all ethnic groups, no matter the background, to become successful and achieve the American Dream. Recently, historical contributions made by immigrants who came to the United States to improve their lives and the American way of life have come been criticized (Simon & Said-Moorhouse, 2017). However, former presidential administrations have also been criticized for their immigration policies. President Trump's immigration policies were criticized as playing a role in the adverse approach being taken against the immigrant populations in the United States.

### **The Unauthorized Population at Risk of Deportation**

The Department of Homeland Security (DHS) has been charged with the responsibility of implementing immigration laws. Customs and Border Protection is under DHS and is charged with law enforcement along the borders. The number of undocumented immigrants rose in the late 90s and early 2000s, and by 2011, the number

was 11.3 million (Krogstad & Passel, 2015). Mexicans comprised 58% of all unauthorized immigrants in 2010 (Krogstad & Passel, 2015). The earlier 2010s, however, showed a decrease in the immigrant population, which was attributed to the increasingly effective immigration enforcement, economic recession in the United States, and other socioeconomic changes in Mexico (Rosenblum & Kandel, 2012; Wasem, 2012).

Between 2005 and 2015, national resources have been dedicated to the apprehension of illegal immigrants in the interior. Between 2009 and 2013, roughly 2 million formal removals were conducted, and another 1.8 million deportations without formal removal orders (DHS, 2014). Most formally removals are of immigration and criminal violations, which involve appeals before immigration judges but not always. An example is Trump's EO 13768, which stated that those eligible for removal have no appeals left. Returns, which involve the exiting of immigrants without being charged for removal, are most Mexican nationals apprehended by Border Patrol when crossing the border. In 2009–2013, there was a combined 3.8million returns and removals (Krogstad & Passel 2015). Removals only had risen to 400,000 in 2009 when Obama took office, and the number remained high through the year 2012 until it decreased to 366,000 in 2013 and 360,000 in 2014 (ICE, 2014c). The fall could be associated with fewer apprehensions by Border Patrol.

### **Apprehension and Detention**

An estimated half a million children experienced the deportation of one of their parents during Obama's first year of his second term (ICE 2014a, 2014b; Wessler 2012a). Studies show that the number of children whose fathers have been incarcerated is more

likely to experience material hardships, residential instability, and breakage of families (Geller et al., 2011; Geller et al. 2009). Children with incarcerated parents are also more likely to be placed in foster homes. Placing children under foster care becomes difficult, especially when both parents are arrested and detained. ICE's immigration raids may lead to a severe psychological impact on children who have been separated (Capps et al., 2007; Chaudry et al., 2010). For instance, ICE's National Fugitive Operations (NFOP) sometimes carries out raids in residential areas without discretion of arrests from the children. Raids also created sharp losses of income and basic needs such as housing; in a study of immigration raid sites, families' income in the area dropped by 70% during the next half-year following the arrests. Ninety-one percent of those arrested were men, mostly fathers, who were the breadwinners due to the lower economic participation of immigrant mothers (Rosenblum & McCabe, 2014). Detention and deportation are disruptive to Hispanic families, especially because mothers lack work experience (Capps et al., 2007; Chaudry et al., 2010). Younger children would then depend on public benefits and child welfare systems, while older children may not complete their school education. ICE has yet to publish data on its detention decisions regarding parents, though parents may be released more frequently than non-parents. However, protocols of release pending removal hearings do not favor their job prospects, as they may be supervised and released with ankle bracelets (Chaudry et al., 2010).

### **The State of Immigration Under Trump**

The actions of President Trump created a sense of fear within the American people concerning Mexico and Central American countries and documented and



undocumented immigrants coming to the United States (Roche et al., 2018). While campaigning for President of the United States, Trump stated,

When Mexico sends its people, they are not sending their best. They are not sending you. They are not sending you. They are sending people that have lots of problems, and they are bringing those problems with us. They are bringing drugs. They are bringing crime. They are rapists. And some, I assume, are good people. (Lee, 2015)

After Trump became president, he said criminal aliens posed a significant national security threat to the United States. The president also directed ICE under EO 13768 to target and prioritize the removal of all criminal aliens (Whitehouse, n.d.). The president used EO 13768 to foster fear with the intent to target for removal of all immigrants, especially those coming from Mexico and Central America, under argument that they posed a national security threat (Whitehouse, n.d.). Additionally, President Trump's EO 13768 used the word *criminal aliens* to only target undocumented criminal aliens. However, it did not differentiate between victimless crimes such as traffic tickets or petty crimes like theft. The EO also did not differentiate from documented or undocumented aliens who have not conducted any criminal offense/non-criminal. The government does not clarify the distinction between criminal aliens and non-criminal immigrants.

When presidents foster an environment where undocumented aliens are seen as criminals, increased human rights violations against them are more likely (Amuedo-Dorantes, 2014). When immigration laws are established to target immigrants, they can also violate human rights (Amuedo-Dorantes, 2014). An example of laws that can impact

immigration populations can be seen through an Alabama state law, which required school officials to check every student's immigration status (Amuedo-Dorantes, 2014). Human rights observers have also reported human rights violations against children held in the Texas border detention camps. More than 30,000 incidents of human rights abuses were committed against undocumented immigrants in short-term detention (Amuedo-Dorantes, 2014, p. 2256). President Trump's immigration policies have also opened the door to creating fear among Americans about the immigration population while potentially increasing the chances of racial profiling and painting a false picture of a group of individuals as criminals.

Since the election of President Trump, it was known that he would target illegal immigrants within the United States. Still, many did not know how far he would go to implement his policies and what they would mean to a wide range of immigration issues plaguing the United States. The first EO that Trump established was EO 13767, which directed immigration officials to place resources at the U.S.-Mexico border to stem the flow of illegal crossing of Mexicans into the United States. EO 13767 was the first of many steps the president took to target illegal immigration into the United States. The EO allowed for the granting of expanded authority to ICE and border patrol agents after former U.S. President Obama previously narrowed their scope under the PEP.

### **Trump and Obama's Policies Compared**

After implementing EO 13767, President Trump expanded his immigration policy to sign and implement Executive Order 13768. EO 13768, titled Enhancing Public Safety in the Interior of the United States, dramatically changed how immigration enforcement

was previously carried out compared to former President Obama's Priority Enforcement Program (PEP). It focused on removing criminal aliens who fell subject to the final order of removal, which insisted that those subject to removal have no appeals left. The newly signed and implemented EO 13768 established by President Trump also significantly expanded ICE's authority and ability to identify, target, and arrest for removal of all undocumented and documented aliens shown to have been charged for any criminal acts regardless of guilt. On the other hand, with regards to a stark comparison to President Trump's EO 13768,

In November 2014, President Obama issued a long-awaited executive action on immigration. The executive action included two critical components. first, a grant of deferred action to qualifying undocumented parents of U.S. citizens and Lawful Permanent Residents and to persons who entered the United States as children; and second, a series of changes to pre-existing enforcement priorities and mechanisms. (Shebaya, 2017, p. 566)

After Obama's executive actions on immigration in November of 2014, the Secretary of the Department of Homeland Security, Jeh Johnson, announced the end of the Secure Communities program and the start of its replacement with the new Priority Enforcement Program (PEP) (Shebaya, 2017, p. 570). The Secure Communities Program was about automatic fingerprint interoperability, "such that any fingerprints uploaded to the National Crime Information Center database were automatically forwarded to the Department of Homeland Security (DHS) to be checked for immigration-related matters" (Shebaya, 2017, p. 570). The Priority Enforcement Program established by former

President Obama narrowed the scope of ICE's identify, target, and arrest for removal authority. According to the Immigration and Customs Enforcement (ICE) government website on what PEP allowed, "Under PEP, ICE will only seek transfer of individuals in state and local custody in specific, limited circumstances. ICE will only issue a detainer where an individual fit within DHS's narrower enforcement priorities, and ICE has probable cause that the individual is removable" (ICE, 2017). PEP also focuses on "targeting individuals convicted of significant criminal offenses or who otherwise posed a threat to public safety" (ICE, 2017).

We see stark differences when comparing and analyzing former President Obama's and Trump's immigration enforcement approaches. Whereas Mr. Obama targeted arrest and removal of criminal aliens who were convicted of significant criminal offenses that posed a threat to public safety under PEP, Mr. Trump's immigration priorities under EO 13768 targets for arrest were all documented and undocumented aliens with any pending or convicted criminal charges. Further, President Trump's EO 13768 grants ICE authority to go after all 'criminal' aliens, whereas Mr. Obama only allowed ICE to target arrest and removal from the U.S. those with significant convicted criminal charges. According to Leisy et al. (2017), Trump was able to criminalize aliens for removal from the U.S. by misrepresenting many with the language "criminal aliens" (p. 694). Additionally, we learn that "This claim is a blatant misrepresentation of the facts. A recent report by the Migration Policy Institute suggests that just over 800,000 (or 7%) of the 11 million undocumented individuals in the United States have criminal records. Three hundred thousand individuals are felony offenders of this population, and

390,000 are serious misdemeanor offenders” (Leisy et al., 2017, p. 694). The Trump administration put guidance that allowed ICE to target anyone with any criminal offense, no matter how big or small. This, in essence, criminalize documented and undocumented aliens in the U.S. almost entirely while using immigration law as a tool to criminalize immigrants even though many of the crimes may be traffic infractions or victimless (Leisy et al., 2017, p. 697-698). Therefore, undocumented immigrants with no criminal record have worsened under Trump's government under EO 13768.

The Trump administration's action on immigration has adversely impacted many cities and states by which ICE has taken its operations to neighborhoods and communities within the U.S. According to Keegan (2017), implementing EO 13768 has caused many states to become sanctuary jurisdictions where ICE is not allowed to operate, targeting undocumented aliens' missions (p. 1). Furthermore, because many states have begun these protective cities, which prevents ICE from operations of broad range targeting at-large undocumented aliens and criminal aliens that may also be victimless for deportation, legal hurdles have arisen (Keegan, 2017, p. 1 & 2). The Trump Administration has attempted to overcome these sanctuary cities by threatening to stop federal grants to the cities in question. These arguments have been brought to the justice system to argue their legality (Keegan, 2017, p. 2). Sanctuary states have also designated asylum centers for refugees, with California, Illinois, and New Jersey in the picture (Keegan, 2017). President Trump has accused them of spending on immigrants, which ultimately causes strain on public resources, but they have seemingly shrugged him off. Even with some states having shrugged off President Trump's attempts to curb

established sanctuary cities, recent court rulings have upheld the administration's large-scale deviation immigration reform approach in a way that cannot be ignored. President Trump recently won a legal ruling that allowed his administration to withhold federal funding to state law enforcement agencies with established sanctuary cities that protected undocumented aliens from being targeted by the U.S. Immigration Customs and Enforcement (ICE) for removal (Correal, 2020).

Additionally, the Trump administration recently handed another legal victory in their fight with states to prevent asylum seekers from remaining in the U.S. This legal victory occurred when the U.S. Supreme Court overruled the Ninth Circuit Court of Appeals to allow the administration to keep Mexicans seeking asylum in Mexico as their cases were adjudicated (Blitzer, 2020). Although the Supreme Court decision allowed the Migrant Protection Protocols (MPP) or commonly referred to as the 'Remain in Mexico' policy, to continue as a lawsuit on the legality of the policy ensues, the ruling not only gave a win to the Trump administration; but according to a Fox News article on the ruling, a Department of Justice (DOJ) spokesperson said,

We are gratified that the Supreme Court granted a stay, which prevents a district court injunction from impairing the security of our borders and the integrity of our immigration system (Blitzer, 2020).

With such issues being brought into courts, ICE has had to become creative in targeting undocumented aliens. Because EO 13768 gave ICE a broad range of authority to target all 'criminal aliens' and the rise of sanctuary jurisdiction within U.S. cities has grown, we learn that new methods for targeting and arresting aliens have come about.

According to Sweeney (2014), ICE had attempted to use federal programs such as 287(g); 287(g), which allowed ICE to deputize local law enforcement officers to act in immigration's capacity to gain help in arrest in the removal of aliens (Keegan, 2017, p. 1 & 2). Furthermore, “the last thirty years have seen an important shift in the federalism of immigration law, as the federal government has gradually enlisted state and local law enforcement officers as “force multipliers” in its enforcement of our nation's immigration laws, and our systems of criminal and immigration enforcement have gradually converged” (Sweeney, 2014, p. 1).

Although there have always been challenges to implementing national immigration reforms that defined American immigration policies of the 21<sup>st</sup> century, there was rarely a leader or person as influential as President Trump, who labeled immigrants as wholeheartedly criminals. When President-Elect Donald Trump stated in 2016, “there are millions of so-called “criminal aliens” living in the United States: “What we are going to do is get the people that are criminal and have criminal records, gang members, drug dealers, we have a lot of these people, probably two million, it could be even three million, we are getting them out of our country, or we are going to incarcerate” (Abrego et al., 2017, p. 694).

We learn from researchers such as Abrego et al. (2017) that Mr. Trump grossly misrepresented his definition of “criminal aliens” (p. 694). Researcher Leisy Abrego wrote, “a recent report by the Migration Policy Institute suggests that just over 800,000 (or 7%) of the 11 million undocumented individuals in the United States have criminal records” (Abrego et al., 2017, p. 694). The statement posted by Abrego et al. on Mr.

Trump's words regarding immigrants in the U.S. 'is all criminals' present concerns on whether Mr. Trump's words were used to create a sense of fear amongst the American people to garner support for his immigration policy.

Further, the researchers posed whether prior established immigration laws such as the passage of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), on April 24, 1996, by Congress support the use of 'incrementalism' by Mr. Trump as a tool to set his immigration agenda (Abrego et al., 2017, p. 697). Additionally, Leisy et al. (2017) bring to light that criminality and immigration have become mistakenly synonymous with each other after the signing of IIRIRA (p. 697 & 698). The passage of IIRIRA expanded the definition of aggravated felonies for immigrant populations to include “a range of misdemeanors and minor offenses, crimes which are neither aggravated nor felonious — such as prostitution, undocumented entry after removal, drug addiction, shoplifting, failure to appear in court, filing a false tax return, and generally any crime warranting a sentence of one year or more” (p. 698).

### **Incrementalism and Deviation**

The effects of policy incrementalism or frameworks such as the Punctuated Equilibrium Theory (PET) can be considered when discussing immigration policy changes in the United States. According to True et al. (2006), Punctuated Equilibrium Theory “seeks to explain a simple observation: political processes are generally characterized by stability and incrementalism, but occasionally they produce large-scale departures from the past” (p. 155). The focus of incrementalism within PET also emphasizes both *stability* and *change* as part of any policy discussion. Still, it is



imperative to acknowledge that conditions, public understanding/perception, or severity of a particular issue can lead to large-scale deviations from the typical incrementalism of policy such as immigration (True et al., 2006, p. 155). Such examples are discussed by Amuedo-Dorantes and Pozo (2014), who references incrementalism of immigration policy between the Bush and Obama's administrations, which involved the increased spending by states to address illegal immigration and target for removal of suspected undocumented aliens from the United States:

Data from the 2005–2012 waves contain detailed information on the outcomes being examined for approximately 58,000 deportees apprehended at various points in time. Spending on immigration enforcement has also increased at the state level with the passage of state-level Bills. Following the example of Arizona SB1070 in 2010, five more states enacted omnibus immigration legislation in 2011: Alabama (HB56), Georgia (HB87), Indiana (SB590), South Carolina (S20), and Utah (H116, H466, H469, and H497). These laws address various topics, including immigration enforcement by local and state police, verification for employment and public benefits, and, in a few cases imposing requirements on schools to verify students' legal status. (Amuedo-Dorantes & Pozo, 2014, p. 2259-2260).

When considering PET or incrementalism approaches to changes in policy, factors such as public perception and importance levels on issues cannot be ignored or taken for granted. When stability and change occur in the policy aspect, it may be considered within the threshold of incrementalism. However, when incrementalism lacks public

support, and an issue has been perceived as lacking or far behind what people hope to achieve, a large-scale deviation from the traditional incremental approach can occur. Further, True et al. (2006) discuss that newcomers to the government can be the component to change in the status quo, which leads to large-scale deviation from the typical incrementalism approach to changes in policy (p. 157).

The large-scale immigration policy deviations now associated with the former Trump administration, when compared to former Obama's administration, could be looked at through the lens of incrementalism vs. that of large-scale deviation. A better way to put it can be stated as slowly addressing immigration issues the public felt should be handled more directly, leading to large-scale deviation. It may also be said that large-scale deviation can come about when slow but more stable incremental approaches are implemented but lack robust change to address the issues the public wants to be fixed. As Mr. Trump rose to power in the case of immigration, the incrementalism approach was not preferred by Americans, and Trump had to take quick action. As a result, candidate and President-Elect Trump focused on calls for drastic immigration policy reforms and the removal of all illegal aliens from the U.S. Upon swearing into the Presidency of the United States, one of the first Executive Order (E.O.) Mr. Trump signed EO 13768 on January 25, 2017, called '*Enhancing Public Safety in the Interior of the United States*' (Whitehouse.gov, 2017). President Trump's EO 13768 terminated the former Obama administration's Priority Enforcement Program (PEP), announced on November 20, 2014, and implemented in January 2015 (FY2015). PEP targeted undocumented aliens with significant criminal records and those that may pose a national security threat to the U.S.

(Manuel, 2015, p. 9). Obama's PEP allowed ICE to focus resources on criminal aliens with egregious crimes that not only posed a danger to the communities they lived in but would be free to repeat these crimes if allowed potentially. Under the PEP, ICE worked with local and state law enforcement agencies to identify criminal aliens using the Secure Communities platform before they were allowed to be released back onto the streets (ICE, 2017). According to the Immigration and Customs Enforcement (ICE) government website:

PEP begins at the state and local level when an individual is arrested and booked by a law enforcement officer for a criminal violation. His or her fingerprints are submitted to the FBI for criminal history and warrant checks. This same biometric data is also sent to U.S. Immigration and Customs Enforcement (ICE) so that ICE can determine whether the individual is a priority for removal, consistent with the DHS enforcement priorities described in former Secretary Johnson's November 20, 2014, Secure Communities memorandum. Under PEP, ICE will seek the transfer of a removable individual when that individual has been convicted of an offense listed under the DHS civil immigration enforcement priorities, has intentionally participated in an organized criminal gang to further the illegal activity of the gang, or poses a danger to national security. (ICE, 2017)

Under PEP, ICE no longer targeted aliens for removal with civil immigration offenses alone or aliens charged but not convicted of criminal offenses (ICE, 2017). ICE could only target aliens for removal after they had “been convicted of specifically enumerated crimes, has intentionally participated in criminal gang activity, or poses a danger to

national security” (ICE, 2017). When comparing former President Obama’s PEP to former President Trump’s EO 13768 ‘*Enhancing Public Safety in the Interior of the United States*,’ differences in intent of the policies give way to the primary purpose and scope of the agenda set forth by both Presidents. When directly comparing Obama’s PEP to Mr. Trump’s EO 13768, the intent of both policies is dramatically different.

President Trump's immigration policy change was and still is considered a large-scale deviation in policy and does not fall in line with traditional incrementalism approaches to policy. Instead, it demonstrates a large-scale jump from the traditional policy changes we have seen in the past. Because Mr. Obama's and Mr. Trump's policy intents are so different from each other, it is imperative to discuss and analyze both presidents' policies through the lens of how aliens are targeted for removal.

### **Obama, the Deporter-in-Chief**

According to Bier (2018), “60% of non-convicted/convicted aliens committed only victimless crimes which ranged from “an immigration offense, traffic infraction, or vice crimes like illicit drugs” (Bier, 2018). Furthermore, we find that “administrative” arrest of at-large undocumented aliens from under Obama's Priority Enforcement Policy (PEP) in FY2015 (January)-FY2017 (January 19, 2017) to Trump's inauguration on January 20, 2017, and implementation of E.O. (13768) on January 25, 2017-(FY2017), that at-large arrest of non-criminal aliens with no convictions increased from an average of 30,350 under Obama to 40,000 under Trump (ICE). Although it would seem that President Trump is harder on illegal immigration when compared to President Obama, the facts are: (a) it must be acknowledged that no one president is responsible for the

current state and need for national immigration action; this has built up over decades; (b) For all the rhetoric president Trump espouses, and controversial immigration policies he has enacted since becoming the U.S. President in 2017; former President Mr. Obama was responsible for more deportations than any other President in history.

According to an ABC News article titled ‘Obama Has Deported More People Than Any Other President,’ by Serena Marshall, “According to governmental data, the Obama administration has deported more people than any other president's administration in history” (ABC News, 2016). Between 2009 and 2015, the Obama administration removed 2.5 million immigrants; in 2015 alone, the Obama administration deported 113,385 individuals, with 81 percent of those deported from his Priority Enforcement Program (ABC News, 2016). Still, during more recent immigration media coverage, we have seen that Mr. Trump has, in a way, been branded with the label 'deporter in chief.' President Obama deported more people than any other President in history is usually lost in all the political discourse and smoke. The genuine concerns that call for critical analysis of both Presidents are rarely discussed academically. However, having served for less than one term, Trump could be the next Obama if he strictly carried out his EO 13768 and faced fewer national and federal legislation obstacles. The PEP under Obama has partly been blamed for the challenges Trump is facing in effecting removals. This is due to the staggering numbers identified and removed under PEP, causing anti-reformists to slow down efforts of further stricter removals.

As we look back to November of 2014, we learn when Mr. Obama announced the Priority Enforcement Program (PEP),

Felons, not families. Criminals, not children. Gang members, not a mom who is working hard to provide for her kids. We will prioritize, just like law enforcement does every day,” Obama said in November 2014 when announcing his executive action on immigration. (ABC News, 2016).

On the other hand, we know when President Trump, then, candidate Trump said to a large audience that, “when Mexico sends its people, they are not sending their best,” and then proceeded to call Mexican immigrants 'rapists and murderers' failed to obtain the national support potentially hoped for by the President (Lee, 2015). Regardless of what some may feel, the then-candidate Trump's tactic seemed to have carried a negative connotation, which has followed him into his presidency. The policy context and its importance in its successful implementation seem to be conveyed from the immigration approach analyzed between Obama and Trump. Mr. Obama prioritized his immigration enforcement priorities and used Immigration and Customs Enforcement (ICE) as a surgical tool rather than a hammer. While on the other hand, we learn that Mr. Trump's immigration approach tended to be broader and large-scale in scope and, for some, overreaching; discussion on whether President Trump overreached is for future researchers and academic scholars to investigate and will not be discussed throughout this research.

### **The “Crimmigration” Story**

There has always been an overlap between immigration law and criminal law, and especially in recent times, when President Trump has, to say the least, criminalized immigration. While seeking election, Trump used what many considered insensitive

rhetoric against immigrants and promised to introduce harsh immigration policies, which have turned out to be draconian and discriminatory (Leisy et al., 2017). Some of President Trump's recorded speeches supporting insensitivity towards that of immigrants seeking help in the U. S., and that of criminal immigrants are:

We must have strong borders. We must keep the drugs out of our country. We are, right now, we are getting the drugs, and they are getting the cash. We need strong borders. We need absolute, we cannot give amnesty, but we have some bad hombres here, and we will get them out. (Trump, 2016).

What I'm doing is I'm calling very simply for a shutdown of Muslims entering the United States. They want a global jihad. Now, George, we can take it sitting back. You will have many more world trade centers. It'll only get worse (Trump, 2018).

Traditionally, immigration has been different from criminal law, immigration is a civil issue, and immigration judges are different from criminal judges. Further clarification of the twist between criminality and immigration claims that simply being in a country illegally is a civil violation and not a crime (García Hernández, 2013, p. 1467-1470). This is, however, not per the way undocumented immigrants are treated in the U.S. as criminals (García Hernández, 2013). The caricature of undocumented immigrants being termed criminals can be associated with "crimmigration" (Leisy et al., 2017, p. 696 & 710). According to Garcia Hernandez (2013), a scholar on the issue of immigration, crimmigration policy has three main features, which include dramatically increasing the

crimes which can lead to deportation, reliance on crimes that only apply to migrants, and finally, use of detention as a policy (p. 1457-1470).

### **Executive Orders**

As previously stated, President Trump's policy approach and implementation can be acknowledged as a large-scale deviation from previous Presidential Administrations' incrementalism approaches to immigration policy. Although some critics argued that former President Obama and former Secretary of State Clinton supported the 2006 Secure Fence Act, border security's political context and scope were drastically different from former President Trump's border security approach (Ibrahim et al., 2007 & Farley, 2017). To paint democrats as flip-flopping on border security because Donald Trump was now the U.S. President, in 2017 a White House spokesperson said,

We do not understand why the Democrats are so wholeheartedly against it; they voted for it in 2006, then-Senator Obama voted for it. Senator Schumer voted for it; Senator Clinton voted for it. So, I don't understand why Democrats apply in politics just because Donald Trump is in office (Farley, 2017).

Although the Trump Administration painted the democrats as flip-flopping on border security, the political context and scope case is different when comparing the two border security plans. First, the 2006 Secure Fence Act aimed to build fencing and use technology along the U.S. – Mexico border to stem illegal immigration into the U.S., like that of President Trump's approach. Nevertheless, the 2006 Secure Fence Act only called for about 700 miles of fencing. However, President Trump called for over 10,000 miles of fencing; the 2006 legislation had bipartisan support amongst republicans and



democrats. Nevertheless, the former Trump administration did not. Some may argue that during the 2006 debate on border security, neither party called Mexican immigrants 'rapists, criminals, and drug dealers' something then-candidate Trump said about Mexican immigrants (Farley, 2017). Lastly, the flow of illegal immigration has changed since 2006. During the support for and passage of the 2006 Secure Fence Act, “it was a time of surging illegal immigration. The peak in unauthorized population was reached in 2007 when it was estimated at 12.2 million people – a number that has since declined by more than 1 million” (Farley, 2017). So, even as critics attempt to cast both border security approaches in the same light, it is imperative to acknowledge differences in political context and scope between the 2006 Secure Fence Act, which had democratic support, and the border security approach taken by President Trump.

Trump's large-scale deviation from the more stable approach of incrementalism is analyzed through; (1) the signing and implementation of Executive Order (E.O.)13767, titled '*Border Security and Immigration Enforcement Improvements*,' which calls for “the immediate construction of a physical wall on the southern border” (WhiteHouse.gov, 2017), (2) EO 13768, titled '*Enhancing Public Safety in the Interior of the United States*,' which orders prioritized the removal of all aliens, documented/undocumented who:

Section 5: have been convicted of any criminal offense; have been charged with any criminal offense, where such charge has not been resolved; have committed acts that constitute a chargeable criminal offense; have engaged in fraud or willful misrepresentation in connection with any official matter or application before a governmental agency; have abused any program related to receipt of public

benefits; are subject to a final order of removal, but who have not complied with their legal obligation to depart the United States; or in the judgment of an immigration officer, otherwise pose a risk to public safety or national security (Whitehouse.gov, 2017).

Moreover, (3) EO 13769, titled '*Protecting the Nation from Foreign Terrorist Entry into the United States*,' also known as the Muslim ban; the Muslim ban drastically reduced the number of refugees allowed into the United States in 2017 to 50,000, prevented the entry of Syrian refugees indefinitely, suspended for 90 days the entry of citizens of Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen, who did not meet adjudication standards under U.S. immigration law and led to more than 700 travelers being detained, and approximately 60,000 visas being 'provisionally revoked' (WhiteHouse.gov, 2017); (4) The Zero Tolerance policy which was another approach to President Trump's overall immigration policy in the U.S.; the policy led to family separations, in which parents were separated from their parents in detention centers until parents were processed and charged in U.S. immigration courts.

In direct comparison to Mr. Trump's zero tolerance, we know that the former Obama administration allowed for the release of parents and focused on the deportation of immigrants who committed crimes in the U.S. The above Executive Orders (E.O.'s) and policy directives demonstrate the lack of policy incrementalism and provide a unique perspective into large-scale deviation policy implementation. Based on the lack of positive buy-in and acceptance, many of the president's immigration policies failed to induce the American public after implementation. It is imperative to acknowledge that

large-scale policy deviation has pros and cons that must be considered when dictating any policy changes. The focus of incrementalism within PET emphasizes *stability* and *change* as part of any policy discussion and acknowledges 'large-scale' deviation from policy norms (True et al., 2006, p. 155). Compared to former President Obama, Mr. Trump seems to have taken the 'large-scale' deviation approach to immigration policy.

According to previous research on the topic of PET, Larsen-Price (2012) stated, “the question of how the executive branch processes information is inextricably tied to any examination of the distribution of presidential policy attention” (p. 148). Further, the author expressed the importance of policies addressed during presidential administrations as tied to the punctuated equilibrium theory (Larsen-Price, 2012, p. 148). Larsen-Price (2012) argues that the president's attention to a particular policy is allocated by a structured opportunity laid out by the issues of the time and their importance (p. 148-149). Also, Larsen-Price (2012) argued that presidents only have a limited amount of time to focus on policies while in office; the author stated, “scholars have posited a no-win presidency in which the constraints placed on the president by conflicting demands limit the ability to attend to more than a few policy areas at a time despite the high expectations placed upon the office, especially by the public” (p. 149). As the discussion on how president implemented immigration policy when compared to former President Obama's approach, it may be fair to acknowledge when discussing the role of President's and policy-making determination and implementation attempts that:

Hence, they cannot attend to all the information that rational choice perspectives deem necessary to make decisions. The working assumption of this article is that

presidents and their administrations are not efficient, rational decision-makers but are, in fact, cybernetic decision-makers. In his work on deterrence, John Steinbruner (1976) defined cybernetic decision-making as “a process characterized by no elaborate outcome judgments, narrowly constrained information input, the perception of only particular, unresolved value conflicts and problems are broken into single objectives and outcomes. Presidents, too, use simplification as a stable means for dealing with the complexity of the environment. Presidents often need to use cognitive shortcuts in decision making and are typically only concerned with finding an alternative that will lead to a satisfying path that will permit some specified level of their needs. Also, just like other actors, presidents may have incompatible goals and are likely bad at making trade-offs (Larsen-Price, 2012, p. 149).

### **Deviation and Incrementalism**

In essence, presidents have limited time to address significant policy, and policy focus may and can be determined by significant issues, public demands, and issues which arise and require immediate attention. Depending on the decision-making style of each president, Punctuated Equilibrium Theory (PET) approaches can be considered if a President decides to use executive power to execute their political agendas. According to Mater (1999), the president can use executive power as a tool to take unilateral action domestically in times of emergencies or when wanting to directly act within the confines of his or her constitutional authority; the president also has authority to impact foreign policy and may utilize Executive Orders (E.O.'s) as means to address significant policy

issues or demands (p. 446-447). Punctuated Equilibrium Theory (PET) as a tool can allow a president to make changes to policy issues incrementally or, in the case of former President Trump, make 'large-scale' deviations to policy instead of incremental approaches.

As it pertained to policy, it can be said that as President Obama ended the final two years of his presidency, the immigration debate escalated. By the time the presidential debates began for America's upcoming presidential elections in 2016, all the way up to the swearing-in of President Trump, the immigration debate had grown into a significant policy issue that many in public felt action had to be taken. Although some may argue then-candidate Trump capitalized on the immigration debate by his statements, which some took as derogatory; he responded to the public's demand for action on immigration.

Still, how former President Trump implemented his immigration policy compared to former President Obama can be said and quickly recognized that there is a difference between how the Obama and Trump administration's immigration policies were nationally/publicly received and implemented. While conducting a critical analysis between the Obama and Trump administrations, it was essential to acknowledge that some of the policies Mr. Trump implemented were initially started by Mr. Obama but extended or implemented differently by former President. Trump. For example, we know that the Criminal Alien Program (CAP) was fully operational under the former Obama Administration. According to Beckett and Evans (2015), CAP allowed Immigration Customs and Enforcement (ICE) to identify criminal aliens while they were in local jails

or prisons (p. 241). In addition, CAP, along with another government program under the former Obama Administration called Secure Communities, allowed ICE to issue detainers to jails once it was known an individual was non-citizen and charged for a crime (Beckett & Evans, 2015, p. 243).

Further, the CAP and Secure Communities allowed for jails to hold non-citizens for up to 48 additional hours even after they were supposed to be released or bailed out from jail. This allowed ICE officers to pick up these non-citizen/aliens from jails and transfer them to federal custody (Beckett & Evans, 2015, p. 243-244). Once these identified non-citizens/aliens were transferred to ICE custody, they were processed to remove the U.S. When former President Trump assumed the Presidency in January 2017, he immediately expanded ICE's authority and focused under Executive Order 13768 by expanding Obama Priority-focused removals. Obama's priority-focused removals previously targeted only documented non-citizens and undocumented aliens with egregious criminal charges or convictions to a target for removal of legally documented non-citizens and undocumented aliens with any charge. In essence, Mr. Trump's approach allowed ICE to target non-citizens with documentation in the United States and undocumented aliens legally. His policy allowed for the targeting of documented and undocumented aliens regardless of the crime; victimless vs. victim or petty crimes, such as traffic infractions vs. egregious crime. Former President Trump's changes in immigration policies were not well received by the American public and ultimately led to court battles. This caused the administration to change course in some respects or implement new Executive Orders that ended policy such as Zero Tolerance/Family

Separations at the border. Even with acknowledgment of court cases, adverse media reactions, and some in the American public condemning Mr. Trump's executive actions as illegal, it is also paramount to highlight the role Congress has played in what is called 'Crimmigration' in the U.S. (Beckett & Evans, 2015, p. 245). According to Beckett and Evans (2015), the federal government's focus to remove illegal aliens in the U.S. has shifted to the need to target for removal of all criminal aliens (p. 245). Also, Beckett and Evans (2015) stated,

Congress and the courts have notably expanded the number of crimes that disqualify people seeking to obtain or retain permanent legal status, thereby rendering “legal permanent status” potentially nonpermanent for millions of U.S. residents (p. 245).

Although it could be potentially interpreted from the obtained research about criminal aliens and their arrest for removal from the U.S. thus far attained, it is also vital to acknowledge how a policy is implemented vs. what one thinks can be done based on interpretations via resources provided. Meaning, although former President Trump may not necessarily have been wrong on the steps taken to address immigration concerns in the U.S., his approach to policy implementation was a large-scale deviation from the norms that had saturated the American political environment for years. While considering the previous discussion on Punctuated Equilibrium Theory (PET), and the difference between that of incremental policy changes vs. large-scale deviation policy change; which in the opposite, may lack stability as norms are challenged and do not typically

foster a stable transition into new policy; support for, or lack thereof can depend on how a policy is implemented and its success.

### **Merit-Based Immigration**

Canada and Australia have been the leading examples of merit-based immigration, and Trump sought to emulate them. Canada implemented its point-based immigration system for admitting prospective immigrants while Australia did the same in 1989, followed by New Zealand in 1991 (Meissner & Gelatt, 2019). The United Kingdom, Japan, and China have since expressed interest in following such a path. In recent years, these countries have incorporated demand-driven criteria in their points system to balance the labor market needs with increasing labor market, serving the economy in the long run, which is a deviation from past point-based systems that target human capital with less consideration of demands of employers.

Canada awards point to applicants holding job offers and even more points to offers made from high-skilled occupations. Canada and Australia give points to those with a work or education history in their countries since it increases their employment chances and, consequently, economic contribution (Meissner & Gelatt, 2019). The U.S. is trying to adopt the points system, where the government selects economic immigrants. Trump's proposal will align with the global trend of economic admissions considering labor-market needs and human capital. However, the points system would give the U.S. a more prominent role in selecting those eligible for immigration.



### **Implications of Future Research in the Field**

The arrest and removal of immigrants, whether they be documented/undocumented or criminal/non-criminal, will no doubt cease any time soon; therefore, research is critical in identifying, analyzing, and presenting factual research as calls for immigration reform continues throughout the U.S. The literature review component to this research study not only presented a wide array of immigration concerns as it pertained to how presidential administrations, with ease, can change national immigration policy, but it also demonstrated the need for immediate national congressional immigration policies. Although this study focused on 'a comparative study and critical analysis of the immigration policies of the Obama and Trump Administrations focused on alien arrest,' this research in no way captured the totality concern immigration concerns and should not be taken as though it does. Further practitioners and researchers will have to continue to research and cover the extensive history, violations and discuss the need for congressional national immigration reform through empirical research. Such reform would allow the U.S. to set forth immigration policies, which puts standards, goals, and agendas that the representatives have approved of the American public, the U.S. Congress, instead of presidents from term to term their political agendas.

As practitioners and researchers endeavor to study immigration, arrest for removal of aliens in the U.S., and topics such as 'crimmigration,' it will be imperative to consider new research into human rights violations. Human rights violation is relevant when the topic of immigration is being discussed. Further, future research may include

consideration into the use of Executive Orders as a deviation from immigration past policies and incrementalism as a tool to protect from large-scale policy deviation and its impact on the U.S. immigrant population. Lastly, future research should establish whether Executive Orders on immigration policies are overreaching.

### **Summary and Conclusions**

This literature review aimed to provide a firm overview of the literature that identified the gap that made this study viable. This literature review provided a robust discussion of many different topics derived from immigration in the United States. The chapter began with a discussion on historical aspects of immigration in the United States, the importance of immigrants, and their contributions. I then discussed the unauthorized population at risk of deportation and the state of immigration under both Presidents Obama and Trump. The literature review then discussed different executive orders that have been created by President Trump, with a discussion on merit-based immigration and implications for future research in the field. The next chapter is the methodology chapter that will provide a complete overview of the study's procedures.

### Chapter 3: Research Method

The purpose of this quantitative descriptive study was to determine if there were any differences in the immigration policies of Obama and Trump and if there were any statistically significant differences between the number of “criminal aliens” arrested for removal versus non-criminal aliens arrested victimless crimes between Presidents Obama and Trump. This study demonstrates how immigration policy could be used as a tool to target and arrest individuals deemed removable through means of criminality. In the first section of Chapter 3, I will address the quantitative design chosen for this study and a rationale. Next, the research methodology will be explained by examining secondary public archival data population analysis, instrumentation, and data collection. Lastly, I will provide rationale on whether my research design presents a positive, inverse, or zero relationships between the IVs and DVs and the meaning of my foundational framework for this study, punctuated equilibrium theory (PET).

#### **Research Design and Rationale**

A descriptive research design was utilized to verify my research question:

What differences in the number of documented/undocumented “criminal/non-criminal alien” arrests were made between former President Obama established Priority Enforcement Program immigration policy (January 19, 2015–January 19, 2017) compared to former President Trump’s established Executive Order 13768 immigration policy (January 20, 2017–January 20, 2019)?

A quantitative descriptive design allowed me to identify significant differences between the mean number of documented/undocumented criminal and non-criminal alien arrests

made between former President Obama's established policies compared to that of former President Trump's immigration policies. The collected archival data were used without any manipulation, which enabled me to identify any significant differences between the different alien arrests.

Additionally, a Mann-Whitney test, which is a non-parametric test, was used for analyzing the differences in the number of documented/undocumented non-criminal alien arrests that were made between former President Obama established immigration policies (January 19, 2015–January 19, 2017) compared to former President Trump's immigration policies (January 20, 2017–January 20, 2019). Selecting a Mann-Whitney test allowed me to test for any significant differences found between the IVs (a) number of arrested for removal documented/undocumented 'criminal' aliens with victimless crimes, (b) and the number of arrested for removal documented/undocumented non-criminal aliens; and the IV, former President Trump's immigration policy under Executive Order (EO) 13768. Several assumptions must be satisfied for the Mann-Whitney U test to be used. The most crucial are (a) sample coincidence and (b) observation independence (Pallant et al., 2009, p. 214)

## **Methodology**

### **Population**

The population data were collected from archival government data from January 19, 2015 to January 20, 2020 among arrested aliens for removals by the U.S. Immigration and Customs Enforcement (ICE) and Enforcement Removal Operations (ERO) reports. Data originated from the Department of Homeland Security (DHS), U.S. Immigration

and Customs Enforcement ICE Integrated Decision Support (IIDS) system. The two independent variables (IVs) were the Priority Enforcement Program (PEP) under the Obama administration and Executive Order (EO) 13768 under the Trump administration. The selected participant came from existing public data in the ICE/ERO (Enforcement Removal Operations) alien arrest reports throughout the Obama and Trump administrations. The alien arrest report allowed for analysis of each policy impact on the number of arrested aliens for removals with victimless crimes and those with no criminal records (non-criminal) differently.

### **Sampling and Sampling Procedures**

To ensure an appropriate sample size, I used G\*Power. Ensuring that the study followed an effect size of 0.03, an error of probability of .95 and a power of .7, a minimum sample size of 394 records was recommended. Therefore, in this study, I gathered 197 records from President Obama's administration and 197 records from President Trump's administration.

The sampling strategy that was used in this study followed that of a random sampling technique, as I randomly selected records that met the criteria of the study. When selecting records randomly, I used Microsoft Excel's random function support. To ensure that the data were in alignment with the study's purpose and the research questions, I confirmed that they met these specific criteria:

1. Each record was found under U.S. President Trump's Executive Order (EO) 13768 or President Obama's Executive Order 'Priority Enforcement Program' (PEP).

2. Each record contained the variables of the number of arrests for removal of documented/undocumented victimless crimes 'criminal' aliens and arrest for removal of documented/undocumented non-criminal aliens.

The secondary data sources used in this study were considered public access.

They were downloaded from the Department of Homeland Security (DHS), U.S.

Immigration and Customs Enforcement ICE Integrated Decision Support (IIDS) system. I

did not need to gain permission to download this data as it was publicly available on the

Internet to private citizens. Because this study did not use any live participants and used

pre-collected data from the Department of Homeland Security, I was not required to

gather any consent forms.

### **Procedures for Recruitment, Participation, and Data Collection**

Existing archival data from the federal Immigration and Customs Enforcement (ICE) government agency website allowed for reliable data to be used in presenting alien arrests in the United States. Because ICE already collects, analyzes, and publishes public reports showing the extent of alien arrest on a national basis, it was practical to use their already existing data. The difference in alien arrest for removal between Presidents Obama and Trump were used via their collected data. Additionally, the ICE reports provided an exact length of timeframes through the Obama and Trump administrations for direct correlating analysis per the dependent and independent variables. Additionally, the ICE reports provided clear timeframes through President Obama and Trump's administrations to use the Mann-Whitney test when testing for differences in the alien arrest. For analysis of alien arrests on a national basis between former President Obama

and former President Trump, arrest data on 'number of arrested aliens for removals with victimless crimes' and those with no criminal records will be analyzed from January 19, 2015, to January 20, 2020. The descriptive research design focused on significant differences between former President Obama and former President Trump's criminal and non-criminal alien arrests.

Once all archival public data ranging from January 19, 2015, to January 20, 2020, was collected from the Department of Homeland Security ICE/ERO and CBP governmental websites, their data were analyzed and broken down by year. Since the dates cross both former President Obama and former President Trump's time in office, the collected data from those respective eras were separated and broken down by year and month, per each president. Because alien arrests and type show the collected public archival data, I analyzed each arrest type by the infraction and separate arrest per year by whether the alien arrest involved a victim or was considered victimless. When analyzing the collected public archival data, I also reviewed and considered assaults "where no weapon was used or no serious or aggravated injury resulted," to include "stalking, intimidation, coercion, and hazing" where no injuries occurred, as victimless (Bier, 2018 & FBI Uniform Crime Reporting, 2011). Additionally, as a reference for a further rationale for the meaning behind 'victimless crime,' one definition stated it as "a term sometimes used for various acts that are considered crimes under law but have no victim" (Dictionary, n.d.).

### ***Instrumentation and Operationalization of Constructs***

Within this study, there were no instrumentation used as I gathered pre-collected data. However, specific constructs were operationalized to ensure that the analysis was robust and aligned with the research. In this study, the dependent variables included:

1. The number of arrested for removal documented/undocumented 'criminal' aliens with victimless crimes.
2. The number of arrested for removal documented/undocumented non-criminal aliens.

Therefore, when operationalizing the constructs, the first dependent variable was calculated by the actual number of arrests for individuals considered documented and undocumented and charged with a crime. The second dependent variable was defined by the number of arrests where no weapon was used or no serious or aggravated injury resulted,” to include “stalking, intimidation, coercion, and hazing” where no injuries occurred, as victimless (Bier, 2018; FBI Uniform Crime Reporting, 2011). In this study, an undocumented individual was defined as residing in the United States without citizenship or another legal immigration status (<https://www.uscis.gov>). Additionally, a documented individual was defined as an individual granted permission by the United States Citizenship and Immigration Services (USCIS) to permanently reside in the United States and work without restrictions (<https://www.uscis.gov>).

### **Data Analysis Plan**

This study followed a quantitative descriptive design. The software used for this analysis included SPSS version 25. To prepare the data for analysis, I ensured that it was



clean so that the validity of the data was increased. When cleaning the data, I followed these specific steps:

1. I identified values for the specific variables that are being studied.
2. I checked to ensure that the data represents the inclusion criteria of the study. If I found any arrest records that did not meet the inclusion criteria, they were deleted.
3. I checked and deleted duplicate cases in the dataset.
4. I checked for any missing data and outliers.
5. I identified any skip patterns or logic breakdowns.

After identifying and fixing any issues as discussed above, I then began the data analysis. When starting the data analysis, I needed to highlight the study's research question:

**RQ1:** What differences in the number of documented/undocumented 'criminal/non-criminal alien' arrests were made between former President Obama established Priority Enforcement Program immigration policy (January 19, 2015 – January 19, 2017) compared to former President Trump's established Executive Order 13768 immigration policy (January 20, 2017 – January 20, 2019)?

I completed the descriptive analysis using SPSS, version 25, by following these specific steps:

1. I conducted a preliminary analysis that examined any descriptive statistics of the continuous variables.
2. I checked the normality assumption by examining the histograms of the variables.
3. I checked the linearity assumption by examining scatter diagrams of the variables.

4. I calculated the variance and standard deviation for each variable.
5. I determined the data's covariance.
6. I conducted a Mann-Whitney test to calculate significant differences between President Obama's and President Trump's criminal and non-criminal alien arrests.
7. If  $p\text{-value} \leq 0.05$ , significance was determined.
8. If  $p\text{-value} > 0.05$ , no significance was determined.

### **Threats to Validity**

Threats to validity can be defined as factors experienced within a study that can affect the generalization of the results (Baldwin, 2018). In this study, threats to validity needed to be addressed that included both selection bias and constructs of the study. Because this study was limited to arrest records of individuals within the United States, the sample may not necessarily represent the general population outside of the United States. However, to reduce the effect of selection bias, I collected arrest records throughout all U.S. regions to provide a broader representation of the geographical area being studied. When it came to the constructs used in this study, I identified different variables used throughout this research. For example, because I obtained pre-collected data on arrest records, the nature of any crimes (whether victimless or not) may not have necessarily be appropriately grouped. For example, the nature of each arrest could be different and not discussed in-depth within the dataset, highlighting that although some crimes are similar, they cannot be referred to as the same. Additionally, because some individuals in this study are considered undocumented, their demographic information

may not appropriately reflect the reality of what is being studied. To limit any threats to validity, I selected records that had the same outputs.

### **Ethical Procedures**

Because this study used pre-collected data, no live participants joined the study, and no consent forms needed to be signed. However, before beginning the study, I received permission from my university's Institutional Review Board (IRB) Research Ethics Support Specialist. To ensure that the study was completed ethically, I only collected and used data from the U.S. Department of Homeland Security ICE/ERO and CBP governmental websites. These websites provided private citizens the ability to download information without gaining approval freely. It is important to note that I did not change or alter any information downloaded from the websites. I wanted to ensure that the variables being studied were accurately represented in the dataset.

After completing the analysis and the study, I stored the data for seven years, aligning with my university's Institutional Review Board. After seven years, the data will be deleted. Even though the data was publicly available in this study, I will store the data in my home office in a locked filing cabinet and a password-protected removable hard drive. I will be the only person who has access to this data.

### **Summary**

The purpose of this quantitative descriptive design study was to determine if there were any differences in the immigration policies of Obama and Trump and if there were any statistically significant differences between the number of “criminal aliens” arrested for removal, versus non-criminal aliens arrested victimless crimes between Presidents

Obama and Trump. Through this methodology, data were gathered from the U.S. Department of Homeland Security ICE/ERO and CBP governmental websites, which were publicly available for downloading over the Internet at the time of this study. This chapter discussed the study's methodology by highlighting the population, sampling and sampling methods, procedures, the data analysis plan, and ethical assurances that I followed. The next chapter of the dissertation in Chapter 4 will present the study results, followed by a robust discussion of the findings in Chapter 5.

## Chapter 4: Results

The purpose of this quantitative descriptive study was to determine if there were any differences in the immigration policies of Obama and Trump and if there were any statistically significant differences between the number of criminal versus non-criminal aliens arrested victimless crimes between Presidents Obama and Trump. I employed a descriptive analysis to understand the nature and distribution of the dataset of alien arrests on a national basis between former President Obama and former President Trump, arrest data on number of arrested aliens for removals with victimless crimes, and those with no criminal records from January 2015 to December 2018. Similarly, the non-parametric test tested for significant differences found between the presidents in relation to alien arrests and allow for the answering of the identified research question. The Mann-Whitney U test allowed various conclusions to be drawn about the data based on the distribution assumptions selected.

### **Data Collection**

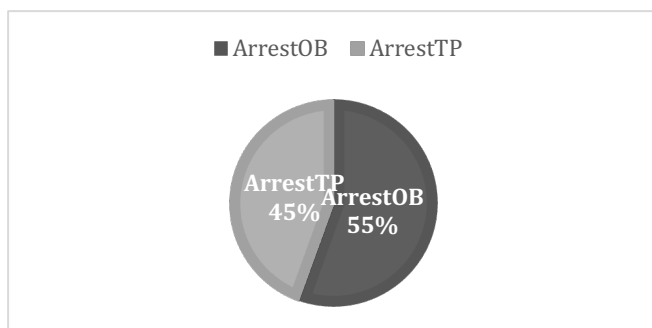
The data were collected from archival government data from January 19, 2015 to January 20, 2020 on arrested aliens for removals by the U.S. Immigration and Customs Enforcement (ICE) and Enforcement Removal Operations (ERO) reports. These reports provided secondary, archival data via public records from the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement ICE Integrated Decision Support (IIDS) system. The two independent variables (IVs) were the Priority Enforcement Program (PEP) under the Obama administration and Executive Order (EO) 13768 under the Trump administration. The selected participants came from existing

public data in the ICE/ERO (Enforcement Removal Operations) alien arrest reports throughout the Obama and Trump administrations, which allowed for analysis of each policy impact on the number of arrested aliens for removals with victimless crimes and those with no criminal records (non-criminal), differently.

### **Descriptive Analysis**

The total number of documented/undocumented alien arrests during the Obama Administration from January 2015 through December 2016 was 478,589 persons; on average it was discovered that about 19,941 persons were arrested each month across the 24 months. The least number of arrests made was 16,584, and the maximum arrests made in a month from the report was 23,751 persons. The variance and the standard deviation were also seen to be very large at 3,990,156 and 1,996 respectively, which indicated how far apart the data points were from the mean and far from each other.

The total number of documented/undocumented alien arrests during the Trump Administration from January 2017 through December 2018 was 384,019 persons; on an average approximately 16,000 persons were arrested each month across the 24 months under study. The least arrest made was 11,736 while the maximum number of arrests made in a month from the report was 24,202 persons. The variance and the standard deviation were extremely large at 11,777,173 and 3,432 respectively; this indicated that data points were far apart from the mean and far apart from each other (see Figure 2).

**Figure 2***Total Arrests During Both Administrations*

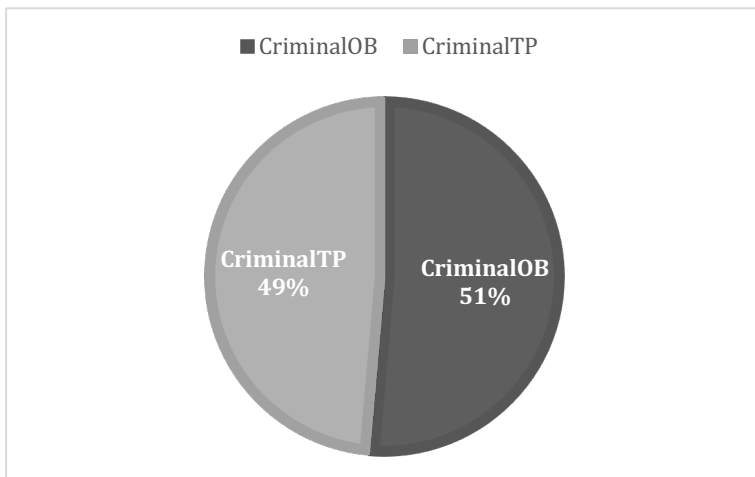
The total number of documented/undocumented criminal alien arrests during the Obama Administration from January 2015 through December 2016 was 276,135 persons; on an average it was discovered that 11,506 criminal arrests were made each month across the 24-month period. The least number of criminal arrests made was 9,240, and the maximum arrests made in a month from the report was 13,870. The variance and the standard deviation were seen to be very large at 1,227,897.64 and 1,108.11, respectively, which indicated how far apart the data points were from the mean and far from each other.

The total number of documented/undocumented criminal alien arrests during former President Trump's Administration from January 2015 through December 2016 was 261,351 persons, on average about 10,889 criminal arrests were made each month across the 24-month period. The least number of criminal arrests made was 9,202, and the maximum arrests made in a month from the report was 12,310. The variance and the standard deviation were seen to be very large at 817,926.77 and 904.40 respectively,

indicating how far apart the data points were from the mean and far from each other (see Figure 3).

### Figure 3

#### *Criminal Arrests During Both Administrations*



The total number of documented/undocumented non-criminal alien arrests during the Obama Administration from January 2015 through December 2016 was 202,454 non-criminal arrests. On average around 8,436 non-criminal arrests were made each month across the 24-month period. The least number of non-criminal arrests made during this time was 6,500, and the maximum number of arrests made was 11,418. The variance and the standard deviation were seen to be extremely large at 1,721,499.73 and 1,312.06 respectively, indicating how far apart the data points were from the mean and far from each other.

The total number of documented/undocumented non-criminal alien arrests during the Trump Administration from January 2015 through December 2016 was 90,270 non-criminal arrests. On average about 3,761 non-criminal arrests were made each month

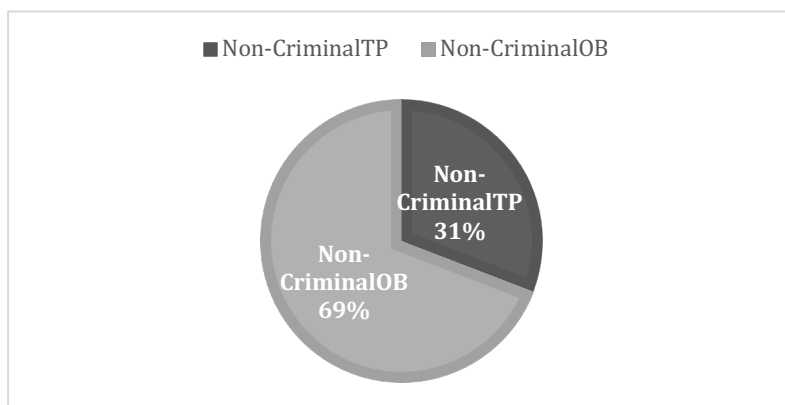


across the 24-month period. The least number of non-criminal arrests made during this time was 1,391, and the maximum number of arrests were 8,925. The variance and the standard deviation were seen to be large at 817,5491.85 and 2,859.28, respectively, indicating how far apart the data points were from the mean and far from each other. During the Trump Administration, there was noticeably a 190% difference between criminal and non-criminal alien arrests.

From the descriptive analysis as highlighted in Table 1, it can be seen that the Obama administration's immigration policies led to more arrests, as fewer arrests were made during the 2017-2018 Trump Administration (see Figure 4).

**Figure 4**

*Non-Criminal Arrests During Both Administrations*



**Table 1**

*Descriptive Statistics for Arrests in Both Administrations*

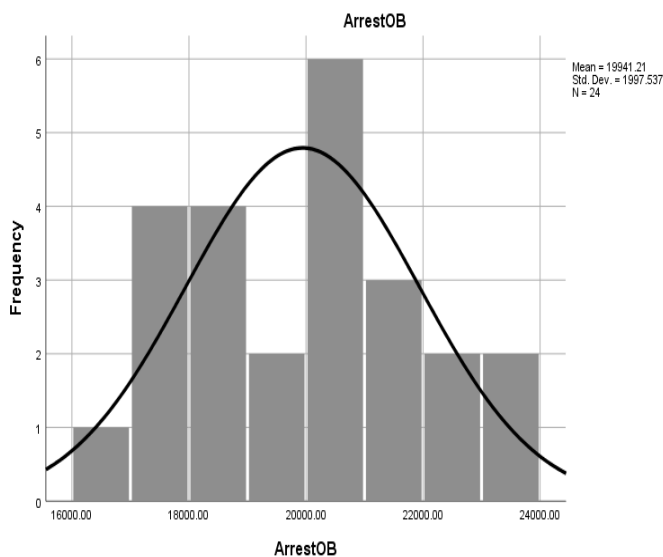
Statistic	ArrestOB	ArrestTP	CriminalOB	Non-criminalOB	CriminalTP	Non-criminalTP
Mean	19941	16001	11506	8436	10890	3761
SD	1998	3432	1108	1312	904	2859
Variance	3990156	11777173	1227898	1721500	817927	8175492

Min.	16584	11736	9240	6500	9202	1391
Max.	23751	24202	13870	11418	12310	8925
Sum	478589	384019	276135	202454	261351	90270

The histogram on Figure 5 follows a normal probability curve thus showing that the dataset collected for the year 2015-2016 during the Obama administration follows and obeys the normality condition. The histogram on Figure 6 is slightly right skewed curve, showing that the dataset collected for the year 2017-2018 during the Trump administration does not follow or observe the normality condition. Finally, the histogram on Figure 7 and Figure 9 follows a normal probability curve, while Figure 8 and Figure 10 shows a slightly right skewed curve.

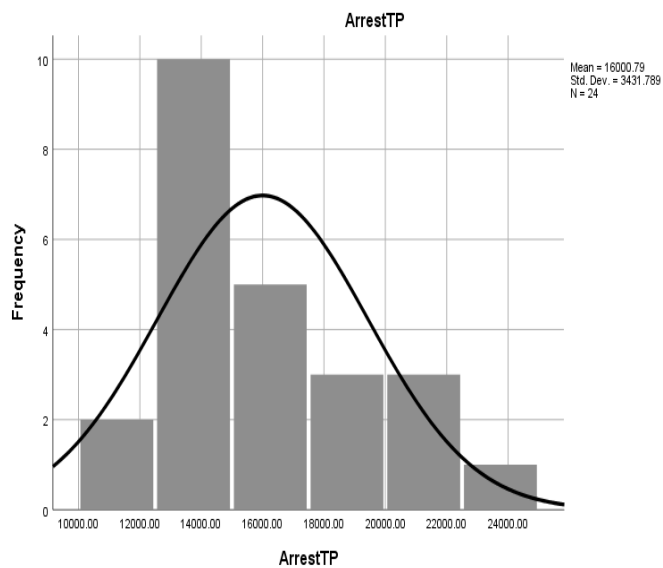
### Figure 5

#### *Total Arrests During the Obama Administration*

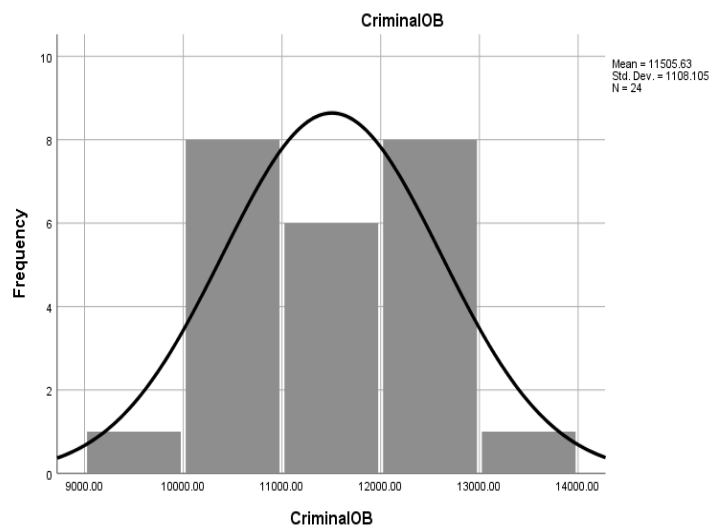


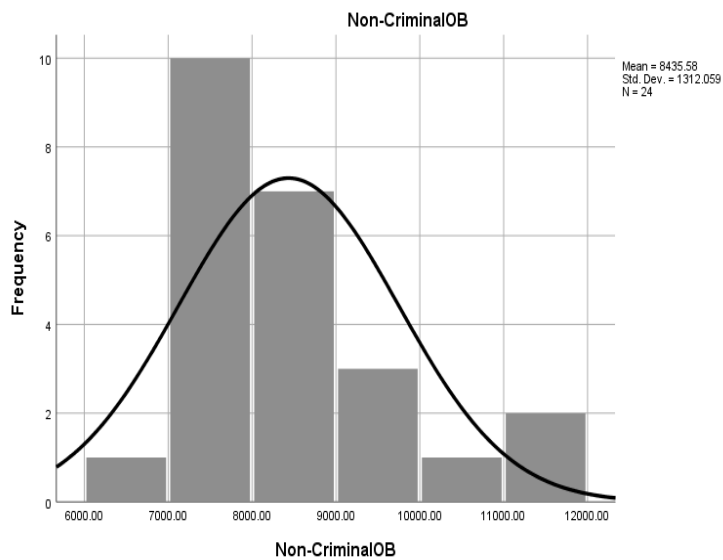
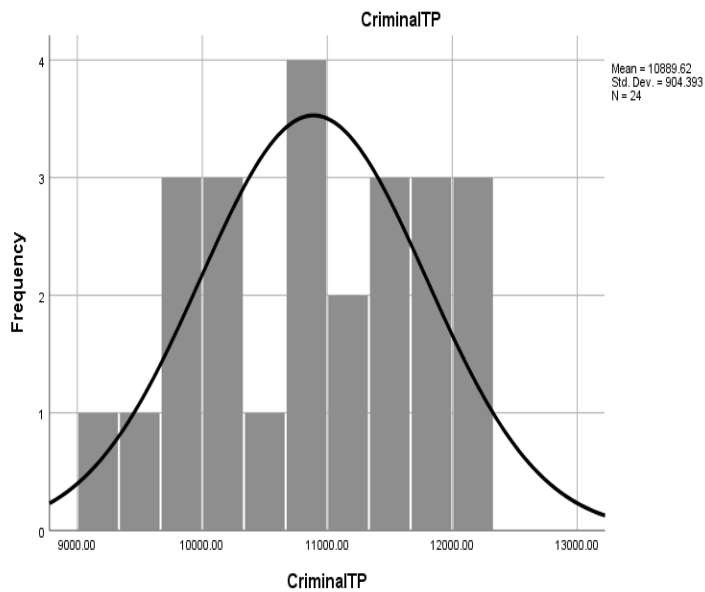
**Figure 6**

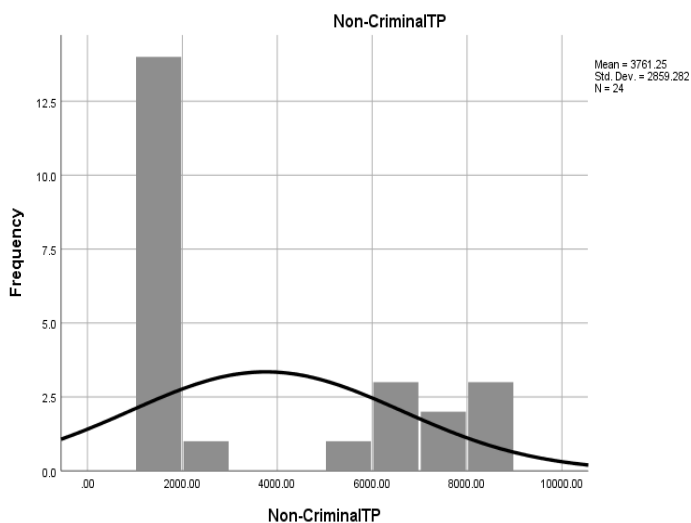
*Total Arrests During the Trump Administration*

**Figure 7**

*Criminal Arrests During the Obama Administration*



**Figure 8***Non-Criminal Arrests During Obama Administration***Figure 9***Criminal Arrests During Trump Administration*

**Figure 10***Non-Criminal Arrests During Trump Administration*

From the Shapiro-Wilk Tests of Normality, non-criminal arrests made by the Trump administration and the total arrests were not normal; however, criminal arrests and non-criminal arrests made by the Obama administration, and criminal arrests made by the Trump administration were all normally distributed.

**Table 2***Shapiro-Wilk Tests of Normality*

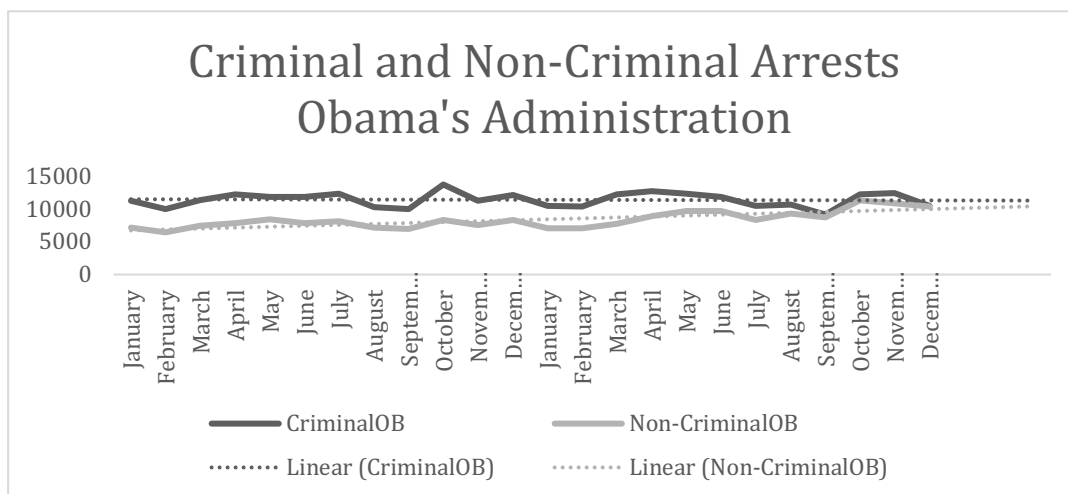
	Statistic	df	Sig.
CriminalOB	.958	24	.397
Non-CriminalOB	.933	24	.116
Non-CriminalTP	.744	24	.000
CriminalTP	.961	24	.456
Total Arrest OB	.975	48	.386
Total Arrest TP	.851	48	.000

## Graph Analysis

From the dotted line graph in Figure 11, the number of documented/undocumented alien arrests during the Obama Administration from January 2015 through December 2016 were seen to have an upward trend which implies that more arrests were likely to occur if the Obama Immigration policies continued. The documented/undocumented alien arrests during the Trump Administration from January 2017 through December 2018 displayed a slight downward trend, implying that there were likely possibilities that fewer arrest would be made later. Both trends display a sharp move upward during the August and September periods.

### Figure 11

#### *Criminal and Non-Criminal Arrests During Obama Administration*

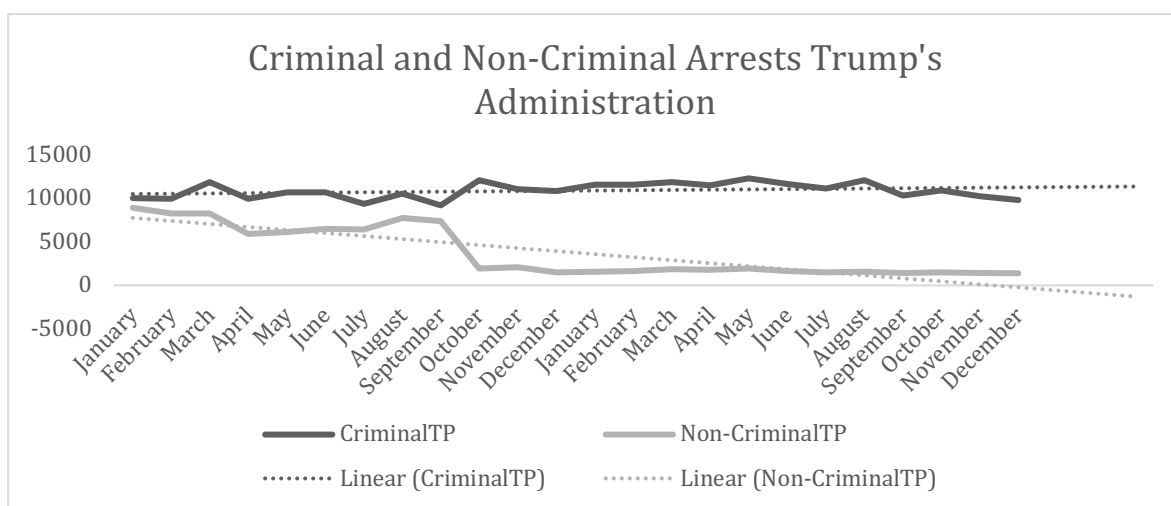


From the dotted line in Figure 12, which represent the trend lines associated with the number of documented/undocumented “criminal” alien arrest during the Trump Administration from January 2017 through December 2019, the upward trend implied that more criminal arrests were likely to occur if the Trump immigration policies

continued. The trend line associated with the number of documented/undocumented “non-criminal” alien arrests during the Obama Administration showed a downward trend, signifying that less non-criminal arrests were likely to occur if the Trump immigration policies continued. From the figures and trend lines, it is demonstrated that the Trump Administration was focused on the arrests of criminal aliens.

**Figure 12**

*Criminal and Non-Criminal Arrests During Trump Administration*



### Hypothesis 1

Due to several distributions which are far from being normal, the researcher employed a non-parametric test. When the dependent variable is ordinal or continuous but not normally distributed, the Mann-Whitney U test is used to compare differences between two independent groups. This test was applied to the dataset collected and it was used to determine the differences between the groups of the number of criminal and non-criminal arrests made in 2015 through 2018 in the Obama and Trump administrations.

**H<sub>1</sub>:** There is a statistically significant difference between the mean number of documented/undocumented “criminal” alien arrests made between former President Obama’s established policies compared to that of former President Trump’s immigration policies.

**H<sub>0</sub>:** There is no statistically significant difference between the mean number of documented/undocumented “criminal” alien arrests made between former President Obama’s established policies compared to that of former President Trump’s immigration policies.

The Ranks table is the first table that provides information regarding the output of the Mann-Whitney U test. The ranks table shows the mean rank and sum of ranks for the two groups tested (i.e., criminal arrests made in the Obama administration and criminal arrests made in the Trump administration). Table 2 below indicates which administration can be considered as having higher arrests, overall; namely, the group with the highest mean rank. In this case, the Obama Administration (Mean Rank = 28.71) made more criminal arrests thus it had the highest rank.

**Table 3**

*Ranks on Criminal Arrests*

	Group	N	Mean Rank	Sum of Ranks
Arrest	CriminalOB	24	28.71	689.00
	CriminalTP	24	20.29	487.00
	Total	48		

Table 3 shows the actual significance value of the test. Specifically, the test statistics table provides the test statistic, U statistic, and the asymptotic significance (2-



tailed)  $p$ -value. From this data, it can be concluded that criminal arrests made in the Obama administration were statistically significantly higher than those made by the Trump administration ( $U = 187, p = .037$ ). The pair which compares the difference between the number of documented/undocumented “criminal” alien arrests made between former President Obama’s established policies compared to that of former President Trump’s immigration policies, with probability value ( $p < .019$ ), which is less than the threshold confidence level of 95% ( $\alpha = 0.05$ ). Thus, the null hypothesis  $H_{01}$  was not supported as it has been determined that there is a statistically significant difference between the mean number of documented/undocumented “criminal” alien arrests made between former President Obama’s established policies compared to that of former President Trump’s immigration policies.

**Table 4**

*Test Statistics on Criminal Arrests*

Test Statistics	Arrest
Mann-Whitney U	187.000
Wilcoxon W	487.000
Z	-2.083
Asymp. Sig. (2-tailed)	.037

**Hypothesis 2**

$H_2$ : There is a statistically significant difference between the mean number of documented/undocumented “non-criminal” alien arrests made between former President Obama’s established policies compared to that of former President Trump’s immigration policies.

**H<sub>0</sub>:** There is no statistically significant difference between the mean number of documented/undocumented “non-criminal” alien arrests made between former President Obama’s established policies compared to that of former President Trump’s immigration policies.

Table 4 indicates which administration can be considered as having the higher non-criminal arrests, overall; namely, the group with the highest mean rank. In this case, the Obama Administration (Mean Rank = 34.21) made more non-criminal arrests thus it had the highest rank.

**Table 5**

*Ranks on Non-Criminal Arrests*

	Group	<i>N</i>	Mean Rank	Sum of Ranks
Arrests	Non-CriminalOB	24	34.21	821.00
	Non-CriminalTP	24	14.79	355.00
	Total	48		

From this data, non-Criminal Arrests made in the Obama administration were statistically significantly higher than those made by the Trumps administration ( $U = 55$ ,  $p = .000$ ). The pair which compares the difference between the number of documented/undocumented “non-criminal” alien arrests made between former President Obama’s established policies compared to that of former President Trump’s immigration policies, with probability value ( $p < .000$ ), is less than the threshold confidence level of 95% ( $\alpha = 0.05$ ). Thus, the null hypothesis is not supported as it is determined that there is a statistically significant difference between the mean number of documented/undocumented “non-criminal” alien arrests made between former President

Obama’s established policies compared to that of former President Trump’s immigration policies.

**Table 6**

*Test Statistics on Non-Criminal Arrests*

Test Statistics	Arrests
Mann-Whitney U	55.000
Wilcoxon W	355.000
Z	-4.804
Asymp. Sig. (2-tailed)	.000

**Summary**

The purpose of this quantitative study was to determine if there were any differences in the immigration policies of Obama and Trump and if there were any statistically significant differences between the number of “criminal aliens” arrested for removal, versus non-criminal aliens arrested victimless crimes between Presidents Obama and Trump. Therefore, this research focused on a quantitative descriptive study to determine any significant differences between the mean number of documented/undocumented “criminal” alien arrests and “non-criminal” arrests made between former President Obama’s established policies compared to that of former President Trump’s immigration policies.

The researcher employed a descriptive analysis to identify significant differences between the study’s variables, which included the number of criminal and non-criminal arrests made during former President Obama and former President Trump’s administrations. Similarly, the non-parametric test identified significant differences found between the Presidents in relation to alien arrest and allowed for the answering of the

identified research questions. The results supported the research question's hypotheses. The next chapter is that of Chapter 5 that will conclude this dissertation. Chapter 5 will provide a discussion of the results in relation to previous literature, as well as identifying the implications of research, the limitations experienced, and recommendations for future research.

## Chapter 5: Discussion, Conclusions, and Recommendations

The purpose of this quantitative descriptive study was to determine if there were any differences in the immigration policies of Obama and Trump and if there were any statistically significant differences between the number of criminal aliens arrested for removal versus non-criminal aliens arrested for victimless crimes between the Obama and Trump Administration. The data were collected from archival government data from January 19, 2015 to January 20, 2020 via public records from the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement ICE Integrated Decision Support (IIDS) system. This chapter will conclude the dissertation by providing an interpretation of the findings in relation to previous literature while also highlighting the study's limitations. I will conclude the study by discussing how the results of this study can influence positive social change and providing recommendations for future research.

### **Interpretation of the Findings**

#### **Research Question 1**

Research Question 1: What differences are in the number of documented/undocumented criminal/non-criminal alien arrests made between former President Obama's established Priority Enforcement Program immigration policy (January 19, 2015–January 19, 2017) compared to former President Trump's established Executive Order 13768 immigration policy (January 20, 2017–January 20, 2019)?

The results showed that the total number of non-criminal alien arrests during the Obama Administration from January 2015 through December 2016 was higher than the

Trump administration, identifying a 190% difference between criminal and non-criminal alien arrests. Thus, the Obama Administration's immigration policies led to more arrests. Additionally, from January 2015 through December 2016, less criminal arrests were likely to occur if the Obama immigration policies continued; however, more non-criminal arrests were likely to occur if the Obama immigration policies continued. In comparison, from January 2017 through December 2019, more criminal arrests were likely to occur if the Trump immigration policies continued; however, fewer non-criminal arrests were likely to occur if the Trump immigration policies continued.

### ***Results in Relation to Previous Literature***

The results of this study can be explained within a discussion of previous literature. For example, there was a 190% difference between the Obama and Trump administrations, as President Obama's immigration policies led to more arrests. Obama ended the Secure Communities program and started its replacement of the new PEP (Shebaya, 2017). The Secure Communities Program was about automatic fingerprint interoperability (Shebaya, 2017). However, the PEP narrowed the scope of ICE's identify, target, and arrest for removal authority, leading to the target, arrest, and removal of criminal aliens who were convicted of significant criminal offenses that posed a threat to public safety under PEP. In contrast, President Trump's immigration priorities under EO 13768 targeted individuals for arrest on documented and undocumented aliens with any pending or convicted criminal charges. Therefore, it would be assumed that President Trump's policy would result in higher arrests.

These findings align with previous literature. For example, Marshall (2016) stated that more people were deported during the Obama administration than in other presidents' administrations. Between 2009 and 2015, the Obama administration removed 2.5 million immigrants; in 2015 alone, the Obama administration deported 113,385 individuals, with 81% of those deported from the PEP. These numbers can be explained by PEP, as the policy has partly been blamed for the challenges Trump faced in effecting removals, signaling why his administration arrested and deported less aliens. To further discuss these significant number of arrests, it is essential to acknowledge that some of the policies that President Trump implemented were initially started by President Obama but extended by the former President. Trump. For example, the Criminal Alien Program (CAP) was fully operational under the Obama Administration. CAP allowed ICE to identify criminal aliens while they were in local jails or prisons (Beckett & Evans, 2015). In addition, CAP, along with Secure Communities, allowed ICE to issue detainers to jails once it was known an individual was non-citizen and charged for a crime, and they could be held for up to 48 additional hours, which allowed ICE to transfer them to federal custody (Beckett & Evans, 2015). Once these identified non-citizens/aliens were transferred to ICE custody, they were processed to remove the United States. When President Trump assumed the Presidency in January 2017, he immediately expanded ICE's authority and focused under Executive Order 13768 by expanding Obama Priority-focused removals.

Another explanation for these significant differences is from the media. President Trump's changes in immigration policies were not well received by the American public

and ultimately led to many court battles. This caused the administration to change course in some respects or implement new Executive Orders that ended policies such as Zero Tolerance/Family Separations at the border. Even with acknowledgment of court cases, adverse media reactions, and some in the American public condemning Trump's executive actions as illegal, it is also paramount to highlight the role Congress has played in what is called "crimmigration" in the United States (Beckett & Evans, 2015).

### ***Results in Relation to Punctuated Equilibrium Theory***

PET was first introduced by Frank Baumgartner and Bryan Jones in 1993 and was a conceptual framework for understanding the process of change in complex social systems to include the evolution of policy change (Baumgartner et al., 2009). The large-scale immigration policy deviations now associated with the Trump administration, when compared to the Obama administration, could be looked at through the lens of incrementalism versus large-scale deviation. In essence, slowly addressing immigration issues the public felt should be handled more directly leads to large-scale deviation. It may also be said that large-scale deviation can come about when slow but more stable incremental approaches are implemented but lack robust change to address the issues the public wants to be fixed. As President Trump took over the presidency, the incrementalism approach was not preferred by the citizens, and the president had to take quick action. As a result, President Trump focused on calls for drastic immigration policy reforms and the removal of all illegal aliens from the United States. Upon being sworn in, President Trump's EO 13768 terminated the Obama administration's PEP, potentially explaining the results of this study.



Additionally, within the previous literature of PET, explanations of these findings can also be found. For example, Larsen-Price (2012) expressed the importance of policies addressed during presidential administrations as tied to the PET. Larsen-Price argued that the president's attention to a particular policy is allocated by a structured opportunity laid out by the issues of the time and their importance. Depending on the decision-making style of each president, PET approaches can be considered if a president decides to use executive power to execute their political agendas. The president can use executive power as a tool to take unilateral action domestically in times of emergencies or when wanting to directly act within the confines of their constitutional authority; the president also has authority to impact foreign policy and may utilize EOs to address significant policy issues or demands (Mater, 1999). PET as a tool can allow a president to make changes to policy issues incrementally or, in the case of former President Trump, make large-scale deviations to policy instead of incremental approaches. By the time the presidential debates began for America's upcoming presidential elections in 2016, all the way up to the swearing-in of President Trump, the immigration debate had grown into a significant policy issue. This led to Trump's response with an EO.

### **Limitations of the Study**

There are some limitations that were experienced within this study. The first limitation includes the data that were collected. This study collected data from former President Trump's and former President Obama's executive orders. The dependent variables were the number of arrests for removal of documented/undocumented victimless crimes 'criminal' aliens and arrest for removal of documented/undocumented

non-criminal aliens. Although the collected data provided the entire snapshot of arrests, the collected data included individuals with a lengthy arrest record than those otherwise indicated by the arrest records. For example, an individual could be arrested for removal from a victimless crime due to prior records, which the researcher may not otherwise know about. Therefore, to address this limitation, the researcher ensured that the records collected were removed from victimless crimes and that only the variables being studied were included in the dataset.

To better understand these limitations, previous studies have demonstrated stark differences when comparing and analyzing former President Obama's and Trump's immigration enforcement approaches. Whereas Mr. Obama targeted arrest and removal of criminal aliens who were convicted of significant criminal offenses that posed a threat to public safety under PEP, Mr. Trump's immigration priorities under EO 13768 targets for arrest were all documented and undocumented aliens with any pending or convicted criminal charges. Further, President Trump's EO 13768 grants ICE authority to go after all 'criminal' aliens, whereas Mr. Obama only allowed ICE to target arrest and removal from the U.S. those with significant convicted criminal charges (Leisy et al., 2017). To highlight this comparison, Leisy et al. (2017) purported that Trump was able to criminalize aliens for removal from the U.S. by misrepresenting many with the language "criminal aliens" (p. 694). Furthermore, Leisy et al. discussed that when operating under Trump's EO 13768, the administration developed protocols that allowed ICE to target anyone with any criminal offense, no matter how large or small. This, in essence, criminalized documented and undocumented aliens in the U.S. almost entirely while

using immigration law as a tool to criminalize immigrants even though many of the crimes may be traffic infractions or victimless (Leisy et al., 2017, p. 697-698). Therefore, undocumented immigrants with no criminal record had worsened under Trump's government under EO 13768.

Previous literature has also highlighted how former President Trump grossly misinterpreted his definition of “criminal aliens” (Abrego et al., 2017, p. 694), bringing to light that criminality and immigration have become mistakenly synonymous with each other after the signing of previous legislation, which could be why the former president operated under Eos more so than Obama. Although it would seem that former President Trump is harder on illegal immigration when compared to President Obama, the facts are: (a) it must be acknowledged that no one president is responsible for the current state and need for national immigration action; this has built up over decades; (b) For all the rhetoric president Trump espouses, and controversial immigration policies he has enacted since becoming the U.S. President in 2017; former President Mr. Obama was responsible for more deportations than any other President in history.

A second limitation to this study could be the geographical location where the study took place. For example, in this study, the arrest records of individuals were collected from within the United States. The sample may not necessarily represent the general population outside of the United States. However, to reduce the effect of selection bias, the researcher collected arrest records throughout all regions of the United States to provide a broader representation of the geographical area being studied.

A third limitation includes the type of study that was conducted. Because this study collected data that was secondary in nature, it does not provide any explanations of the variables being studied. For example, there could have been extraneous circumstances within the data collected (e.g., arrest records) and the arrest records were simply that; individuals being arrested. This does not necessarily follow or track each individual after the arrest, such as court appearances or legal litigations. Therefore, future research could focus on smaller geographical areas to better understand the entire experiences of aliens under former Presidents Trump and Obama's immigration policies and executive orders.

### **Recommendations**

There are some recommendations that are identified due to the results of the study. It is first recommended that future research continue to be conducted over the course of other presidencies, examining, and investigating the arrests, type of arrests, and deportations of aliens from the United States. Completing further studies on former, current, and future administrations can provide us with a greater understanding of following on the second research question that aims to assist in understanding in what ways prospects can reform immigration policy by defining the nation's immigration priorities. Since presidents can approach immigration reforms through either Congressional legislation or EOs, the Department of Homeland Security (DHS), the Department of State, and the Committee on Foreign Relations can continue to examine presidential behaviors in this instance so that they can provide a stronger snapshot of how immigration policies are developed. DHS, the Department of State, and the Committee

on Foreign Relations can work to recommend solutions based on this phenomenon being studied.

Another recommendation is for future research to focus on smaller geographical regions within the United States to determine immigration and deportation patterns. By focusing on smaller geographical areas, it could allow future researchers to better understand any patterns in regions that have higher immigration and deportation rates. Completing this type of study over longer period of times can assist in understanding approaches to immigration from both a state and federal standpoint. Finally, completing a qualitative study could also provide important information from legislators or administration officials in better understanding their approaches to immigration and deportation policies and procedures. Qualitative research could allow future researchers to ask open-ended questions via semi-structured interviews to better understand perceptions and lived experiences. Because differing presidencies and administrations have, at times, opposing viewpoints, completing qualitative research can assist in better understanding why specific EOs or legislation is lobbied or put into place.

### **Implications**

This study filled a gap in the literature as well as demonstrated some important implications for all stakeholders. For example, this study filled a gap in the literature when it came to understanding how the differences between the Obama and Trump administrations led to changes in the number of aliens that were arrested and deported. The results of this study highlighted how the Obama administration had significantly more arrests and deportations than the Trump administration, which can assist in

understanding how policies can differ between Presidents. Because Presidents have the authority to enforce immigration laws and the decision on how it should be enforced, approaches to immigration can differ from President to President. Therefore, other actors can be affected by a change in the presidency, such as immigrants and policymakers. The results from this study can assist in informing individuals on how approaches to immigration from different presidents can affect not only the immigration of the country, but that of its residents.

Therefore, there are some implications that need to be discussed based upon the results of this study. The first implication is the need to better understand perceptions of all stakeholders regarding immigration. Currently, presidents can align immigration policies through legislation or through EOs, with little thought being placed toward the actual arrests of non-criminal aliens. For example, it could have been possible that individuals who were arrested may not have been actual criminal aliens, instead falling into a non-criminal alien category. An implication is that it is that some policy changes between administrations are considered large-scale deviations and do not fall in line with traditional incrementalism approaches to policy. Therefore, it is important for either legislation or Eos to be crafted that highlights the definition of criminal aliens and non-criminal aliens, so that there is a stronger understanding of how to better assist immigrants in this country.

This study also aimed to promote positive social change. Positive social change can occur throughout different levels of a community, such as that of individuals, family systems, neighborhoods, cities, and states, and the nation. One main positive social

change that can occur from this study is from a national perspective. Rosenblum (2015) purported that individual lives are affected by changing immigration policies within the country. For example, Rosenblum (2015) reported:

Taking the enforcement focus off settled unauthorized immigrants who do not meet the November 2014 enforcement priorities would effectively offer a degree of protection to the vast majority—87 percent—of unauthorized immigrants now residing in the United States, thus affecting a substantially larger share of this population than the announced deferred action programs (9.6 million compared to as many as 5.2 million unauthorized immigrants) (p. 1).

Immigration policy continues to be defined by the administration that is in office, their policy agenda, and their supporters instead of being established by sound and inclusive policies that can be nationally implemented and enforced. Because of the constant back and forth regarding immigration directives and policies, we find that the American society continues to be impacted by the constant 24-hour news cycle, the divide amongst the country, and the polarization of immigration issues. Additionally, millions of undocumented aliens do not clearly know where they stand as it pertains to US immigration policy. By establishing national immigration policy, millions of undocumented individuals living in the shadows of American society and the country, can find solace in knowing that immigration policies will not change when a new administration is elected. Individuals can then find solace in knowing immigration policy will not change with a new administration and they can seek clear and appropriate actions

that can assist in their inclusion into the American fabric of society, while also reversing some of the polarization surrounding immigration in this country.

### **Conclusion**

The purpose of this quantitative study was to determine if any statistically significant differences existed between the number of “criminal aliens” arrested for removal, versus non-criminal aliens arrested victimless crimes between Presidents Obama and Trump. Therefore, this research focused on a quantitative descriptive study to determine any significant differences between the mean number of documented/undocumented “criminal” alien arrests and “non-criminal” arrests made between former President Obama’s established policies compared to that of former President Trump’s immigration policies. This study concluded that there were positive and significant differences between Obama and Trump’s immigration policies and viewpoints that affected the number of individuals deported from the US. One of the main implications of this study is to foster positive social change. Currently, many undocumented individuals in the U.S. must worry about the changing nature of immigration between administrations, thereby potentially affecting their lives. By continuing to understand trends and patterns due to immigration policies, individuals who have committed themselves to the U.S. will be able to leave the shadows of confinement and worry and begin a pathway of a peaceful and productive life within the U.S.



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