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Chapter 1 : The Deportation Conundrum - REDUX #BORDERS - Allegra

The article empirically tests this argument by comparatively examining the politics of implementation in the policy field of migration control. Drawing on interview data from Germany and the United States, the article identifies significant cross-national and subnational variation in the capacity of bureaucrats to implement contested.

Amends naturalization requirements to extend eligibility to individuals of African nativity or descent. Any Chinese immigrant who resided in the U. The Geary Act extended this law for an additional 10 years and required that Chinese nationals obtain identification papers. Permitted the deportation of any unauthorized immigrants or those who could be excluded from migration based on previous legislation. Made it a federal misdemeanor to bring unauthorized immigrants into the country or aid someone who is entering the U. Established a federal Bureau of Immigration. It is the first U. Required immigrants over the age of 16 to demonstrate basic reading ability in any language. Immigration from Asian countries continued to be barred. Nationality quotas did not apply to countries in the Western Hemisphere, government officials or temporary visitors. Under this law, total annual immigration was capped at , Border Patrol as a federal law enforcement agency to combat illegal immigration and smuggling along the borders between inspection stations. As a result, the law favored migration from northern and western European countries with longer histories of migration to the U. Immigration from Asian countries continued to be barred, and the law added a formal restriction on Japanese immigration. Denied entry to the U. Required employers to pay a wage equal to that paid to U. In effect until In contrast to other quotas, which are based on country of citizenship, the quota for Chinese was based on ancestry. Chinese residents were also eligible to naturalize. As a result, most spots were for immigrants from the United Kingdom, Ireland and Germany. Under this law, political activities, ideology and mental health, among other criteria, served as a basis for exclusion and deportation. This law also created quota preferences for skilled immigrants and family reunification. Immigrants from the Western Hemisphere were exempt from the preference system until No visa cap was placed on the number of immediate family members of U. The Eastern Hemisphere was granted , of the total visas each year with a 20, cap per country. Beginning in , the Western Hemisphere was given , visas annually with no specific country limits. This act extended the refugee delineation to include those fleeing Cambodia and Vietnam and designated funds for the relocation and resettlement of refugees. In , it was amended to include Laotian refugees. This mostly affected Mexico at the time since it was the only Western Hemisphere country that substantially exceeded 20, visas annually. In , an amendment to the law established a worldwide limit of , visas annually. This removed the prior Eastern and Western hemisphere caps. Removes refugees from the immigration preference system, expanding the annual admission for refugees. The removal of refugees from the immigration preference system reduced the annual visa allocation to , Subsequent executive action and legislation for refugees included deportation relief and admission based on region or nationality. Examples include the George H. Creates the H-2A visa for temporary, seasonal agricultural workers. Imposes sanctions on employers who knowingly hire unauthorized workers and increases border enforcement. In , the Reagan administration decided that minor children of parents who were legalized under the law should be protected from deportation. In , the George H. Bush administration decided that all spouses and unmarried children of people who were legalized under the law could apply for permission to remain in the country and receive work permits. This policy was formalized in the Immigration Act of It also creates H-1B visas for highly skilled temporary workers and H-2B for seasonal, non-agricultural workers and revises the grounds for exclusion and deportation, particularly those based on political and ideological grounds. Establishes or revises measures for worksite enforcement, to remove criminal and other deportable aliens and to tighten admissions eligibility requirements. Expands restrictions laid out in the Personal Responsibility and Work Opportunity Reconciliation Act on access to means-tested public assistance programs for new legal permanent residents and unauthorized immigrants. This executive action is on hold as a state challenge works its way through the

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courts. Click to see additional references In addition to the following references, legislation text was used to develop the timeline.

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Chapter 2 : Deferred Action for Childhood Arrivals - Wikipedia

Coercive Capacity and the Politics of Implementation: Deportation in Germany and the United States Antje Ellermann Assistant Professor of Political Science University of British Columbia ellermann@calendrierdelascience.com Published in Comparative Political Studies, 38(10), Abstract.

On January 27, he signed an executive order at the Pentagon on refugees and visa holders from designated nations. Construction of a Border Wall and Additional Border Patrol Personnel Section 4 of the border security executive order directs DHS to take steps to obtain operational control of the US-Mexico border by planning, designing and constructing a wall along the length of the border. It also directs DHS to allocate unused funding for the purpose of constructing a wall and to undertake a comprehensive study on the security of the southern border within days. Adding 5,000 more Border Patrol agents along the border would increase the number of agents to about 25,000, more than triple the number of agents in The executive order does not explain why the additional agents are needed. Increased Construction of Detention Facilities and Detention of Immigrants Section 5 of the order directs DHS to immediately construct detention facilities at or near the southern border and to assign asylum officers and immigration judges to the facilities to conduct asylum interviews and hearings. The executive order does not specify the source of funding for the construction of detention facilities, which can cost tens of millions of dollars, money which will go to private detention companies. The use of detention for asylum-seekers has been shown to limit their access to due process. This policy would also require the detention of women and children, which has been challenged in court. The use of alternatives to detention, particularly community-based models involving nongovernmental organizations, has proven to be more humane, cost-effective, and beneficial to the court system. These programs also afford immigrants better access to counsel and to know your rights presentations. Studies have shown that expedited removal is often applied incorrectly by enforcement personnel and that asylum-seekers are not allowed to adequately communicate their fear in such situations or, even if they do express fear, are simply denied a credible fear interview, leading to their return and peril. The training of DHS personnel on child provisions is needed, but should be conducted by child welfare experts, who also should assist border patrol in making those determinations. Assessments should be made of all children, including Mexican children. Many large cities, such as New York, Los Angeles, and Chicago, as well as smaller cities and communities, have chosen not to cooperate with federal authorities in enforcing immigration laws, including participation in the Secure Communities and Section g programs. This presumes that other funding, such as Community Block grants, could be withheld. Secure Communities and Section g, launched during the George W. Bush administration, have been criticized as eroding cooperation between local law enforcement officials and immigrants and their communities, which would be hesitant to report crimes to law enforcement officials who could detain and deport them. Under the Secure Communities program, immigrants with minor offenses, such as loitering, have been deported. Under Section g, local enforcement officials, untrained in immigration law, have repeatedly violated the civil rights of legal residents. Enforcement Priorities Section 5 expands the priority list of noncitizens subject to deportation to anyone charged of a criminal offense, who committed acts that constitute a criminal offense, who engaged in fraud or willful misrepresentation, who has abused any program related to public benefits, who is subject to a final order of removal, but has not departed, or who otherwise poses a risk to public safety. Despite the vow by President Trump to prioritize criminals for deportation, the executive order is so broad that anyone who committed even a minor offense, such as a traffic violation or jaywalking, could be deported. The order also applies to those who may have misrepresented their status to obtain work. Combined, the two executive orders on immigration enforcement provide a blueprint to use all available resources and authority to deport as many undocumented persons as possible. This would no doubt lead to an unprecedented separation of families, including families with US-citizen children. Suspension of Visas to Certain Countries and Extreme Vetting Section 3 of the executive order suspends the issuance of

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visas to countries designated as being detrimental to the interests of the United States for 90 days, listing Iran, Iraq, Sudan, Syria, Libya, Somalia, and Yemen. Section 4 requires implementation of uniform screening standards for all immigration programs, to include assessments such as whether an individual is a risk, will be a positive contributor to the nation, and has the ability to make contributions in the national interest. The countries listed for suspension of visas are Muslim-majority, while other nations that have experienced terrorism have not been listed. This suggests that the executive order is targeting Muslim immigrants. The implementation of a screening program in Section 4 is subjective and could lead to discrimination against certain religions and persons of certain income levels. Suspension of the US Refugee Program and the Ban on Syrian Refugees Section 5 of the executive order suspends the US resettlement program for days while a review is made to ensure that refugees are being adequately screened for national security purposes. The program will be restored only if the Secretary of State, the Secretary of DHS, and the Director of National Intelligence agree that sufficient safeguards are in place. The order also reduces the number of refugees admitted into the United States to 50, for FY , down from , set by the Obama Administration. In addition, it suspends the resettlement of Syrian refugees indefinitely. According to security experts, refugees who enter through the US Refugee program are the most vetted entrants into the United States, going through multiple security screenings before entry into the country, a process that can take as long as two years. The conflation of refugees as threats to national security is a tactic used to reduce the number of refugees admitted to the United States. Banning Syrians from resettlement and suspending visa issuance to nationals of Muslim-majority nations will also certainly be used as a recruiting tool by terrorist groups, who will claim these measures prove that the United States is hostile to Islam. Syrian refugees are fleeing the persecution of extremist groups like ISIS and require protection as much as any refugee group at this time. The exception for those who face religious persecution, according to President Trump, applies to Christian minorities in the Middle East, but also, given the language, could apply to other religious minorities, such as Rohingya in Myanmar, who are Muslim in a majority Buddhist country. While Christian refugees in the Middle East should be protected, either in the region or in a third country, it should not preclude the resettlement of Muslims, who also are top targets of extremist groups. Some faith leaders in the Middle East, including Catholic bishops , oppose the resettlement of their Christian populations, because they fear it will lead to a diminishment of their local Christian communities. The executive order on refugees, wrapped in national security language, will make the United States less secure. It will give extremist groups a propaganda tool for recruitment; encourage other nations to abdicate their responsibilities to refugees and other vulnerable populations; and will alienate millions of Muslims, both in the United States and abroad, who otherwise would be allies and important sources of counter-terror and law enforcement intelligence. This stance will harm its moral standing in the world, and limit its ability to influence other nations to collaborate with it on humanitarian and other initiatives. It will also harm US relations with long-term allies. Congress should resist these orders and deny funding to implement them. The following are important CMS analyses and resources on these issues, which offer an important, evidence-based counter-narrative to the policies set forth in these executive orders.

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Chapter 3 : Trump Prepares to Act on Deportations – The Intercept

Deportation is the expulsion of a person or group of people from a place or country. The term expulsion is often used as a synonym for deportation, though expulsion is more often used in the context of international law, while deportation is more used in national (municipal) law.

The memo formally directed them to exercise their enforcement discretion on behalf of individuals who met the requirements. They do not need legal representation. Eligibility[edit] To be eligible, recipients must have entered the United States before their 16th birthday and prior to June , be currently in school, a high school graduate or be honorably discharged from the military, be under the age of 31 as of June 15, , and not have been convicted of a felony, significant misdemeanor or three other misdemeanors, or otherwise pose a threat to national security. The program does not currently provide permanent lawful status or a path to citizenship , [30] nor does it provide eligibility for federal welfare or student aid. Came to the United States before their 16th birthday Have lived continuously in the United States since June 15, Were under age 31 on June 15, born on June 16, or after Were physically present in the United States on June 15, , and at the time of making their request for consideration of deferred action with USCIS Had no lawful status on June 15, Have completed high school or a GED , have been honorably discharged from the armed forces , or are enrolled in school Have not been convicted of a felony or serious misdemeanors , or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety To show proof of qualification verify these requirements , applicants must submit three forms; ID, Consideration of Deferred Action for Childhood Arrivals; I, Application for Employment Authorization; and IWS Worksheet, as well as supporting documentation. To receive advance parole one must travel abroad for an educational, employment, or humanitarian purpose. This must be indicated on the Form I as described below: Educational purposes, such as studying abroad; Employment purposes, such as overseas positions, interviews, training, or meetings with clients; or Humanitarian purposes, such as travel for medical reasons, attend funeral services for a family member, or visit a sick relative. Travel for leisure is not a valid purpose. President Barack Obama announced changes to DACA which would expand it to include illegal immigrants who entered the country prior to , eliminate the requirement that applicants be younger than 31 years old, and lengthen the renewable deferral period to two years. The Pew Research Center estimated that this would increase the number of eligible people by about , Hanen issued a preliminary injunction blocking the expansion from going into effect while the case, Texas v. United States , proceeded. Org noted that "numerous studies have found that immigrants do not commit crimes at a higher rate than non-immigrants. DACA also increased the income of illegal immigrants in the bottom of the income distribution. Economists have shown that highly skilled workers increase local productivity and create opportunities for the other workers too". Together, these findings suggest that a lack of authorization may lead individuals to enroll in school when working is not a viable option. Immigration-related stress and anxiety have been shown to have negative health effects Generally, researchers believe the stress that stems from the fear of having a parent deported has far-reaching, negative effects on the health of children. Venkataramani, professor of medicine at the University of Pennsylvania, and Alexander C. Tsai, professor of psychiatry at Harvard Medical School, wrote, "The evidence clearly indicates that rescinding DACA will have profound adverse population-level effects on mental health DACA was never intended to be a public health program, but its population-level consequences for mental health have been significant and rival those of any large-scale health or social policies in recent history. Rescinding DACA therefore represents a threat to public mental health. In another journal by US Official News, [62] it is revealed that "almost , youth trusted the government with their "fingerprints" and other personal information when they applied for DACA. In return, the two-year reprieve from deportation lifted the constant, everyday fear of existence that characterized their lives. These mental health gains, in addition to the fruits of all of their hard work over the past five years, are now threatened. But only the expansions were halted under a

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preliminary injunction. Legal experts are divided as to the constitutionality of DACA, but no court has yet to rule it unconstitutional. District Court for the Northern District of Texas dismissed the lawsuit, ruling that the court lacked jurisdiction to decide on what essentially was a dispute between federal employees and their employer, the U. Court of Appeals for the Fifth Circuit upheld the dismissal on procedural grounds. In the lawsuit, Arpaio claimed that DACA and its expansions were "unconstitutional, arbitrary and capricious, and invalid under the Administrative Procedure Act as, in effect, regulations that have been promulgated without the requisite opportunity for public notice and comment. District Court for the District of Columbia promptly dismissed the lawsuit ruling that Arpaio did not have standing. That decision was upheld unanimously by the U. Arpaio then asked the U. Supreme Court to review the case, but on January 19, , the court denied that request. At the time, individuals were allowed to continue to come forward and request an initial grant of DACA or renewal of DACA under the guidelines established in *In United States v. Please expand the section to include this information. Further details may exist on the talk page.* September State-level government officials are also divided on the issue. Those that support DACA claim that the government does not have the resources to target all illegal immigrants and that the policy thus helps federal agencies in exerting prosecutorial discretion—that is, in enforcing the law selectively by focusing limited resources on criminal immigrants rather than on non-criminal ones such as those eligible for DACA. In , the U. The policy was reversed several weeks later. A Maryland resident is eligible if they attended Maryland high schools for at least three of the previous twelve years and they graduated from a Maryland high school or received a Maryland GED within the previous ten years. They must have registered at a Maryland public college within four years of high school graduation or receiving a Maryland GED. They must have registered for Selective Service if male, and they must have filed Maryland income tax returns. The attorney general decided that even without formal immigration status, DACA grantees were to be granted legal presence. Sessions stated that the DACA-eligible individuals were lawbreakers who adversely impacted the wages and employment of native-born Americans. DACA recipients with a work permit set to expire on or before March 5, would have the opportunity to apply for a two-year renewal if their application was received by USCIS by October 5, They may not know a country besides ours. They may not even know a language besides English. The reaction was mixed among Republicans. The , innocent young people granted deferred action under DACA over the last several years are pursuing degrees, starting careers, and contributing to our communities in important ways. Chamber of Commerce condemned the repeal. Conference of Catholic Bishops describing it as "reprehensible". *Trump and Regents of University of California v. United States Department of Homeland Security* The rescission was challenged in court by different entities. Becerra stated that, as a quarter of the people in the DACA program live in California, he thinks that "everyone recognizes the scope and breadth of the Trump decision to terminate DACA hits hardest here. In a released statement Napolitano said: District Court for the Eastern District of New York granted a preliminary injunction ordering the federal government to fully restore the DACA program, including accepting brand new applicants as well as renewals. Curbelo , RAC offers a pathway to legalization through education, military service, or work authorization. After 10 years in this program, immigrants could apply for citizenship.

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Chapter 4 : The Politics of Immigration: Deportations Surge”and So Does the Resistance

In this comparative study of the contemporary politics of deportation in Germany and the United States, Antje Ellermann analyzes the capacity of the liberal democratic state to control individuals within its borders.

Kevin N Abazjian Science has much to provide policy makers regarding how to be the most effective in policy design and implementation. The social sciences, in particular, are relevant to many social policies. A man is arrested by Immigration and Customs Enforcement agents Feb. A panel of immigration and crime scholars recently summarized these conclusions in an article for The Conversation which also appeared in Scientific American: Across our studies , one finding remains clear: Cities and neighborhoods with greater concentrations of immigrants have lower rates of crime and violence, all else being equal” We conducted a meta-analysis, meaning we systematically evaluated available research on the immigration-crime relationship in neighborhoods, cities and metropolitan areas across the U. We examined findings from more than 50 studies published between and ” Our analysis of the literature reveals that immigration has a weak crime-suppressing effect. In other words, more immigration equals less crime” The upshot? We find no evidence to indicate that immigration leads to more crime and it may, in fact, suppress it. Targeting immigrants to reduce crime is a misled policy that is not borne by the scientific evidence. Then there are the horrifying, human-scale implications to deportation of peaceful, contributing members of our society. There has been an increase in Immigration and Customs Enforcement raids and deportations that the President has said are in line with keeping his campaign promise to deport all undocumented immigrants. These detainments and deportations include targeting peaceful and otherwise law-abiding people. The story of Guadalupe Garcia is particularly terrifying: There is now a state of fear in immigrant communities across America. Disrupting families is a human rights issue that clearly leads to immense emotional and behavioral harm , as well as severe negative economic impacts. A report by the Center for American Progress finds: Deportations leave many U. Social scientists and community advocates need to be at the table to formulate policy that benefits our communities instead of harming them. Charis Kubrin, who is one of the authors of this piece, is also my spouse.

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Chapter 5 : States against migrants : deportation in Germany and the United States (Book,) [calendrierdel

THE POLITICS OF IMPLEMENTATION *Deportation in Germany and the United States* ANTJE ELLERMANN by legislative mandate and executive regulation, hold a structural advantage.

This article challenges the common argument, based on a principal-agent model, that bureaucratic nonimplementation is the result of the absence of effective legislative oversight. Instead, the article argues that in coercive policy fields where the state imposes significant costs on its targets, nonimplementation can in fact be understood as the result of control efforts by elected officials. The article empirically tests this argument by comparatively examining the politics of implementation in the policy field of migration control. Drawing on interview data from Germany and the United States, the article identifies significant cross-national and subnational variation in the capacity of bureaucrats to implement contested deportation orders. The article argues that this variation can be accounted for primarily by institutionally determined differences in the degree of political insulation of bureaucratic agencies. However, few policy areas reveal an implementation gap comparable to the divergence between immigration laws on one hand and their empirical outcomes on the other. For instance, although in the U. During the writing stage, a Dissertation Year Fellowship from Brandeis University provided much-appreciated financial support. Deportation—the coercive removal of noncitizens from the national territory—complements measures designed to control the entry of migrants, such as visa procedures, identity checks at ports of entry, and patrols along the border. The basic structure of the implementation problem that describes all of these measures is best characterized by what James Q. Migration control policies impose severe costs on their targets, whereas their purported benefits—for the integrity of the immigration system, for public order, or for national security—are highly diffuse and difficult to measure Freeman, Thus even if political entrepreneurs succeed in garnering popular support for harsher measures of migration control, immigrants and their advocates will be quick to countermobilize to defend their concentrated interests. Crucially, whereas deportation also elicits the opposition of immigrant interests during the legislative process, it is at the level of implementation that countermobilization is most forceful. As this article shows, it is at the street level that the true costs of deportation—the coercive uprooting of individuals from their communities, families, and workplaces—become most visible. Demands to halt implementation are often more powerful because the human costs incurred at the street level allow for a reframing of deportation in humanitarian terms that threatens to undermine the legitimacy of bureaucratic decisions. As a result, although at the level of legislation anti-immigrant pressures tend to carry the day, implementing bureaucrats are likely to encounter far stronger pro-immigrant demands. Instances of countermobilization abound in the two countries examined in this article, Germany and the United States. And it is striking that across both countries, mobilization efforts are based on the same rationale, advanced with the same arguments, and carried out by means of similar strategies. Yet what I term the political capacity of deportation officers—the ability to carry out deportation orders in the face of countermobilization—varies significantly across jurisdictions. How can we account for the fact that in some political contexts, pro-immigrant interests are far better able to thwart deportation attempts whereas in others, bureaucrats rarely waver from their chosen path of action? Specifically, why is it that German bureaucrats have been better able to carry out legal mandates to deport in the face of countermobilization than have their American counterparts? Two dominant strands of scholarship on bureaucratic decision making target different aspects of the implementation process for analysis. As I argue, the chief weakness of principal-agent models is the stylized assumption of bureaucrats as shirkers rather than workers. This study bridges crucial theoretical ground between the two approaches: Consistent with principal-agent models, the article argues that the political capacity to implement contested policies is primarily determined by the relationship between bureaucratic actors and their elected principals. Moreover, the nature of this relationship varies across political systems because of institutional variation in party organization, executive-legislative relations, and the locus of agency

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decision making. These institutional arrangements shape bureaucratic capacity by determining the extent to which organized advocates can pressure elected officials to intervene in agency decision making in particular cases. Contrary to the predictions of principal-agent models, however, I contend that policy implementation in coercive policy areas is enhanced by the insulation of implementing agents from their legislative principals. Where bureaucratic agents are insulated, implementation will be constrained only when governing parties are ideologically opposed to coercive policies. Drawing on qualitative interview data, the article provides further support for this argument by examining additional subnational variation in coercive capacity for the German case. This literature centers on examining the capacity of democratic, liberal states to exert control over migration flows. However, the explanatory leverage of these studies in accounting for bureaucratic decision making is fundamentally compromised by their lack of attention to the sphere of implementation—an omission particularly striking given the prevalence of nonimplementation in this policy field. According to the principal-agent model, we can conceive of bureaucrats as agents to whom political principals have delegated authority over lower level decision making and enforcement. It is important that control of bureaucratic agents is complicated through agency losses such as moral hazard because much of bureaucratic action is hidden from the principal. Implementation, thus, crucially depends on the post-legislative ability of the principal to monitor and intervene in bureaucratic decision making. Deportation should face this dynamic as much as any policy area. Applying the principal-agent model, then, we would expect to find a higher likelihood of deportation in cases in which political principals are able to observe and influence bureaucratic decisions. However, it is crucial to note that this expectation is based on two key assumptions: That bureaucrats, left to their own devices, will either shirk implementation altogether or implement in ways that compromise the goals of the principal; and 2. That principals have constant preferences that consistently favor the implementation of legislative mandates. The relationship between principals and agents, however, will look quite different wherever either or both of these assumptions do not apply. I argue that, in coercive policy fields, these two basic assumptions are in fact violated. Where agents favor working and principal preferences are unstable, the institutional conditions favoring successful implementation are very different from those derived from the standard principal-agent model. Advocates pursue the nonimplementation of particular policies by means of an activity I refer to as case mobilization. The term describes advocacy efforts by segments of the organized public—such as immigrant rights groups—to appeal to bureaucratic actors to exempt particular individuals from implementation. However, not all socialization is equal. I argue that advocates are most likely to succeed when they can secure the support of elected officials. As a result, advocates will try to exploit the incentives confronted by their elected representatives to invest in the provision of constituency service—incentives observed across advanced democracies Norris, It is significant that because individuals stand to lose a great deal from the implementation of coercive policy measures, those targeted by deportation are particularly likely to call on the constituency services provided by their elected representatives. Not all those subject to deportation, however, stand to gain from case mobilization. The success of case mobilization depends on the ability of advocates to portray deportation as an inhumane act of state coercion. Case mobilization, thus, targets those migrants whose characteristics most easily lend themselves to humanitarian arguments for exemption: Politicians are primarily motivated by the electoral payoff of their actions Downs, However, I contend that the policy preferences deriving from electoral motivations are not constant but vary across stages in the policy process. For many immigrants, deportation amounts to a permanent separation from their families and communities, in some cases even the return to a country to which the person has lost all meaningful ties. In consequence, as implementation moves ahead, advocates gain the moral upper hand. Thus, to the extent that politicians consider case mobilization as an opportunity for blame avoidance or even credit claiming, they will place pressure on bureaucrats to refrain from implementation. In keeping with the political dynamic of redistributive policy areas, the fire alarm model presumes that the rendering of constituency service will reinforce legislative mandates of service provision. In the case of coercive policies, however, for which bureaucrats impose costs rather than deliver

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benefits, constituency service creates pressure for nonimplementation. Careerists distinguish themselves by, first, identifying their careers with their agency and its mission. Second, careerists do not stand to gain professional rewards from external constituencies like advocates; instead, they place a high premium on autonomy from nonbureaucratic actors. Wilson, It follows that because case mobilization presents a threat to both their professional norms and decision-making autonomy, bureaucrats will resist attempts by outside actors to intervene in case decisions. Once mobilization has raised the political salience of a case, decision making shifts up from street-level bureaucrats to senior executives. Their survival in office depends on the fortunes of an electoral coalition, on the support of their party in the legislature, or on maintaining good relations with key legislators. To the extent that the implementation of contested decisions undermines these sources of support, senior executives will rule in favor of nonimplementation. Given this constellation of actors, preferences, and strategies, it follows that the likelihood of successful implementation in the face of opposition should depend on two factors: Accordingly, the political capacity of bureaucrats will be strong if executive agencies are politically insulated and if their leaders have reason to favor restrictionist implementation. Conversely, if neither condition holds, political capacity should be weak. Finally, to the extent that restrictionist executive policy preferences can offset the lack of bureaucratic insulation, and vice versa, we should observe an intermediate level of bureaucratic capacity in cases where only one condition is present. In the following section, I specify the conditions most likely to insulate agencies and to provide their leaders with incentives to favor restrictionist implementation.

Agency Insulation Regime type. The institutional relationship between agencies and their elected principals varies systematically across constitutional regimes, especially between parliamentary and presidential systems. To put the contrast in the broadest terms, parliamentary regimes are characterized by disciplined parties, unified powers, and a strong executive, whereas presidential systems exhibit weak parties, separated powers, and weaker executives. Within a given regime, these institutional characteristics tend to mutually reinforce each other and collectively determine the degree to which bureaucratic agencies are politically insulated. Second, in parliamentary systems, parties function as gatekeepers to the resources that constituency service would require. As a result, elected representatives in politics with strong parties both face weaker incentives and possess fewer resources to aggressively engage in casework than their counterparts in weak-party systems, even when controlling for differences in electoral rules. In presidential systems, in contrast, legislators operate within decentralized legislative structures highly penetrable to the particularized interests of individual representatives. Representatives are less dependent on party organizations for resources and find their electoral fortunes only moderately tied to the popularity of their party label. In this more personalized environment, incumbents are not only strongly motivated to engage in casework but also more likely to have access to the necessary material resources to do so. It follows that because of the strong motivations and greater opportunities for constituency service in presidential systems, executive agencies there will be most exposed to the interventions of elected officials. A second, and related, institutional variable affecting agency insulation is the relative balance of power between the executive and legislative branches. Parliamentary systems are marked by executive dominance Lijphart, Because the executive shares its constituency with the parliamentary majority, and because of the cohesive powers of party discipline, the executive can generally rely on the loyalty of its parliamentary party group. Although parliament has the right to dissolve government through a vote of no confidence, party discipline and the threat of new elections tend to prevent parliamentarians from using this ultimate constitutional weapon against ministers of their own party. Although there are limits to how far governments can go in pursuing legislative agendas that are not endorsed by their parliamentary party group, executives have little to fear from the particularistic demands of individual legislators. Moreover, they can deliver defeats to the executive without the threat of new elections. Executive agency leaders, who need to secure the support of individual legislators to enact their policy programs, will often find it necessary to accommodate their particularistic requests Cain et al. In consequence, senior executives in presidential systems should be less insulated from individual legislators than are executives in parliamentary systems. And

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in turn, organized interests opposed to coercive implementation should have greater success in curbing implementation through pressure on elected officials in presidential than in parliamentary contexts. Centralization of political oversight. The degree to which political oversight of executive agencies is centralized varies across institutional contexts. In some cases, agencies are overseen by federal- or state-level legislators, whereas in others, this task is performed by municipal elected officials. The level at which independently elected officials exercise oversight of bureaucrats helps determine the ease with which advocates can gain access to constituency service. All else kept equal, the lower the level of oversight, the easier it will be for advocates to mobilize elected officials. Because advocacy efforts in significant measure depend on personal networks, grassroots advocates will enjoy greater access to local, rather than state or federal, officials. Moreover, because a decrease in district size tends to increase the degree to which electoral competition is personalized Norris, , rather than framed in broad partisan-ideological terms, small districts—such as municipal electoral wards—create particularly strong casework incentives. Case mobilization should, thus, be most successful where oversight is exercised by officials elected at the lowest levels of the state. Ministerial Incentives for Implementation Ideology of party in power. I hypothesize that implementation of coercive policies will all else equal be more likely in parliamentary systems because agency leaders in such regimes, unlike their presidential counterparts, enjoy substantial autonomy from particularistic legislative demands.

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Chapter 6 : Selected U.S. Immigration Legislation and Executive Actions, - | Pew Research Center

Combining history and ethnography her recent book, From Deportation to Prison: The Politics of Immigration Enforcement in Post-Civil Rights America (New York University Press,) analyzes how the politics and policies of civil rights reforms and mass incarceration gave rise to the punitive turn in immigration and border enforcement.

It brings together migrants, practitioners, advocates, and researchers to share knowledge and strategies on preventing and ameliorating these impacts. Keynote Speaker Luis H. Zayas holds an MSW and a Ph. As a researcher and practitioner, Zayas has examined the effects of deportation on the mental health of U. He has conducted numerous evaluations of citizen-children and testified in immigration court on behalf of citizen-children and their families. His book on this topic is titled *Forgotten Citizens*. Recently, Zayas has looked at the effects of family immigration detention on refugee children and mothers from Central America. As an advocate, Zayas has joined several federal class-action lawsuits on behalf of refugee and immigrant children held in immigration detention and of DACA youth. Panelists Cindy Agustin has extensive experience working with immigrant communities in Illinois as an organizer, advocate, and service provide. Through ICIRR, she has worked with the Coalition for Immigrant Mental Health CIMH , a network of mental health providers, researchers, community organizations, and community members who are working to make mental health services accessible to the undocumented community. She earned her B. Her interests include exploring the intersections between immigration policy, community organizing, and immigrant mental health. Dagmara was born in Quito, Ecuador but moved to Illinois at the age of . As a new immigrant settled in the southwest suburbs, she experienced first hand the challenges of moving to a new country. For the past 10 years, she has dedicated her life to advancing pro-immigrant policies and programs. This hotline was the first of its kind in the state of Illinois catered to people who were experiencing a deportation crisis. She earned a BA. Esperanza serves a majority Latinx immigrant population, and Ms. Boland has worked closely with healthcare providers and community organizations to provide advocacy and support to families affected by current immigration policy. Prior to Esperanza, Ms. Boland worked at several nonprofit organizations in the Chicagoland area, including the areas of community mental health, perinatal mental health, domestic violence and sexual assault, and child welfare before focusing on community-based integrated healthcare. His participation in the Environmental Justice EJ movement since , has over the years gained him recognition as a national and international leader in the EJ movement and co-founder and leader of the Just Transition Movement. She completed one year at IIT Kent before welcoming twin girls in . A role she feels will set the platform for educational access and degree obtainment for undocumented students in Illinois and across the U. Tanya claims, that her early exposure to community activism and family values established her commitment of civic responsibility to her family and community. Oscar is an immigrant from El Salvador. He has been an organizer and a leader on community justice issues at the local, national and international levels for over 30 years. Oscar is a frequent spokesperson, domestically and internationally, on economic, social, political and cultural issues affecting Latin American immigrant communities, including the nexus between human mobility, economic inequality, white supremacy and racial justice. Alianza Americas mission is to improve the quality of life of Latin American immigrant communities in the US, as well as of peoples throughout the Americas. He has been admitted to the State Bars of Illinois and Wisconsin, and has been admitted to practice in the 5th and 7th Federal Courts of Appeals. Her research interests are in the areas of race, law, and migration. Her current work examines historical, economic, and political links between the immigration and criminal justice systems. Virginia Martinez is an attorney who has spent most of her career working in non-profit organizations and has been a strong advocate for Latinos, women and children. She is a nonprofit management consultant and collaborative leadership trainer. She served as Sr. The commission was established by statute to improve the opportunities and resources available to Latino families throughout the state. She was also formerly Director of the International Center for Health Leadership Development at the

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University of Illinois at Chicago, developing collaborative leadership capacity of individuals from communities, community health centers, and academic institutions and was dedicated to building multidisciplinary bridges to join communities and institutions. Working with a pro bono network of 1, attorneys, NIJC provides counsel and representation to approximately 10, low income immigrants, refugees, and asylum seekers each year. Earlier in her career she worked in local communities in Chile to help safeguard the rights of individuals under a dictatorship. Swapna Reddy is co-founder and Co-Director of the Asylum Seeker Advocacy Project ASAP , a nonprofit that brings rapid, remote legal aid and community support to asylum-seeking families in moments of crisis, including mass detention and raids. Since its founding, ASAP has prevented the imminent deportation of more than asylum seekers in 30 states; provided community education to thousands of asylum-seeking mothers online; and mobilized more than volunteers to carry out this work. Swapna has a B. She has received numerous awards for her commitment to public interest work, and is currently an Echoing Green Fellow, an Equal Justice Works Emerson Fellow, and a recipient of the J. Prior to ASAP, she provided civil rights and immigration legal services and conducted artificial intelligence and development economics research. Dana Rusch received her Ph. Using an ecological public health framework, she aims to develop models of mental health promotion that elevate the contributions of community-based organizations and non-traditional providers. This work also extends to translating research findings into policy level changes that can facilitate more effective ways to address mental health inequity. Rusch participates in local advocacy efforts to support immigrant and refugee communities, and she serves on several committees focused on the intersection of immigration policy and mental health. Her research aims to reduce poverty-related developmental and educational inequities by developing, testing and disseminating primary care-based strategies that improve early childhood development. As a developmental-behavioral pediatrician, Dr. Shah cares for young children with developmental disabilities, speech and language delays, and learning challenges. She works at the School of Social Service Administration at the University of Chicago evaluating the effectiveness of doula home visiting services being provided to adolescent mothers. Recently, Yadira was appointed as an auditor at the Synod of Bishops in Rome to treat the topic: Young People, the Faith, and Vocational Discernment and will be representing the immigrant community in the United States. His research mission is to develop, implement, and evaluate psychosocial interventions that are feasible, acceptable, and effective with respect to the complex real-life contexts where migrants and refugees live. This work has resulted in more than 80 publications and two books. He was awarded a Career Scientist Awards: Weine is author of more than 80 publication and two books, When History is a Nightmare: Narrating the Traumas of Political Violence Northwestern,

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Chapter 7 : Deportation - Wikipedia

The politics of implementation in coercive policy fields “defined as policies through which state officials, in the name of the public good, impose concentrated and severe costs upon clearly identifiable individuals” can be understood as a game played by four sets of actors.

The post was first published in the spring of as a part of our thread on borders and globalisation, a theme that is sadly growing more topical with each passing week as we receive more news of the rapidly deteriorating situation of European refugee camps. We are hearing very disturbing reports of serious contagious diseases spreading in these camps “ who ever thought that we would see measles in France with parents afraid to take them to the hospital! We are hearing of reports of children spending days, weeks in mud covered tents with no knowledge of when it will end as a growing number of European states have now officially closed their borders. We are seeing inaction by European politicians, despicable encouragement for people fleeing from war not to leave, and growing neo-nazism insisting on the re-creation of Fortress Europe. All this is leaving us feeling a deep sense of despair: Yet, it is undisputed that there is no objective scarcity of information “ what we now need is action. As we write these words we are seriously thinking what this could mean on our part. This was followed by a short text written by Ghassan Hage on the dynamics of class involved in border-crossing. Since then the theme of borders as been addressed regularly at Allegra via a great number of authors and posts. At a time when processes of globalisation are placing the territorial sovereignty of states under pressure, the integrity of state borders serves an increasingly important symbolic function: With the global number of irregular migrants steadily on the rise, public and state enthusiasm for deportation seems to reach new highs. The political rhetoric that frames the alleged necessity to implement deportation policies has been heightened in recent years. The criminalisation of irregular migration and the generation of a moral panic and national anxiety have often been used to legitimise the drafting of new legal instruments and rushed bureaucratic procedures for managing deportation policies. In many countries, detention centres have been built to confine increasing numbers of to-be-deported subjects, and they usually go hand-in-hand with the fortification of physical and legal borders. Nevertheless, when it comes to their implementation, deportation policies are notorious for not achieving their declared goals. Implementation Deficit or Surplus? Like many other state projects, deportation policies can suffer from an implementation deficit or surplus. When it comes to deportation policies, politicians may deliberately delegate a great deal of power and discretion to the executive branch in order to pursue levels of implementation that are impossible to draft as formal regulations because they are either politically controversial or in violation of international conventions and human rights. An implementation deficit can occur for reasons that range from an absence of infrastructure detention centres to insufficient personnel for locating and arresting irregular migrants, bringing them before a judge, and taking care of all the practical arrangements concerning their forced return identity documents, bilateral agreements, etc. Numerous academic studies and diverse reports by governmental and non-governmental organisations have consistently documented, in countries worldwide, the tendency among street-level agents who deal with irregular migrants to exercise unwarranted violence, to disregard legal procedures and to conceal their practices from public scrutiny. The move towards an implementation surplus is, however, not an even one; some law enforcement authorities are more ardent than others. The implementation of deportation policies is often seen as a battle that is waged between state agents and concerned civil-society actors. The socio-legal marginalisation of irregular migrants has mobilised different categories of the latter “ such as national and international NGOs, religious- and community-based organisations, etc. On the one hand, some state agents are highly frustrated with the regulations they need to implement in dealing with irregular migrants. These views, however, are hardly based in a systematic examination of their backgrounds and worldviews. For example, we tend to ignore the fact that ethnic profiling often plays a role in shaping the target groups to which NGOs extend their assistance. A Deportation Regime or Continuum? The notion of a deportation

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regime is often evoked when discussing the forced removal of irregular migrants by states. Yet this can be misleading, in at least two important ways. First, a reference to a regime directs our attention primarily to the role of the authorities in charge of the process, whereas in practice the role of civil-society actors is often at least as important to the actual shape that deportation policies acquire on the ground. Second, alluding to the notion of a regimen gives the impression of a field that is well under control and that functions according to neatly implemented regulations and orders. It is arguably more accurate to depict the social field in which deportation is being negotiated as continuums that stretch, on different levels, between seeing deportation as a correct and efficient measure, to considering it immoral and inefficient; wanting to change the existing policies and striving to make the best within current ones; referring to deportable people as subjects or objects; holding conservative or progressive political views about notions such as national belonging and universal citizenship; championing the notion of human rights or prioritizing national interests. Different actors are positioned differently along the deportation continuum in ways that do not always conform to our conventional ideas. Depicting and analysing the crosscutting positionalities of actors is not only crucial for an understanding of the actual working of deportation policies and practices, but also for understanding the intricate ways in which state power works in shaping the subjectivities of those who operate within and without its formal apparatus. Gianmarco Bresola, *Scene of Novel* written by Roberto Bolano and adapted for the theater by Alex Rigola.

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Chapter 8 : Criminalizing Immigrants and the Consequences of Mass Deportation – Action

The pair of memos aimed at enforcing Trump's executive orders on immigration mean millions more people living in the U.S. illegally could become targets for deportation.

The border security guidance expands the use of "expedited removal" proceedings for unauthorized immigrants. The enforcement memo leaves deferred action for childhood arrivals intact. The guidance will tighten immigration laws on asylum seekers and unaccompanied minors entering the country and could send individuals awaiting immigration proceedings in the United States back to Mexico. While the documents do not change anything in the executive orders on border security and interior immigration enforcement that Trump signed during his first week in office, they do explain how the administration plans to put those orders in place, signaling a hard-line position on undocumented immigrants that will please the right wing on immigration policy. The new guidance makes it more difficult to seek asylum in the US, allows the detention of substantially more undocumented immigrants and gives more authority to immigration officers -- all of which could add up to a huge increase in the number of undocumented immigrants held in detention facilities by the US government. A department spokeswoman, Gillian Christensen, said she could not confirm the guidance is final and would not comment on documents before they are publicly released, but she did not dispute their contents. The border security guidance expands the use of "expedited removal" proceedings for unauthorized immigrants, allowing them to be deported more quickly with limited court proceedings. In doing so, the memo allows for the quick removal of immigrants who cannot prove they were in the US continuously for two years before being apprehended and determined to be unauthorized. Previously, ICE and Customs and Border Protection had used "expedited removal" only for immigrants caught within miles of the border within 14 days of entering the US or by those who arrived by sea but not at a port of entry. The border security guidance also expands upon ending the so-called "catch-and-release" policies that allow individuals to be paroled from detention while awaiting immigration court proceedings, which can take years. The memo orders a surge in immigration judges and detention facilities to accommodate the holding of these individuals and lays out high thresholds for people to be released pending immigration proceedings. The memo gives room to tighten the standard for meeting the initial "credible fear" test for immigrants to be considered for asylum in the US, a threshold that tens of thousands of asylum seekers now meet each year. Past Department of Justice guidance has given some leeway to those who perceive a risk of persecution or torture in their home countries. While the memo does not explicitly raise the standard for finding a "significant possibility" that an immigrant could be granted asylum, it places a high bar on whether the perceived threats are credible. The guidance also makes it more difficult for children entering the country without authorization to be treated as "unaccompanied alien children. The executive order notes that in some cases, individuals continued to receive protection as unaccompanied alien children even when they had a parent or guardian living illegally in the US, saying it led to "abuses" of the system. The measure would potentially send non-Mexican asylum seekers from Central America over the southern border while they await asylum proceedings instead of letting them wait in the US, a policy with which Mexico would likely take issue. The memo says, however, that the latter policy "will be addressed in future guidance. At the same time, the memo declares: The memo gives broad leeway to immigration officers to make immediate decisions about whom to arrest and says officers should begin actions against individuals they meet in the course of their official duties. The guidance also takes any money being used by DHS to advocate on behalf of undocumented immigrants to establish the Victims of Immigration Crime Engagement VOICE Office, which is mandated by the executive order to report crimes committed by undocumented immigrants and to advocate for victims of those crimes. This story was updated with additional details.

Chapter 9 : Report: Under Obama More Than 80 Percent of Illegals Shielded from Deportation | Breitbart

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Supreme Court Deals a Blow to Obama's Effort to Prevent Deportations The court declined to re-hear a case blocking implementation of the president's actions.