

A COMPARATIVE ANALYSIS OF THE MIGRATION POLICY FROM THE TRUMP TO BIDEN ADMINISTRATION (2017-2023)

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Abstract: The subject concerning migration has generated a lot of different opinions due to the fact that it is so vast and subjected to constant changes. Taking into account the evolution of policy over time, we must discuss the way present policies are impacting the society from a socio-economic point of view. The United States of America has been for the past centuries one of the most attractive migration destination in the world. This aspect has generated many organizational issues, in different areas of policy-making – political, legislative, socio-economic. In developing the research framework, we try to understand the context driving the harsh reality accompanying the migration crisis. In this sense, this article analyses the socio-political changes that have resulted from the creation or modification of migration laws in the United States over the past century. The comparative analysis is based on the legislative input and the social lessons drawn from the assessing the dire conditions in which migrants found themselves after the adoption of Trump administration’s radical migration policies. Focusing on the contemporary policy developments from two presidential administrations (Trump, Biden), the article considers the obstacles faced by migrants in their quest for the American Dream, given the frequent and often, contradictory changes in legislation.

Keywords: migration crisis, reform of migration policy, US migration policy, Trump Administration, Biden Administration, Mexico

Rezumat: Subiectul migrației a generat numeroase opinii contrastante dat fiind că este atât de vast și supus unor schimbări frecvente. Ținând cont de evoluția politicii migrației în timp, trebuie să evaluăm modul în care politicile actuale influențează societatea din punct de vedere socio-economic. Statele Unite ale Americii au reprezentat în ultimele secole una dintre cele mai atractive destinații pentru migrație din lume. Acest aspect a generat multe probleme organizaționale, la diferite niveluri de elaborare a politicilor – politic, legislativ, socio-economic. În dezvoltarea cadrului de cercetare, studiul caută să înțeleagă contextul care însoțește criza migrației. În acest sens, studiul analizează schimbările socio-politice care au rezultat în urma creării sau modificării legilor migrației în Statele Unite în ultimul secol. Analiza comparativă se bazează pe aportul legislativ și pe lecțiile sociale deprinse din evaluarea condițiilor grave în care s-au aflat migrații

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după adoptarea politicilor radicale de către administrația Trump. Examinând aceste evoluții contemporane raportate la politicile administrațiilor prezidențiale Trump / Biden, articolul identifică obstacolele cu care se confruntă migrații în căutarea visului american, având în vedere schimbările frecvente și adesea contradictorii ale legislației.

Cuvinte cheie: criza migrației, reforma politicii migrației, politica migrației în SUA, Administrația Trump, Administrația Biden, Mexic

I. Introduction

This study represents an exploration of migration policy in the United States (U.S.), providing a review of the literature on this issue and conducting a content analysis of related legislation in order to assess the socio-political changes that have been brought about by the development of the everchanging migration laws in the U.S. At the same time, the study adds to the discussion on the alteration of the migratory patterns over a short period of time. Through a comparative approach of the Trump and Biden administrations' treatment of immigration, we find how particularly divisive this complex issue is on the American political scene. This is because immigration has a direct impact upon the social life, the economic life, and the political life of all parties involved, as well as on the bilateral and multilateral relations between U.S. and other countries in the region.

When thinking about the U.S., one of the first ideas that comes to people is migration, which while part of its national identity since its inception as a state, has undergone numerous changes throughout time. The United States has managed to dominate the global socio-economic policies, and has been the political center for the democratic world. While constantly building its global place, American ideas have migrated towards the world, becoming encrypted in the international collective memory. One of the strongest ideals that have been subject of this tendency is the *American Dream*, which speaks about people's ability to accomplish themselves in the land of opportunity without fearing that the state would target them for who they are.

In light of this, it is important to note that the policies underpinning the American Dream, concern directly the migration process and are constantly changing depending on the administration in charge. These policy differences can be quite significant and can have a negatively impact the lives of millions who just want a better life.

II. Short History of Migration

In order to discuss why migration policy fluctuates depending on the administration, the focus must shift towards the neighboring country, Mexico, which acts as corridor for millions of migrants. This issue has been a point of contention in the U.S.-Mexico relation, which, in turn, has been speculated by American anti-immigration politicians, like Trump, to rouse public support for their hardline policies.

After a period of more than 300 years, the borders between the two countries were more or less delimited¹. This fact could have permitted the two countries to have stronger relations, however, when discussing the period between 1810 – 1850, we can observe the opposite. In the mentioned timeframe, clashed at various points, with the Mexican-American war being a highlight in terms of U.S. territorial expansion at the cost of Mexico.

The highlight of this period was the Gadsden Purchase that took place in 1853, and represented the conclusion of the battles between Mexico and the United States for territorial expansion. The event represented the defeat of Mexico and clearly delimited the southern border from California to Texas². Following the conclusion of the harsh negotiations, the government of the United States realized that while it had many expansion projects needed to sustain the envisioned economic growth, it did not have the necessary number of workers to bring these plans to reality³. To sustain this, U.S. allowed the entry of migrants during the first of many migratory waves.

In the following period, from 1880 until 1910, another migratory expansion took place – these migrant workers will play a key role in the economic development of the U.S. Notably, the economic relations flourished between Mexico and the U.S. due to the new employment opportunities, as well as the

¹ Important to note that during this timeframe, the Amerindian population witnessed a large theft of their wealth, which accompanied the destruction of the indigenous history. (Bernard Grunberg, María del Carmen Martínez Martínez, and Esteban Mira Caballos, *Hernán Cortés, Una Vida Entre Dos Mundos* (Ciudad de México: Universidad Nacional Autónoma de México, Instituto de Investigaciones Jurídicas, 2021), 73-75.)

² Patrick Lavin, *An Illustrated History* (New York: Hippocrene Books, 2001), 145-146.

³ Robert Curley, *The Complete History of Railroads: Trade, Transport, and Expansion* (New York: Britannica Educational Publishing, 2012), xiv-xvi.

recruitment of the workforce from Mexico that would work for the railroad companies⁴.

The next wave of migration lasted until the Great Depression in 1929, and was similar to the previous one, as it comprised mostly urban workers and household help workers. The number of immigrants was particularly high given the short timeframe: just in the first ten years alone, from 1910 up to 1920, the numbers show that around 900,000 Mexicans migrated to the United States for such employment opportunities⁵. As the 1920s got underway, the immigration laws started to adopt drastic anti-migratory measures, as witnessed for example, in 1921, when the Southern and Eastern Europeans were negatively impacted by the Quota Act of 1921⁶. At the same time, we can observe that the U.S. Government saw these policies to be of critical importance, leading in 1924, to the adoption of the Immigration Act. This law extended the restrictions towards the East and South Asians. As time went by, the Immigration Act of 1924⁷ would suffer modifications, but after nearly a century, it still remains one of the documents which shapes the migration policies.

III. The Concept of Migration. Types and Causes

To understand the phenomenon of migration, we need to analyse the underlying factors and processes that contribute to it. They are comprehensive and have social, economic, and political implications for the countries sending and receiving migrants. At the conceptual level, migration can be researched along multiple individual, societal, and structural factors. This present study views migration from the transnational perspective, which emphasizes the interconnectedness of migrants in relation to their communities of origin and destination. This perspective recognizes that migration is not a one-time event,

⁴ Gilbert G. Gonzalez and Raul A. Fernandez, *A Century of Chicano History: Empire, Nations and Migration* (New York: Routledge, 2003), 34-37.

⁵ Benjamin R. Beede, *The War of 1898 and U.S. Interventions, 1898-1934: An Encyclopedia* (New York: Garland Publishing, 1994), 536-537.

⁶ Gabriel J. Chin and Rose Cuison Villazor, *The Immigration and Nationality Act of 1965: Legislating a New America* (New York: Cambridge University Press, 2015), 201-202.

⁷ Maria E. Montoya et. al, *Global Americans: A History of the United States, vol. 2* (Boston: Cengage Learning, 2018), 570-573.

but rather a process that involves ongoing social, economic, and cultural ties between migrants and their home and host communities⁸.

There are several types of migration, deriving mainly from two general processes. The first is a “regular” one, where the naturalization of the immigrants occurs and they lead regular lives in the U.S. The other concerns illegal migration and results from the difficultness in obtaining the legal recognition to live in the U.S. The legality is linked to obtaining the proper documentation: a visa, which can be temporary, from three months up to five years; obtaining the residence, which is valid until the individual obtains the green card; and the green card, which is the right to reside within the U.S. borders for life.

The process of the illegal migration represents an enormous risk, due to the fact that it entails a person or a group of people that are able to cross the border in a number of ways as to go undetected by the border security (tunnels, by boat, hidden in the automobiles or trucks that legally cross the border). Needless to say, each method is more dangerous than the other. If the person or group of people manage to survive this dangerous process, there is a possibility to find employment, without any kind of benefits, except for a small pay. In most cases, if they survive the journey, after they cross the border, undocumented immigrants face deportation or imprisonment.

The push factors include a lack of opportunities in their home country, poor education, the need of living a normal life, and the fear of living in terror. The last one is particularly important since the crime rates and organized crime are an important reason why people are forced to migrate.

IV. Brief Analysis of U.S. Legislation on Immigration (1952-2012)

The United States has a long history of immigration, and its immigration policy has undergone numerous changes over time. Several key pieces of legislation have shaped the modern immigration system, including the Immigration and Nationality Act of 1952, the Immigration and Nationality Act

⁸ Nina Glick Schiller, Linda Basch, and Cristina Blanc-Szanton, “From Immigrant to Transmigrant: Theorizing Transnational Migration”, *Anthropological Quarterly* 68, no. 1 (1995): 48-63.

of 1965, the Refugee Act of 1980, the Immigration Reform and Control Act of 1986, and the Immigration Act of 1990.

The Immigration and Nationality Act of 1952, also known as the McCarran-Walter Act, marked a significant shift in U.S. immigration policy. It replaced earlier laws that had favored immigrants from Northern and Western Europe and established a new system that prioritized family reunification and skills-based immigration. The Act also established quotas for each country, limiting the number of immigrants who could come from any given nation⁹.

The Immigration and Nationality Act of 1965, also known as the Hart-Celler Act, was a major reform that abolished the quota system established by the 1952 Act. It replaced the national origin quotas with a system that prioritized family reunification and employment-based immigration. The Act also eliminated racial and ethnic restrictions on immigration, paving the way for increased diversity in the U.S.¹⁰. On the other hand, The Refugee Act of 1980 established a formal process for admitting refugees into the U.S. and defined who qualified as a refugee. The Act created the Office of Refugee Resettlement to oversee the resettlement of refugees and established funding for refugee assistance programs¹¹.

The Immigration Reform and Control Act of 1986 addressed the issue of illegal immigration by establishing penalties for employers who hired undocumented workers and providing a path to legalization for some undocumented immigrants who had been in the U.S. since 1982¹². Afterwards, The Immigration Act of 1990 increased the number of immigrants allowed into the U.S. and expanded family-based and employment-based immigration. The Act also created the Diversity Visa Lottery, which allows individuals from countries with low rates of immigration to the U.S. to apply for visas¹³.

The Real ID Act is a federal law that was enacted in 2005 in response to the 9/11 terrorist attacks. The law established new minimum-security standards for

⁹ Cornell Law School, *Immigration and Nationality Act of 1952*, <https://www.law.cornell.edu/uscode/text/8/1101>.

¹⁰ Cornell Law School, *Immigration and Nationality Act of 1965*, <https://www.law.cornell.edu/uscode/text/8/1151>.

¹¹ U.S. Citizenship and Immigration Services, *Refugee Act of 1980*, <https://www.uscis.gov/humanitarian/refugees-asylum/refugees/refugee-act-1980>.

¹² U.S. Citizenship and Immigration Services, *Immigration Reform and Control Act of 1986*, <https://www.uscis.gov/history-and-genealogy/our-history/agency-history/immigration-reform-and-control-act-of-1986>.

¹³ U.S. Citizenship and Immigration Services, *Immigration Act of 1990*, <https://www.uscis.gov/history-and-genealogy/our-history/agency-history/immigration-act-of-1990>.

state-issued driver licenses and identification cards, which included requirements for proof of identity and lawful status in the United States. The law was controversial due to concerns about privacy and the cost and logistical challenges of implementing the new standards¹⁴. The following year, The Secure Fence Act of 2006 authorized the construction of hundreds of miles of fencing along the U.S.-Mexico border in an effort to curb illegal immigration. The law was similarly controversial due to concerns about the cost and effectiveness of the fence¹⁵. A few years later, the Deferred Action for Childhood Arrivals (DACA) was a policy implemented by the Obama Administration in 2012 that provided temporary protection from deportation and work authorization for certain undocumented immigrants who were brought to the United States as children. The policy was rescinded by the Trump Administration in 2017, but has since been reinstated by the Biden Administration¹⁶.

V. Current Migration Trends (2017-2023)

In recent years, the migratory trends for Mexican population have been in a slow, but constant decline. Statistics show that in 2019 the number of Mexican born immigrants neared almost 11,000,000, representing 24.3% of the total percentage of non-residents of the United States¹⁷. On the other hand, in 2021 the number of Mexican born immigrants was of just over 10,500,000, representing 23.6% of the total percentage of non-residents¹⁸. The data also show that around 43% of the Mexican migrants arrived and lived in the U.S. illegally. If the percentage is transposed in numbers, it would mean that around 5,000,000 individuals find themselves in this situation¹⁹. Another relevant statistic when discussing the migration trends of this period is reflected in the

¹⁴ U.S. Department of Homeland Security, *Real ID Act of 2005*, <https://www.dhs.gov/real-id-public-faqs>.

¹⁵ U.S. Customs and Border Protection, *Secure Fence Act of 2006*, <https://www.cbp.gov/document/publications/secure-fence-act-2006-summary>.

¹⁶ U.S. Citizenship and Immigration Services, *Deferred Action for Childhood Arrivals (DACA)*, <https://www.uscis.gov/archive/consideration-of-deferred-action-for-childhood-arrivals-daca>.

¹⁷ Migration Policy Institute, “Mexican Born Population Over Time 1850 – present”, <https://www.migrationpolicy.org/programs/data-hub/charts/mexican-born-population-over-time?width=900&height=850&iframe=true>.

¹⁸ Ibid.

¹⁹ Ana Gonzalez-Barrera and Jens Manuel Krogstad, “What we know about illegal immigration from Mexico”, *Pew Research Center*, 28.06.2019, <https://www.pewresearch.org/short-reads/2019/06/28/what-we-know-about-illegal-immigration-from-mexico/>.

numbers of arrested individuals who were in the process of crossing the border illegally. The figures for the year 2017 accounted for 461,540 arrests²⁰, while for 2018, they had rose to 572,566²¹. This increase – of more than 24% – was the result of the strengthening of measures at the border for national safety purposes. The following year there was a significant increase with regard to the number of arrests and deportations. The number of individuals targeted almost doubled, whereby 1,013,539 people were affected.²²

The effects of the measures taken by Donald Trump’s administration are reflected in the figures documented above. In 2020 due to the Covid-19 pandemic, people were much more cautious even when migrating, and this had an immediate impact on the numbers which recorded 518,597 people being arrested and deported²³. In 2021 as the pandemic crisis began to stabilize, more people resumed the migratory process and, as a result, 1,659,206 individuals were affected by the measures put in place²⁴. In 2022, the law enforcement measures were further strengthen and this led to 2,766,582 arrests. Of these, around 85% were conducted by the border police in the south-eastern part of the U.S. border²⁵. This means that in this border region alone, nearly 2,350,000 people were affected by these anti-immigration measures.

VI. Migration Policy during the Trump Administration

To address the migration issue during the Trump Administration, it must be mentioned that the changes proposed by Trump were applicable to many migration related topics. The first topic concerns the birth-right citizenship. This form of citizenship was viewed by many immigrants as their lucky ticket towards a new life. The fundamental principle at the basis of birth-right citizenship is that if a birth takes place within the territory of the United States, the new-born automatically receives the rights of an American citizen, as well as an irrevocable citizenship. It is important to mention that in order to receive this citizenship,

²⁰ Statista, “Número de inmigrantes ilegales detenidos en los Estados Unidos entre 1991 y 2021”, <https://es.statista.com/estadisticas/598636/inmigracion-ee-uu-inmigrantes-ilegales-detenidos-1990/>.

²¹ Ibid.

²² Ibid.

²³ Ibid.

²⁴ Ibid.

²⁵ DW, “Récord de migrantes detenidos en Estados Unidos”, 24.10.2022, <https://www.dw.com/es/r%C3%A9cord-de-migrantes-detenidos-en-estados-unidos/a-63542117>.

the nationality and migratory status of the newborn's parents are not relevant. Many people saw the potential benefits of this law because in time, due to the child's citizenship, the parents could also receive the right to stay in the United States, and might even obtain U.S. citizenship for themselves.

Donald Trump's plan with regards to this topic was to refuse citizenship to newborns of non-resident parents, and to remove the illegal immigrants from the country, even if their children were born there. While discussions began in 2015 during the Republican primary, by 2018, the issue became so contested that the President wanted to sign an executive order in order to continue the deportation process that had been underway for the last two years²⁶. The issue was that the rights of American citizens are protected by a strong set of laws and cannot be changed so easily by a presidential administration. In this case, the individuals are protected by the "Citizenship Clause" of the Fourteenth Amendment in which it is stipulated that "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States"²⁷.

The second topic concerns the changes made by the Trump Administration to the framework of legal migration. Having as a starting point the "Immigration Reform and Control Act of 1986", the Administration drew the "Reforming American Immigration for a Strong Economy Act" (RAISE) in the second part of 2017. With this law, the government intended to receive a smaller number of immigrants that arrived through legal means into the U.S. As a result, the number of incoming persons dropped around 50% in comparison with past years. The way this measure worked was quite simple, as the law enforced a reduction in the number of green cards issued per year, and, at the same time, put an end to the diversity lottery. Furthermore, the bill mandated that a maximum number of 50,000 refugees would be admitted into the United States per year²⁸.

In 2017, Penn Wharton released a study that showed that the actions taken by the Trump Administration would not produce optimal results on the long term. The study stated that:

²⁶ Deanna Paul, "Trump wants to end birthright citizenship. A judge he appointed says he can't" *The Washington Post*, 30.10.2018, <https://www.washingtonpost.com/politics/2018/10/30/trump-wants-end-birthright-citizenship-judge-he-appointed-says-he-cant/>.

²⁷ Constitution Annotated, "Amdt14.S1.1.1 Historical Background on Citizenship Clause", https://constitution.congress.gov/browse/essay/amdt14-S1-1-1/ALDE_00000811/.

²⁸ Trump White House, "Fact Sheet – President Donald J. Trump backs RAISE Act – Immigration", 02.08.2017, <https://trumpwhitehouse.archives.gov/briefings-statements/president-donald-j-trump-backs-raise-act/>.

“By 2027, our analysis projects that RAISE will reduce GDP by 0.7 percent relative to current law, and reduce jobs by 1.3 million. By 2040, GDP will be about 2 percent lower, and jobs will fall by 4.6 million. Despite changes to population size, jobs and GDP, there is very little change to per capita GDP, increasing slightly in the short run and then eventually falling”²⁹.

As a follow-up, in 2020 Donald Trump signed another executive order which alleged to reduce the impact of Covid-19 from immigrants by further lowering the number of green cards issued³⁰.

The third topic of the Trump anti-immigration package concerned the issue of border security. During the Trump Administration the construction of the border wall was seen as an important part of the former president’s campaign. In order to understand Trump’s position, it is necessary to review the following part of his statement from 2015:

“When Mexico sends its people, they’re not sending their best. They’re not sending you. They’re sending people that have lots of problems, and they’re bringing those problems. ... They’re bringing drugs. They’re bringing crime. They’re rapists. And some, I assume, are good people”³¹.

The vision presented here was not backed by any study, rather, it was just a supposition representing his bigoted personal views on the immigrants from the south of the border. The following year, *Social Science Quarterly* published a study on this issue which showed that there was “no association between immigrant population size and increased violent crime”³².

Taking all this into account, Trump desired to build a wall that was more than 3,000 kilometers long and wished for Mexico to support the costs,

²⁹ Penn Wharton University of Pennsylvania, “The Raise Act: Effect on Economic Growth and Jobs”, 10.08.2017, <https://budgetmodel.wharton.upenn.edu/issues/2017/8/8/the-raise-act-effect-on-economic-growth-and-jobs>.

³⁰ Trump White House, “Proclamation Suspending Entry of Immigrants Who Present Risk to the U.S. Labor Market During the Economic Recovery Following the COVID-19 Outbreak”, 22.04.2020, <https://trumpwhitehouse.archives.gov/presidential-actions/proclamation-suspending-entry-immigrants-present-risk-u-s-labor-market-economic-recovery-following-covid-19-outbreak/>.

³¹ The Washington Post, “Full Text: Donald Trump announces a presidential bid”, 16.06.2015, <https://www.washingtonpost.com/news/post-politics/wp/2015/06/16/full-text-donald-trump-announces-a-presidential-bid/>.

³² David Green, “The Trump Hypothesis: Testing Immigrant Populations as a Determinant of Violent and Drug-Related Crime in the United States”, *Social Science Quarterly* 97, no. 3 (May 2016): 506–524.

however, Mexican President Enrique Peña Nieto stated in 2016 that he had “made it clear that Mexico will not pay for the wall”³³. The general public opinion was against these policies. *New Yorker* editor-in-chief, John Cassidy stated that Trump represents the “the latest representative of an anti-immigrant, nativist American tradition that dates back at least to the Know-Nothings”³⁴. Another opinion was presented by Bradford Richardson, who noted that Donald Trump had also praised the immigrants when he claimed that “it was legal immigrants who made America great”³⁵.

The Trump administration’s “Zero Tolerance Policy” was a controversial immigration policy that was implemented in April 2018. The policy mandated that all adults who entered the United States illegally would be criminally prosecuted, even if they were seeking asylum. As a result, thousands of families were separated at the US-Mexico border, with children being detained separately from their parents. In June 2018, under pressure from the public and lawmakers, President Trump signed an executive order ending the policy of family separation. However, the administration continued to prosecute adults who crossed the border illegally. In July 2018, a federal judge ordered the government to reunite separated families within 30 days, but the process was slow and complicated, and many families were not reunited until months later³⁶.

VII. Migration Policy during the Biden Administration

Since 2021 the Biden Administration took concrete actions against the immigration policies enacted by the former administration. These policies included, but were not limited to refugee admissions, assistance against deportation, and reversing the law that reduced the number of Green Cards granted per year. One of the first actions taken by President Biden was to

³³ Patrick Healy, “Donald Trump and Mexican Leader Clash in Accounts of Meeting”, *The New York Times*, 01.09.2016, <https://www.nytimes.com/2016/09/01/us/politics/donald-trump-immigration-speech.html>.

³⁴ John Cassidy, “Donald Trump isn’t a fascist; he’s a Media-Savvy know-nothing”, *The New Yorker*, 28.12.2015, <https://www.newyorker.com/news/john-cassidy/donald-trump-isnt-a-fascist-hes-a-media-savvy-know-nothing>.

³⁵ Bradford Richardson, “Trump: It was legal immigrants that made America great”, *The Hill*, 04.02.2016, <https://thehill.com/blogs/ballot-box/presidential-races/268234-trump-illegal-immigrants-didnt-make-america-great/>.

³⁶ Amelia Cheatham and Diana Roy, “U.S. Detention of Child Migrants”, *Council on Foreign Relations*, 2021, <https://www.cfr.org/backgrounder/us-detention-child-migrants>.

prepare a new immigration bill that would modernize the country's immigrations system. With this document, the president desired to help individuals obtain their citizenship so that they would not be undocumented anymore. By losing that statute, the people could obtain even more aid from the government, as well as have the possibility to start the naturalization process³⁷. The same bill also focused on reversing the effects of the family separation policy. In this case, the changes were made with the intention to keep families together or reunite them in the shortest time as possible. The bill stated that it “eliminates the so-called “3 and 10-year bars,” and other provisions that keep families apart”³⁸. At the same time, the bill promoted the integration of immigrants by offering funding to the local authorities and NGOs in order to expand the integration and inclusion programmes, as well as to provide assistance to people that intended to become citizens³⁹.

In reaction to the former president's declarations on border control, Biden had a different approach, which was to go back to the measures that existed prior to 2016, and improve them. The plan involved a mix of carrots and sticks: it would offer aid, but also focus on acquiring new border technologies, and updating the infrastructure. The idea was that with a larger budget, issues like drug trafficking, human trafficking, theft, and any other actions or substances that could endanger people's lives would be better addressed. Another aspect that the policy focused on was to ensure a better management of border control while also ensuring the safety of the communities that resided on either side of the border.

As stated in the first part of this article, the border communities face an extra risk just virtue of their location, and they can be subject to illegalities, such as bribes, in order to facilitate various illegal activities. The government therefore sought to provide better training and education to the border control agents – who are either from the border communities, or have migrated to that area⁴⁰ – in order not just to ensure their professionalism, but so that they could, in turn, help the local communities in both countries. The nearly impossible goal was to create a personal plan that suited each officer's needs best and gave them the

³⁷ The White House, “Fact Sheet – President Biden Sends Immigration Bill to Congress as Part of His Commitment to Modernize our Immigration System”, 20.01.2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/20/fact-sheet-president-biden-sends-immigration-bill-to-congress-as-part-of-his-commitment-to-modernize-our-immigration-system/>.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Ibid.

tools to face any kind of threat. Furthermore, the Biden Administration also intended to prosecute the criminals found to be involved with trafficking and smuggling networks. Practically, the new administration sought to tackle the issue on both sides of the border, in order to ensure that the post-Trump immigration policy would be focused on maximizing its effectiveness and limit any disruptive effects as much as possible⁴¹.

Another important aspect of the Biden immigration bill was that the U.S. government would offer assistance to Latin American countries that were facing an increase in immigration numbers. The government created a plan to address issues impacting migration such as corruption, violence, poverty, and education. The goal was to create a safe and legal process to encourage development and foster a better way of life, which, in turn, would result in a reduction in immigration, both legal and illegal⁴².

VIII. Comparative Analysis of the Two Administrations

The Trump and Biden Administrations had different views on what the migration policy should be about. On one hand, the Trump Administration embraced a nationalist vision, where the interest of the American citizens was the sole priority, and the immigrants were alienated and unadaptable, regardless of their situation. The measures taken by the Trump Administration were designed to benefit only the American side. As the Penn Wharton study showed, such measures would lead to a decrease in the number of immigrants on the short term, however, on the long term, the lack of inflow would have a negative impact for American development. This ties into the other argument cited against immigration which states that the immigrants “steal” the jobs from the hard-working American citizens, because they perform mostly physical jobs on a low salary. Therefore, Trump claimed that the harsh measures were justified since they were aimed at protecting American workers.

The Biden Administration had a distinct approach on issues related to immigration. The aim of the administration was to foster family reunification and help the immigrants in need of aid. In order to facilitate the family reunification process, the Biden Administration proposed a series of measures, which ranged anywhere from issuing more Green Cards, to a general reform of

⁴¹ Ibid.

⁴² Ibid.

the laws, including of the Immigration Act, among others. The focus here was to help people obtain their citizenship with full rights so as the process of naturalization could begin. Integration and naturalization take a lot of time and have a impact individuals and their families, which is why the Administration initiated a lot of programs to ensure the necessary assistance that people need in this transition. By facilitating integration, the policy would ensure the well-being of the individuals and mark an end to a period in their lives rife with instability.

At the same time, as a response to the previous Administration’s plans to separate the United States from Mexico by building a large wall, the Biden Administration’s plan focused on upgrading the infrastructure and updating it with the newer technology that would detect illegal contraband, for example. The technology used by the Biden Administration in order to enhance the security along the border proved incredibly effective, generating fewer illegal passes.

It is important to note that the Biden Administration’s plan was not only protect the border, but to first protect the communities around the border since these communities on the Mexican side of the border can be overrun by local or transnational criminal organizations. They are the ones that impose the law in some parts of the border, taking advantage of the vast levels of corruption to grow their “businesses”. Under this circumstances, it was imperative to provide support to the border agents and personnel which must work under difficult conditions that put their lives at risk. That is why, the Biden Administration decided to put in place a plan for the agents and their families that would ensure their protection, education, and security, and, in the process, foster the conditions that would make it possible for them to perform their tasks.

As the last step of this plan, the Biden Administration decided to address the immigration issue from its roots. This part was intended to send aid to the countries from which most immigrants originated, in order to provide them with the possibility of obtaining a better education which will lead to better opportunities at home. Fixing education would therefore be gateway to tackle corruption in those countries so to ensure a much better future for the present and future generations.

IX. Conclusion

Immigration is a complex topic that requires comprehensive policy responses regardless of the administration in power. However, because this policy impacts millions of lives, citizens and non-citizens, it is important to avoid the pitfalls of nationalism and support a more moral-based approach. As the study has shown, the Trump Administration embraced a nationalist approach, which focused strictly on the American citizens' needs, disregarding entirely the lives of the immigrants. On the other hand, the Biden Administration's policy approach focused on the American society as a whole, in all its (im)migration complexity and sought to take steps that would foster development and that could be replicated at scale, both domestically and internationally.

In my opinion, the Biden Administration took steps to address the migration crisis, seeking to understand its causes and mitigate its effects. I consider that this approach represents a step in the right direction for future Administrations to continue building strong policies that seek to include, rather than punish the most vulnerable members in the society. I consider that it is particularly important to take into account the fact that most residents of the world are a product of immigration, and especially, those residing in the United States. The reality is that with the policies implemented by the previous administration, society was divided into two parts, residents and non-residents, with the former acting superior in relation to the latter, without taking into account that just a few generations before their forebearers were in the exact same position. L

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