

Trump Won: How Will this Affect Immigration and Border Control?

Mahalia E. Cullen

International Policy Review - Policy of the Month

December 6, 2024

The United States of America was built based on a dream - the American Dream. The American Dream is defined in the Merriam-Webster dictionary as “a happy way of living that is thought of by many Americans as something that can be achieved by anyone in the U.S., especially by working hard and becoming successful”.¹ Throughout history, many people have immigrated to the United States in pursuit of this dream, making immigration a highly debated topic across the country. During the U.S. elections, the topic of immigration and border control was debated amongst candidates, and this year was no different. With Trump advocating for stricter border control and Kamala, daughter of immigrants, being in opposition to the Republicans Immigration policies proposals, the stances on immigration and border control seemed more polarised than ever.

During his previous presidential campaigns, Trump has been firmly against illegal immigration, and this year was no different. The ideology behind Trump’s immigration plans is similar to former President Dwight D. Eisenhower, who oversaw mass deportations in the mid-ninety-fifties under ‘Operation Wetback’ (“Donald Trump’s Foreign Policy Positions”).² Similarly, Trump plans to deport immigrants, invoking the 1798 Alien Enemies Act to do it. Under the 1798 Alien Enemies Act, authorities will have the power to deport anyone who is known or suspected to be involved in gangs or drug cartels without due process.³ According to Britannica, due process is defined as “a course of legal proceedings according to rules and principles that have been established in a system of jurisprudence for the enforcement and protection of private rights”⁴. Because no due process is needed in order to deport these individuals, all authorities need is suspicion, which can be seen as subjective. Ideally, an alternative to this policy would be to allow for a small hearing in order for individuals to prove their innocence to ensure that no individual is in danger because they would be returning to a country with serious allegations against them. A new policy to account for this would be to have a separate small and quick legal procedure for those who are “aliens” in order to uphold the US ideals of “innocent until proven guilty.”⁵ However, it is important to consider that the 1798 Alien Enemies Act was made for times of war. The purpose of the 1798 Alien Enemies Act is to give the ability to the president to deport, relocate, and detain people from the enemy country with which the US is at war. The last time the

¹ Merriam-Webster.com Dictionary, s.v. “the American dream,” accessed October 30, 2024,

<https://www.merriam-webster.com/dictionary/the%20American%20dream>.

² “Donald Trump’s Foreign Policy Positions.” Council on Foreign Relations. Accessed November 1, 2024.

<https://www.cfr.org/election2024/candidate-tracker/donald-trump>.

³ “Donald Trump’s Foreign Policy Positions.” Council on Foreign Relations. Accessed November 1, 2024.

<https://www.cfr.org/election2024/candidate-tracker/donald-trump>.

⁴ Britannica, T. Editors of Encyclopaedia. "due process." Encyclopedia Britannica, November 12, 2024.

<https://www.britannica.com/topic/due-process>.

⁵ Teka, Maedot. “Is the Presumption of Innocence in the Constitution? | LawInfo.” LawInfo, November 13,

2023. <https://www.lawinfo.com/resources/criminal-defense/is-the-presumption-of-innocence-in-the-consti.html>.

1798 Alien Enemies Act was invoked was after Pearl Harbor, and it was used to relocate Japanese, German, and Italian nationals to internment camps if they were deemed threatening.⁶ Because the US is currently not at war, which according to the 1798 Alien Enemies Act is defined as when Congress has declared war, it is unlikely that Trump will be able to use the act to further his mass deportation agenda.

In order to carry out this initiative, Donald Trump will not only rely on local law enforcement authorities, but he also plans to mobilise the National Guard. He will also again attempt to terminate former President Obama's Deferred Action for Childhood Arrivals (DACA) initiative, which currently allows thousands of children who were brought to the U.S. illegally to stay without fear of being deported.⁷ He will also continue his efforts to construct a wall along the border between the United States and Mexico.⁸

Overall, Trump's immigration and border control plans can be summed up best by using his own words, as "the largest domestic deportation operation in American history".⁹ These plans will be carried out by his former U.S. Immigration and Customs Enforcement director Tom Homan who pledges to carry out Trump's deportation plans in a "human manner".¹⁰

The Democrats, on the other hand, are Trump's polar opposite regarding immigration and border control. However, this does not mean that Democrats plan on completely opening borders and allowing more immigrants to enter. Harris, in office since 2021, has been working on giving investment to the private sector of what is known as Northern Triangle countries (El Salvador, Guatemala, and Honduras) in hopes of helping the countries so that people will not want to or need to, immigrate to the United States.¹¹ These solutions that Biden has brought to the table to help curb immigration in the United States will likely disappear with

⁶ Treisman, Rachel. "Trump Is Promising Deportations under the Alien Enemies Act of 1798. What Is It?" NPR, October 19, 2024. <https://www.npr.org/2024/10/19/nx-s1-5156027/alien-enemies-act-1798-trump-immigration>.

⁷ Hogan, Megan. "Trump vs. Harris on Immigration: Future Policy Proposals." Web log. Peterson Institute for International Economics (blog), September 9, 2024. <https://www.piie.com/blogs/realtime-economics/2024/trump-vs-harris-immigration-future-policy-proposals>.

⁸ Hogan, Megan. "Trump vs. Harris on Immigration: Future Policy Proposals." Web log. Peterson Institute for International Economics (blog), September 9, 2024. <https://www.piie.com/blogs/realtime-economics/2024/trump-vs-harris-immigration-future-policy-proposals>.

⁹ T aylor, Jake. "What Trump Is Promising Supporters He'd Do in a Second Term." NBCNews.com, February 16, 2024. <https://www.nbcnews.com/politics/2024-election/trump-campaign-promises-second-term-rcna138621>.

¹⁰ "Trump Announces 'Border Czar' Will Be Tom Homan, Former Head of Immigration Enforcement." CBS News, November 12, 2024. <https://www.cbsnews.com/news/trump-border-czar-tom-homan-former-immigration-enforcement-head/>.

¹¹ "Kamala Harris's Foreign Policy Positions." Council on Foreign Relations. Accessed October 31, 2024. <https://www.cfr.org/election2024/candidate-tracker/kamala-harris>.

Trump taking office. The main focus of the Democrat Party for the remainder of Biden's term will likely be to strengthen the policies and programs that have been put in place in order to delay Trump's plans for as long as possible.¹²

As Trump continues to name his chosen cabinet members, people should remain vigilant as his cabinet members often influence his policies. One of the key takeaways from Trump's previous presidential term is that he is highly influenced by those around him. His former advisors often reminded him of the limits to his power, thus keeping his actions more contained. However, this will be his last term in office meaning that Trump does not need to continue to please his party or the US citizens. One of Donald Trump's main attributes is that he is unpredictable, meaning at the moment experts can only speculate what could happen, but only time will tell what is in store for the future of America.

¹² Liy, Macarena Vidal. "Biden Seeks to Preserve His Foreign Policy Legacy before Trump Takes Office." EL PAÍS English, November 18, 2024. <https://english.elpais.com/usa/elections/2024-11-18/biden-seeks-to-preserve-his-foreign-policy-legacy-before-trump-takes-office.html>.

Bibliography

Barry, Ellen. "How Kamala Harris's Immigrant Parents Found a Home, and Each Other, in a Black Study Group." *The New York Times*, September 13, 2020.

<https://www.nytimes.com/2020/09/13/us/kamala-harris-parents.html>.

Britannica, T. Editors of Encyclopaedia. "due process." Encyclopedia Britannica, November 12, 2024. <https://www.britannica.com/topic/due-process>.

"Donald Trump's Foreign Policy Positions." Council on Foreign Relations. Accessed November 1, 2024. <https://www.cfr.org/election2024/candidate-tracker/donald-trump>.

Hogan, Megan. "Trump vs. Harris on Immigration: Future Policy Proposals." Web log. *Peterson Institute for International Economics* (blog), September 9, 2024. <https://www.piie.com/blogs/realtime-economics/2024/trump-vs-harris-immigration-future-policy-proposals>.

"Kamala Harris's Foreign Policy Positions." Council on Foreign Relations. Accessed October 31, 2024. <https://www.cfr.org/election2024/candidate-tracker/kamala-harris>.

Liy, Macarena Vidal. "Biden Seeks to Preserve His Foreign Policy Legacy before Trump Takes Office." EL PAÍS English, November 18, 2024. <https://english.elpais.com/usa/elections/2024-11-18/biden-seeks-to-preserve-his-foreign-policy-legacy-before-trump-takes-office.html>.

Merriam-Webster.com Dictionary, s.v. "the American dream," accessed October 30, 2024, <https://www.merriam-webster.com/dictionary/the%20American%20dream>.

Traylor, Jake. "What Trump Is Promising Supporters He'd Do in a Second Term." NBCNews.com, February 16, 2024. <https://www.nbcnews.com/politics/2024-election/trump-campaign-promises-second-term-rcna138621>.

Teka, Maedot. "Is the Presumption of Innocence in the Constitution? | LawInfo." LawInfo, November 13, 2023. <https://www.lawinfo.com/resources/criminal-defense/is-the-presumption-of-innocence-in-the-consti.html>.

"Trump Announces 'Border Czar' Will Be Tom Homan, Former Head of Immigration Enforcement." CBS News, November 12, 2024. <https://www.cbsnews.com/news/trump-border-czar-tom-homan-former-immigration-enforcement-head/>.

