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정책학석사학위논문

U.S. Immigration Policy Since
1986: Policy Change, Policy
Entrepreneurship, and the
Advocacy Coalition
Framework

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U.S. Immigration Policy Since 1986: Policy Change, Policy Entrepreneurship, and the Advocacy Coalition Framework

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Abstract

U.S. Immigration Policy Since 1986: Policy Change, Policy Entrepreneurship, and the Advocacy Coalition Framework

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This research paper reviews the modern immigration policy debate in the U.S., looking at what has happened in absence of comprehensive immigration reform. The main objective is to do a qualitative analysis of contemporary U.S. federal immigration policy using the Advocacy Coalition Framework (ACF) to describe the major policy changes that have occurred and the coalitions that surrounded them. However, it has been noted that the ACF is limited by both its vague notion of policy brokers, with the concept being actually excluded from the framework in more recent revisions due to researchers often being unable to identify brokers within a subsystem, and by its emphasis on beliefs, as opposed to self-interest. Thus, supplementing the ACF with theories around policy entrepreneurs, i.e. actors driven not simply by beliefs but by material self-interest, will serve to address these

shortcomings and allow for a more robust analysis of the policy subsystem.

This goals of this research were as follows: identification of the sources of policy change, or combinations, responsible for changes noted in the subsystem; identification of which actors were engaged in the immigration policy subsystem and the coalitions that they formed; identification of the beliefs, strategies, and resources of such coalition actors; and, finally, identification of the characteristics, skills, and traits of the policy entrepreneurs, while also identifying how these entrepreneurs sought to influence policy change within the policy subsystem.

The paper is composed of five chapters. Chapter 1 is introductory and describes the research background and objective, research scope and scale, and research methodology. Chapter 2 examines the relevant literature and theory related to U.S. immigration policy, the ACF, and policy entrepreneurship. Chapter 3 contains the ACF analysis of U.S. federal immigration. It is subdivided into a section examining the external factors to the subsystem, such as relatively stable parameters and external shocks, and then proceeds to analyze the different phases of policy, looking at the competing advocacy coalitions makeup, their respective beliefs, strategies, and resources, and the policy outputs that occurred and what impacts they had. Chapter 4 reviews the entrepreneurial efforts of the private prison industry in attempting to influence immigration policy, looking specifically at the industry's attributes, skills, and strategies. Conclusions will be drawn in Chapter 5, with discussion and implications of findings and notice of what limitations arose during the paper.

The debate around enforcement can be positioned between an expansionist coalition and a restrictionist coalition, with the former believing generally in expanding alien admission opportunities while, on the other hand, the latter believes in the restriction of such opportunities. The makeup of each coalition is diverse: the expansionist coalition

contains important business, labor, civil rights, ethnic, religious, and pro-immigration groups, while the restrictionist group contains not only nativist and anti-immigration groups but also specific business interests, subgroups of the Republican party, certain labor groups, and the majority of the American public. Both coalitions seek to leverage their access to legal authority, support from the public, ability to mobilize supporters, financial resources, information, leadership, and institutional rules towards their advantage. This can mean promotion of a coalition's policy objectives, building relationships with governmental agencies so that they can influence future policy initiatives, social mobilization and coordination strategies, negotiation, partnership and coalition building, aiming to influence and lobby at many different levels of government, and other methods of increasing influence in the policy process, but each coalition utilized unique influence strategies as well.

To generally summarize the changes in policy over time, while the Immigration Reform and Control Act of 1986 (IRCA) and the Immigration Act of 1990 established an expansionist policy regime in terms of admissions that has remained to this day, the general drift in immigration enforcement and enforcement-only policy, particularly from the Clinton administration onward, has been towards a restrictionist regime. This has been accompanied by record highs in deportations, a fairly steady increase in the number of immigrants being held in detention, the creation of various agencies under the DHS to replace the INS, increasing militarization of border enforcement, and a continued failure to pass comprehensive immigration reform.

The first policy phase (1986-1994) was characterized by general subsystem stability following IRCA with the policy focus being primarily on expansive admissions and with less attention paid to restrictionist policy desires. The second phase (1994-2001), initiated by both the short-term establishment of a systemic governing coalition for the

Democrats and the quick loss of that coalition in the face of restrictionists' rising influence within the Republican party and at the state/local level, began the rise of restrictionist enforcement policy and a weakening of immigrants' rights. The third phase (2001-2009) came with the establishment of a systemic governing coalition for the Republicans and the external crisis of 9/11, which essentially eliminated discussion of expansionist immigration policy and further solidified a linkage between immigration and national security that benefited restrictionists. Finally, the fourth phase (2009-2020) was defined by a total lack of negotiated agreement between parties leading to policy almost exclusively through unilateral executive actions, undertaken by two different presidents with differing visions on immigration, with expansionists having some of their policy desires addressed during the Obama administration, but with much of these gains contended during the Trump years while the restrictionists were able to achieve policy victories under both administrations.

Finally, the policy entrepreneurship of the private prison industry is noted in the policy debates around the housing of inmates detained by ICE and regarding the Department of Homeland Security's appropriations budget that directly relates to private detention funding, immigration detention bed quotas, and oversight exemptions the industry is granted. These entrepreneurs displayed ambition, social acuity, sociability, credibility, and tenacity in these efforts, utilizing strategic thinking, team building, negotiating, and trust-building skills while attempting to influence policy via problem framing, solution seeking, the utilization and expansion of networks, venue shopping, and campaign donation strategies.

In conclusion, the ACF is adept at identifying macro-level changes in a policy subsystem, such as the shift within the Republican party from being majority free-market expansionist to majority restrictionist, the rise of strict enforcement policies within the Democratic

party in response to a restrictionist public and restrictionist gains at the state and local level, and comprehensive reform (and many expansionist policy beliefs) being pushed aside due to external crises such as 9/11 or the Great Recession, the linkage of national security and immigration, and the hurling stalemate that comprehensive reform has become in the face of declining bipartisanship and restrictionists' reluctance to compromise on policy. However, there are numerous issues with ACF in trying to understand immigration policy change: the theory offered relatively little insight into the last phase of policy, where most actions came as a result of executive order; the behavior of individual or collective entrepreneurs can be easily lost in trying to categorize every actor by their beliefs, besides the fact that such micro-level behavior can be easily pushed aside for the sake of condensing individuals' behavior into coalitions; the framework will almost always miss important aspects and debates around policy, such as private prisons' efforts around bed quotas and attempts to block phase-outs of private immigrant detention and removals of oversight exemptions.

Several implications are noted in the concluding discussion. In terms of the final phase of immigration policy, the courts figured heavily in shaping, or altering, the policy intentions of these administrations, and the impacts and future of policies undertaken as they have been in this era (or the shape of policies to come) may ultimately be decided by the courts. The current inability of the two parties (or either coalition) to bring about negotiated agreement on comprehensive reform means that the foreseeable future of immigration policy will continue to be one defined by expansionist immigration admissions policy and restrictionist enforcement policies. Inability to negotiate also points to executive authority's importance, enhanced by clashing parties and coalitions, to be maintained going forward. Finally, there has been a proliferation of sanctuary and anti-sanctuary policies, as well as various federal policies aimed at making local and state participation in enforcement mandatory,

and it seems that both state/local policy innovations and federal utilization of localized immigration enforcement policies will continue.

Keywords: Immigration Policy, Advocacy Coalition Framework, Policy Entrepreneurship, Policy Change

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List of Abbreviations and Acronyms

ACF	ADVOCACY COALITION FRAMEWORK
ACLU	AMERICAN CIVIL LIBERTIES UNION
AEDPA	ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT
AFL–CIO	AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS
ALEC	AMERICAN LEGISLATIVE EXCHANGE COUNCIL
AZ	ARIZONA
CBP	CUSTOMS AND BORDER PROTECTION
CCA	CORECIVIC (FORMERLY KNOWN AS THE CORRECTIONS CORPORATION OF AMERICA)
CIS	CENTER FOR IMMIGRATION STUDIES
DACA	DEFERRED ACTION OF CHILDHOOD ARRIVALS
DAPA	DEFERRED ACTION FOR PARENTS OF AMERICANS
DEA	DRUG ENFORCEMENT ADMINISTRATION
DHS	DEPARTMENT OF HOMELAND SECURITY
EPA	ENVIRONMENTAL PROTECTION AGENCY
FAIR	FEDERATION FOR AMERICAN IMMIGRATION REFORM

FBI	FEDERAL BUREAU OF INVESTIGATION
GDP	GROSS DOMESTIC PRODUCT
GEO	THE GEO GROUP, INC
GOP	GRAND OLD PARTY, OR REPUBLICAN PARTY
HRIFA	HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT
ICE	U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
IIRIRA	ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT
INS	IMMIGRATION AND NATURALIZATION SERVICE
IRCA	IMMIGRATION REFORM AND CONTROL ACT OF 1986
LPR	LAWFUL PERMANENT RESIDENT
MA	MASSACHUSETTS
MI	MICHIGAN
MPP	MIGRANT PROTECTION PROTOCOLS
MSA	MULTIPLE STREAMS APPROACH
NAACP	NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

NACARA	NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT
NAFTA	NORTH AMERICAN FREE TRADE AGREEMENT
NAM	NATIONAL ASSOCIATION OF MANUFACTURERS
PE	POLICY ENTREPRENEURSHIP
PET	PUNCTUATED EQUILIBRIUM THEORY
PRWORA	PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT
TPS	TEMPORARY PROTECTED STATUS
U.S.	UNITED STATES
USCIS	U.S. CITIZENSHIP AND IMMIGRATION SERVICES
VWP	U.S. VISA WAIVER PROGRAM

Chapter 1: Introduction

1.1. Research background and objective

(1) Objective

There has been a long-standing debate around immigration policy, particularly regarding the issue of illegal immigration and undocumented immigrants, in the United States for many years now. This research paper would review the modern immigration policy debate in the U.S., looking at what has happened in absence of comprehensive immigration reform and how such policies relate to past ones. The main objective is to conduct a qualitative analysis of contemporary U.S. federal immigration policy using the Advocacy Coalition Framework (ACF) to describe the major policy changes that have occurred and the coalitions that surrounded them. The ACF is an ideal framework due to its ability to incorporate many policy actors and their beliefs, strategies, resources, and actions in making a lucid narrative of policy change. It also allows for an understanding of the groups pushing for and against such change, as well as the events, belief changes, and/or shocks that brought about change, making it an ideal method for approaching a complicated issue like immigration policy.

However, it has been noted that the ACF is limited by both its vague conception of policy brokers, with the concept being actually excluded from the framework in more recent revisions due to the concept being often unable to be identified within a subsystem, and by its emphasis on beliefs, as opposed to self-interest, with Ingold and Varone (2012: 322) noting that “the ACF does not explicitly consider the (material) self-interests of policy actors and of policy brokers beyond their belief systems.” Thus, supplementing the ACF with theories around

policy entrepreneurs, i.e. actors driven not simply by beliefs but by material self-interest, will serve to address these shortcomings and allow for a more robust analysis of the policy subsystem in question.

In this particular policy subsystem, there are potentially many policy entrepreneurs, including many that may fall under some of the coalition actors listed above. Instead of attempting to identify all the policy entrepreneurs present in the subsystem, this parallel analysis will focus specifically on efforts by the private prison industry and their lobbies in attempting to shape problems of immigration enforcement to suit their preferred policy outcomes, e.g. increased privatization of immigration enforcement/detention and increased funding for private detention facilities. Such attempts by these entrepreneurs have been covered to a certain extent in other relevant literature, such as in law journals (Ray, 2018), but the lens of this analysis has the potential to offer insight more relevant to the study of policy entrepreneurship, policy change, and the policy process, as well as offering a comparative lens to the ACF.

In terms of the ACF, this is the first such framework done on this topic (though there are a handful of ACF studies related to U.S. immigration policy, such as Shin's 2019 study of the U.S. Visa-Waiver program) and allows unique insight into the many significant policy changes that have occurred in U.S. immigration policy, thus making important contributions to the immigration policy literature as a whole and the policy debates around immigration, which will most likely become more heated with increasing estimates on how many people will be displaced due to climate change (Kulp and Strauss, 2019) and as more communities and countries consider their migration policy to counter population aging (Seol, 2018: 73). This research also furthers the literature on policy change and, to a greater extent, the ACF, with the latter also providing an opportunity to test ACF's theories regarding policy change and a new arena to test the assumptions of the framework.

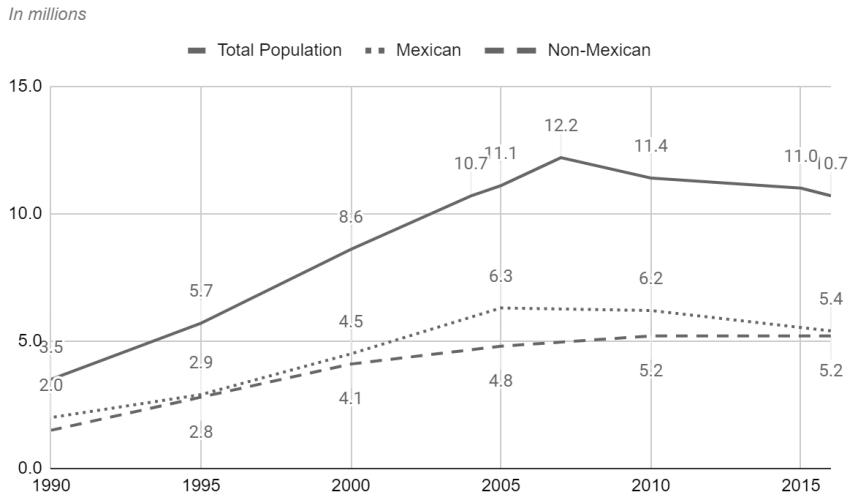
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(2) Background

As of 2016, the number of unauthorized immigrants stood at 10.7 million, with approximately half of these immigrants being Mexican and around 66% of adult unauthorized immigrants having lived in the United States for more than 10 years (Passel and Cohn, November 2018). This number steadily increased from 1990 (3.5 million) to its peak of 12.2 million in 2007, and has decreased since then, and the makeup has increased greatly as well: while in 1995, only 33% of unauthorized immigrants had lived in America more than ten years, the percentage has steadily increased, up to 66% in 2016 (Passel and Cohn, November 2018). In terms of the U.S. immigrant population (i.e., the population that is foreign-born) as a whole, since 1965, following the passage of the Immigration and Nationality Act of 1965 that abolished the national quotas system, "the number of immigrants living in the U.S. has more than quadrupled," with immigrants

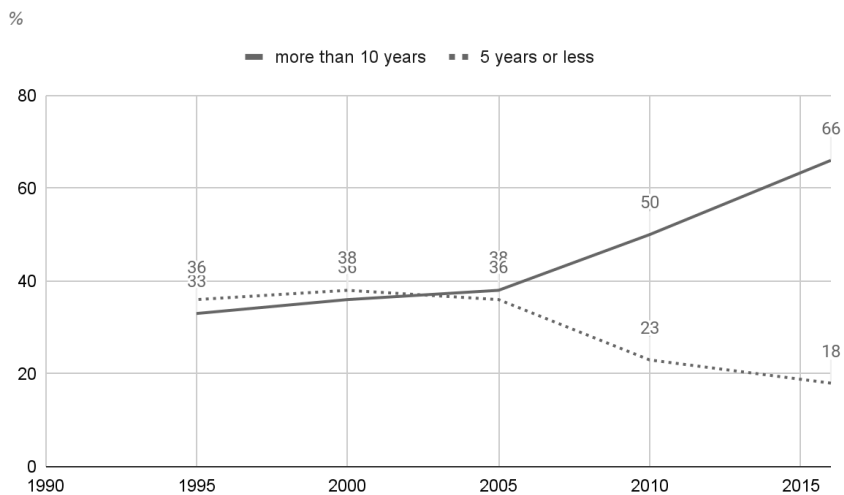
making up 13.7% of the total U.S. population, up from 4.8% in 1970 and approaching the record high of 14.8% in 1890, with the total U.S.

<Figure 1> Number Of Unauthorized Immigrants In The U.S., By Total, Mexican, And Non-Mexican Populations, 1990-2016



Source: Passel and Cohn (November 2018)

<Figure 2> Percentage Of Adult Unauthorized Immigrants, By Duration Of U.S. Residence, 1995-2016



Source: Passel and Cohn (November 2018)

immigrant population reaching a record 44.8 million in 2018, and projected to reach 78.2 million by 2065 (Budiman, 2020). Around 25% of immigrants in the U.S. are from Mexico, followed by China and India (both around 6%), with the immigrants from Asia as a whole around 28% and recent years seeing more Asian than Hispanic immigrants (Budiman 2020). Deportations steadily increased from 2002 (around 165,000) till 2009 (391,000), then again from 2010 (382,000) till 2013 (435,000), with the Obama administration deporting around three million immigrants and the Bush administration deporting around two million immigrants; for figures that are available regarding the Trump administration, there was an average of around 316,000 immigrants deported in 2017 and 2018 (Budiman, 2020). In all years since 2001, the number of non-criminal deportations exceeded criminal deportations.

“Comprehensive Reform”

Despite how often immigration is talked about by politicians, no party has been able to pass comprehensive immigration reform since the Immigration Reform and Control Act (IRCA) of 1986, a reform that, despite being designed to discourage illegal immigration and crack down on companies that might employ illegal immigrants, ended up with its “most significant legacy being an amnesty program that enabled roughly three million undocumented aliens to gain legal permanent residency in the United States” (Tichenor, 2009: 261-262). *Comprehensive immigration reform* can be defined as policies that “combine enhanced border and interior enforcement with changes to the lawful permanent resident (LPR) visa system, the nonimmigrant visa system, and the status of unauthorized immigrants” who are currently living in the U.S., in contrast to policies that see the “policy problem as one of unauthorized immigration and responds by strengthening existing enforcement tools” (Rosenblaum, 2006; Hinojosa-Ojeda, 2012; Leal, 2009). During the

immediate period following IRCA with the Ronald Reagan and George H.W. Bush administrations, the most significant immigration policy passed was the Immigration Act of 1990, which most notably increased annual limits on immigration by 40 percent (Tichenor, 2009: 244), altered visa category limits in an attempt to increase skilled labor immigration, and increased and altered the grounds for removal and inadmissibility. Leiden and Neal (1990: 328), in a piece highlighting the key aspects of the act, said at the time that “from the point of view of an advocate of immigrants' rights, certain portions of the new law bring welcome changes, while others raise considerable concern.”

The subsequent Clinton, Bush, Obama, and Trump administrations have all enacted notable immigration policies, but multiple attempts at comprehensive reform have come up short. President Bush failed in numerous efforts to pass reform, such as with the Secure America and Orderly Immigration Act of 2005, introduced by Senators John McCain (R-AZ) and Ted Kennedy [D-MA]), or with the Comprehensive Immigration Reform Act of 2007, the latter (despite being heavily pushed by the Republican president and crafted by a bipartisan group of twelve senators) being “reviled by foes of illegal immigration, opposed by most labor unions and unloved by immigration advocates,” with opponents ranging from right-wing talk radio hosts like Rush Limbaugh to the American Civil Liberties Union (ACLU) and the American Federation of Labor and Congress of Industrial Organizations (AFL–CIO) (Weisman, 2007). The last major attempt at comprehensive immigration reform came under President Obama, as a bipartisan group of senators known as the “Gang of Eight” drew up the framework for an immigration reform bill that became the Border Security, Economic Opportunity, and Immigration Modernization Act of 2013 and would eventually be passed by the Senate in a 68 to 32 vote, with the bill being described at the time as being “brought together an unlikely coalition of Democrats and Republicans; business groups and labor unions; farmworkers and growers; and Latino, gay rights and immigration

advocates” (Parker and Martin, 2013). However, as the bill passed in the Senate. House Republicans and Speaker John Boehner vowed at the same time to not take up a vote on it, and President Obama eventually opted for executive actions after the Senate bill died.

Federal vs. Local/State Immigration Policy

Following an 1875 Supreme Court ruling (*Chy Lung v. Freeman*) that was seen as making immigration control a federal prerogative, in addition to the Constitution of the United States that prevents localities and states from interfering with federal immigration enforcement (U.S. Const. art. VI, cl.2), “there was a long period where U.S. state governments were content to let the federal government regulate immigration” (Boushey and Luedtke, 2011: 391). However, “in recent years there has been a steep uptick in state and local immigration legislation,” with officials deeming such responses as necessary in the face of federal deadlock in terms of immigration reform. (Newton and Adams, 2009: 408-409). Looking at this multilevel governance dynamic, Rodriguez (2007) identifies the “primary function of states and localities is to integrate immigrants into the body politic and thus to bring the country to terms with demographic change,” leading to states and local governments making policies to address issues at their level of governance, sometimes clashing with federal policy or leading to more efforts to assist federal immigration regulation and enforcement. Thus, while different administrations have sought to enact federal policy change to the extent that they were able, local governments have also tried to take the matter into their own hands, enacting both immigrant-friendly and unfriendly policies. Whereas “immigrant-friendly cities attempt to integrate their immigrants,” via a number of measures such as policies that prevent local law enforcement from cooperating with federal immigration policy or ensuring various social services for immigrants such as access to banks and healthcare, the “immigrant unfriendly view immigrants as burdens in which they are blamed for raising crime and increasing fiscal

stress for the city's budget," among a number of other things. (Hummell, 2016: 1216-1217).

In the family of this former group, there has been, since the 1980s, a "sanctuary" movement and corresponding sanctuary policies, though the nature of the term "sanctuary" has changed over time: in the 1980s, it "primarily referred to efforts by churches and cities to provide various forms of assistance to asylum applicants from Central America" (Villazor, 2008: 133), whereas the post 9-11, post-Patriot Act "New Sanctuary Movement," while inspired by the older Sanctuary movement, "led many cities to adopt sanctuary policies in response to what they believed were the abuses inherent" in the more aggressive immigration enforcement and legislation that had come about, and, beyond asylum seekers, "protected an often demonized group: undocumented immigrants" (Gonzalez O'Brien et al, 2019: 10). Such policies, based on a number of concerns, "explicitly limit cooperation with the federal government in enforcing immigration laws" (Martinez et al, 2017: 2). Davis (2020: 101) notes that, considering the range of issues encompassed in immigration enforcement, "national immigration policies cannot, as a practical matter, be carried out in the interior of the United States without the assistance and cooperation of local law enforcement personnel," and that such policies can potentially be a serious obstacle for federal immigration policy implementation. These policies have been strongly criticized as contributing to supposed increases in crime, such as in the 2016 Republican Party presidential primary where "nearly all of the Republican presidential candidates included opposition to sanctuary policy" (Gonzalez et al, 2019: 4) or President Trump attempting via executive order to strip federal funds from sanctuary cities while claiming in interviews that the "ridiculous sanctuary cities" cause more crime (Fox News, 2017). Trump's executive order, titled "Enhancing Public Safety in the Interior of the United States," was later found to be unconstitutional, "joining rulings that have blocked different portions of Trump's travel ban and preliminary injunctions on the sanctuary cities order" (Diamond and

McKirdy, 2017). Such setbacks have not stopped the Trump Administration from enacting other aspects of its immigration policy, eventually (on its third revision and lengthy court battle) having its so-called travel ban or “Muslim ban” upheld in a 5-4 ruling by the Supreme Court, which prohibits entry from five majority-Muslim countries—Iran, Libya, Yemen, Syria and Somalia—as well as North Korea and some government officials from Venezuela (Liptak and Shear, 2018) and enforcing a “zero-tolerance” policy that involved separating thousands of children from their parents in efforts to deter illegal immigration, efforts that were supposed to be halted due to injunction in district court (Shear et al, 2018) but still had been reported to continue (Washington, 2019).

The Post 9/11 Era

The aftermath of the September 11 attacks saw the creation of the U.S. Immigration and Customs Enforcement agency (ICE) via the Homeland Security Act in 2002 and other policy changes that connected immigration control with the need to protect the country from terrorism, with some arguing that, in fact, “the government's focus on the war against terrorism has blurred the lines between immigration and terrorism” (Hines, 2006: 10). It was around this period that the Immigration and Naturalization Service (INS) was eliminated with its powers going to the new agencies in charge today: U.S. Citizenship and Immigration Services (USCIS), dealing with immigration administration and naturalization, Customs and Border Protection (CBP) (part of the Department of Homeland Security [DHS]), in charge of enforcement on or near the border, and ICE (also part of the DHS), which deals with much of the enforcement in the rest of the country, though “in recent years, ICE and CBP have increasingly collaborated with law enforcement agents outside of the immigration enforcement bureaucracy,” such as the Federal Bureau of Investigation (FBI) and the Drug Enforcement Administration (DEA), in facilitating interior enforcement (Chacón, 2010: 1566). Brown

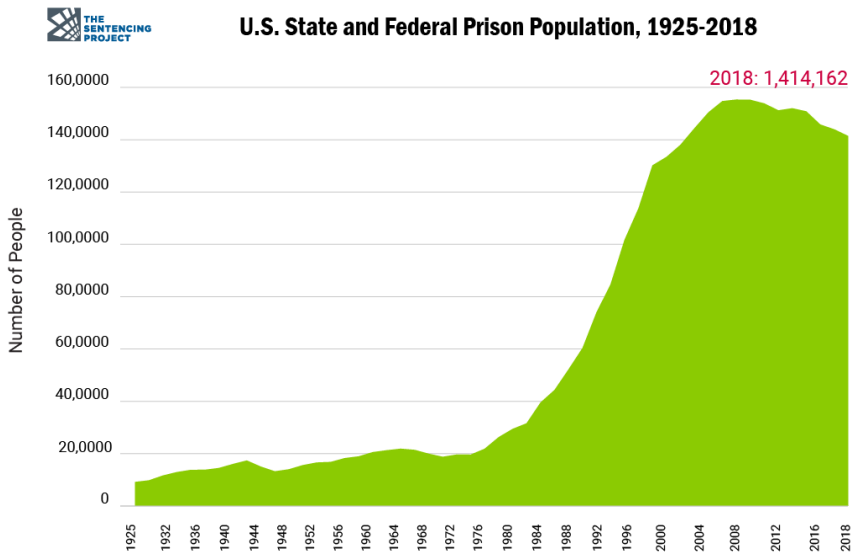
and Rodriguez (2014: 147) note that by fiscal year 2012, “the United States spent approximately \$18 billion on immigration and border enforcement, more than all other federal law enforcement efforts combined.”

The post 9-11 era has also seen a rise in violent hate crimes and threats, the highest period coming in 2018 (FBI, 2019). While there has been an improvement in how hate crimes are measured since the FBI began collecting information on the issue, “many agencies consistently fail to report any hate crimes in their jurisdiction” and there needs to be more effort put into truly identifying the scope of the problem, particularly in regards to unreported hate crimes (Stacey et al, 2011: 293-294). In terms of the state of immigrant’s rights in the U.S., Hines (2006: 28) notes that “post 9/11 national security has been used as a pretext for many restrictions that have little to do with security matters,” with immigrants (despite playing an important role in the economy and doing many undesirable jobs) being deprived of many of their rights while at the same time being forced to “take much greater risks to arrive in the U.S. ... [resulting] in a growing number of deaths along the southern border of the country” (Hines, 2006: 10).

Private Prison and Immigrant Detention

The U.S. prison population has seen steady growth in recent times, with the state and federal prison population growing from around 320,000 to 2.2 million from 1980 till 2015, almost a 700% increase (The Sentencing Project, 2017).

<Figure 3> U.S. State and Federal Prison Population, 1925-2018



Source: The Sentencing Project (2020)

This has come while “scholars have observed a proliferation of financial partnerships between government and for-profit entities — all of which [that] have an economic stake in mass incarceration” (Collingwood et al, 2018: 276). There’ve been different reasons for this rise: support from neoliberal Democrats and Republicans who supported neoliberal policies, tough-on-crime policies and the connected issue of prison overcrowding, and purported claims of cost-cutting that may be more about politics than about actual savings (Gottschalk, 2015).

A notable exception from this list of reasons is the private prison industry itself, dominated by a small group of corporations, most notably CoreCivic (formerly known as the Corrections Corporation of America and still referred to by the acronym CCA) and the GEO Group, Inc (GEO). This industry is often seen as a key cause of mass incarceration but, on the contrary, “mass incarceration helped transform the private prison sector into a powerful and nimble political player” (Gottschalk, 2015: 65). As it stands now, thirty states and the federal government incarcerate individuals in private facilities, with 115,428 prisoners

“representing 8% of the total state and federal [prison] population” (The Sentencing Project, 2021). Since 2000, this population has increased 32% (compared to a three percent rise in the overall prison population), with the number of individuals in private federal prisons increasing 77% in that time.

As the private prison industry has grown, they have moved into other areas of criminal justice services, including immigrant detention where they have become the majority provider. As of 2019, 40,634 individuals (81% of the total detained population) were held in private detention facilities, a 739% increase from 2002 (The Sentencing Project, 2021). The ability to have high-scale immigration detention and deportations arose in the 1980s and 1990s, with a Reagan administration policy in 1983 beginning the first significant expansion by creating 10,000 detention beds to be filled while at the same time making the first federal contract with the world’s first private prison company (the then-recently formed CCA) for the purpose of immigrant detention. The Clinton administration would subsequently lay “the foundation for the vast criminalization of immigration infractions and for the sharp increase in the annual number of detentions and deportations beginning in the mid-1990s (Gottschalk, 2015: 221). This has had lasting ramifications: by 2012, almost half of federal court defendants were Hispanic, with an explosion of prosecutions regarding immigration violations (Gottschalk, 2015: 216).

One final note is that Presidents Obama and Biden each took executive actions to begin a phase-out of federal contracts with private prisons, leading to a slight decline in the population of private federal detention from its peak in 2013 (The Sentencing Project, 2021). However, such actions are not as significant as they might appear: the Obama administration renewed private prison contracts at essentially the same scope as it had in the past, and the more recent Biden action excluded private immigrant detention under the DHS (Pelot-Hobbs, 2021).

1.2. Research subject and scope

A qualitative case study approach will be taken to analyze U.S. federal immigration policy through the ACF and theories of policy entrepreneurship. Considering 1986 was the last time a comprehensive immigration reform bill was successfully passed, the scope of the analysis will range from 1986 to 2020, looking at what changes have occurred in absence of such a reform. Furthermore, since all attempts at comprehensive reform failed in this period, this analysis will focus on policy change in relation to immigration enforcement. In the ACF, “the primary unit of analysis is the policy subsystem” (Pierce et al., 2017B: S15), in this case being the U.S. federal immigration policy subsystem. The advocacy coalitions that will be focused on are an expansionist coalition and a restrictionist coalition, and the analysis generally deals with how coalitions influenced the agenda setting and policy making in the policy subsystem. The analytic framework for the policy entrepreneurship section focuses on the attributes, skills, and strategies of entrepreneurs seeking to influence immigration policy decision-making (Mintrom and Luetjens, 2017). Usually, it would also include a section on the policy context in question, but the ACF largely covers this aspect. The policy entrepreneurs will be the collective private prison industry, primarily CCA, GEO, and their lobbies.

The questions to be answered by this research are as follows:

- A. Which of the four sources of policy change, or which combinations, identified in the ACF are responsible for the policy changes identified in US federal immigration policy since 1986?
- B. Which actors were engaged in the immigration policy subsystem and what coalitions did they form?
- C. What beliefs, strategies, and resources did such actors have in relation to this policy subsystem?

D. What are the characteristics, skills, and traits of the identified policy entrepreneurs, and how did these entrepreneurs seek to influence policy change within the federal immigration policy subsystem?

1.3. Research Methodology

This approach will rely primarily on document analysis of legislation, records of policy making and policy makers, minutes, transcripts, government articles, and information from various news outlets, as well as reviewing the literature regarding U.S. immigration policy. It will also rely on data/statistics from government sources, such as the U.S. Census, the Library of Congress, the FBI, and secondary analysis of relevant research. Such an approach is common when using the ACF, e.g. Pierce et al. (2017a), in a review of methods and exemplary practices in using the ACF, found that, of the 161 peer-reviewed journal articles they analyzed, “about 90% of all ACF articles use qualitative analysis, and a majority collect data using interviews and/or documents,” noting that this approach helped provide needed context to ACF studies that had been characterized in the past as overly empirical.

Chapter 2: Literature Review And Theoretical Background

2.1. U.S. Immigration Policy

There is a wealth of research on American immigration policy and the history surrounding it, and on immigration in general. Many approaches have been taken to examine immigration policy, such as “theories of political science/comparative politics (Marxist, interest group, partisan politics and institutionalist approaches), international relations (realism, liberalism and world system approaches), and sociology and psychology (the ‘national identity’ approach)” (Meyers, 2000: 1269). In explaining what drives immigration to North America, Karemera et al. found (2000: 1745) “population of origin countries and the income of destination countries are two major determinants of migration.” Borjas (1994: 1688), looking at the economics of immigration, found that “emigration rate is negatively correlated with mean earnings in the source country and with migration costs, and is positively correlated with mean earnings in the host country.” Clark et al. (2007: 368-369), looking at U.S. immigration from 1971-1998, noted that while, “both theoretically and empirically, what drives migration is income relative to education,” other important variables also matter: demographics, the stock of previous immigrants, and different aspects of immigration policy. Feliciano (2005: 147), considering how education affects who becomes an immigrant and who does not, showed how while “there is substantial variation in the degree of educational selectivity depending on the country of origin and the timing of migration from a particular country,” immigrants were almost always more educated than those who had chosen to stay in their home countries. Cornelius and Rosenblum (2005: 100) note that answers on what drives individuals to migrate, despite the many risks and costs,

“may be divided into rational actor approaches and those that emphasize deeper structural factors, and a separate distinction should be made between voluntary and forced (i.e., refugee) migration.” The former finds that “workers, like goods, flow to the country that is willing to pay the most for them” (Borjas, 1998: 466). The latter schools of thought emphasize either “the underlying global economic structures that motivate individual (or group) decision making” or point to the “the presence of transborder social networks” (Cornelius and Rosenblum (2005: 101).

In the same vein as the broader immigration policy literature, in terms of what drives the forms and patterns of U.S. immigration policy, different focuses have been taken, pointing to “economic conditions, social interests, national values, or electoral realignments” as the cause for what policies ultimately are chosen, while others have taken a historical institutionalist approach that “places special emphasis on the interplay of dynamic governing institutions, policy alliances, expertise, and international crises” (Tichenor, 2009: 18-19). Hines (2016:10), looking at immigration law before 9/11, noted that “historically, U.S. immigration law has been closely linked to political and economic policies and trends,” citing such things as immigration laws targeting anarchists, communists, Chinese and other Asians, among other groups of peoples, and states that these trends have continued post 9/11. The relationship between wages and immigration is often an important focus when talking about immigration policy, with one side saying immigration has adverse wage effects, such as Borjas (2003: 1335) that “immigration lowers the wage of competing workers”, while others have stated that such analyses are misguided, such as Clemens and Hunt (2019: 854, looking at the effects of refugee waves on wages, found that “the evidence from refugee waves collectively supports the existing consensus that the impact of immigration on average native-born workers is small,” and that claims of adverse effects are unfounded, though noting that there is less agreement considering impacts on “less-skilled” workers. A 2016 National

Academies consensus report, edited by Blau and Mackie, found that immigration's long-term impact on "wages and employment of native-born workers overall is very small, and that any negative impacts are most likely to be found for prior immigrants or native-born high school dropouts," while also noting that "immigration has an overall positive impact on long-run economic growth in the U.S." On a different note, Tichenor's study of immigration policy (2009: 8-9) "highlights four interlocking processes... changing institutional opportunities and constraints, shifting expertise, international threats, and interest group coalitions" that have been the drivers of policies either ending or being created.

Amongst these processes, Cornelius and Rosenblum (2005:106-107) note that the "most common approach to explaining immigration policy making focuses on domestic interest groups," highlighting both economic interest groups (like labor unions and business groups) and noneconomic interest groups (like immigrant/ethnic groups, nativist anti-immigration groups, and civil liberties organizations). Facchini et al's (2011: 27) analysis of U.S. immigration policy, using data on temporary work visas and immigration-related lobbying activities, found "robust evidence that both pro- and anti-immigration interest groups play a statistically significant and economically relevant role in shaping migration across sectors." Joppke (1998: 271-272) argues that the reason liberal states accept unwanted immigration and why illegal immigration control has failed in the U.S. is "due primarily to the logic of client politics," with pro-immigration groups having a considerable position in shaping policy. Looking at institutional approaches, several variants are used in immigration policy "which differ according to the degree of autonomy and cohesion they attribute to the state," such as whether the state is a unified body acting as one or whether subsections pursue their own agendas, or whether the state pursues its own interests or societal ones (Meyers, 2000: 1261). Institutionalists would find, when

thinking about interest groups, that while policy making may be affected by interest groups, “policy shifts are likely only when immigrant communities become swing districts at the national level, causing national parties to pursue pro- or antiimmigration voters” (Cornelius and Rosenblum, 2005: 107). For example, Zingher (2014: 90), looking at state immigration enforcement and undocumented immigrants, found that while Republican-majority legislatures were more likely to pass policy enhancing immigration enforcement, states that had a larger number of Latino voters were much less likely to take up policy targeting undocumented migrants, showing “Republican support for increasing sanctions on undocumented migrants is eroded by the potential for an electoral backlash from Latino voters.” One final approach in regards to immigration policy change that could be addressed is one dealing with international factors, which would make at least three types of arguments: that “international migration now occurs within a more generalized process of global economic and political integration,” the dynamics of national security and population movements, and at the diplomatic and/or economic level, in so much as “the level and terms of international migration have important economic and sociopolitical implications for countries on both ends of the exchange” (Cornelius and Rosenblum. 2005: 109).

American public opinion on immigration policy has been found to be influenced by a number of factors: e.g., those with higher levels of income and education have more favorable views of current or higher immigration levels than those at the bottom end, minority members are more favorable to higher levels of immigration than non-Hispanic whites, and those who view the economy as strong or feel that immigrants play an important role in the economy are more favorable to immigration than those who view immigrants as stealing jobs, besides those who feel negative about immigration due to isolationist views or feelings of alienation (Epenshad and Hempstead, 1996: 555-556). Harwood (1986:

210-211), while pointing out how American public opinion tended to be highly restrictionist towards all forms of immigration, found that public opinion and government policy had diverged from around 1970 to 1985, due to efforts from legal and political elites and civil rights and other activists advocating for liberalization of immigration policy, concluding with the point that the small few who have strong feelings and efforts will have a significantly bigger role in policy than an ambivalent public. In regards to the Immigration Act of 1990, its increase of annual limits on immigration “stood in juxtaposition with the preferences of most ordinary citizens, who favored reductions in annual legal admissions when the law was enacted” (Tichenor, 2009: 255). That being said, the period following Harwood’s article has been characterized by an escalation of U.S. immigration control, despite, as what Andreas (1998: 614-615) found in looking at the Post-NAFTA era, how “intensified border enforcement has failed to significantly curb illegal immigration and has even generated a variety of negative consequences.” He also noted how this increased enforcement contrasted sharply with what was being talked about in terms of economic integration between Mexico and the U.S. Ewing (2012) argues that this sort of contradiction highlights how “immigration laws have frequently ignored the larger historical forces that drive immigration, and have often fought against the economic interests of the United States itself.” Looking at more recent research on American public opinion, while Lapinski et al. (1997:360-361) found that around 66% of Americans supported a decrease in immigration levels during 1993 to 1995, Segovia and Defever (2010: 377) found that from 1997 to 2007, that number had decreased by around twenty percent, and the number of Americans who supported an increase in immigration levels had doubled. Muste (2013: 402) found that, since 1994 till 2010, “broad assessments of immigrants’ impact have become more positive and have mirrored the shifts in opinion about immigration,” while also finding (2013: 414) that while economic problems at various periods did not increase opposition to immigration, “in the wake of rancorous debates over immigration policy in 1994—96

and 2006-07, and the events of 9/11, opinion on some issues became more negative,” then later declined.

Immigration and Crime

Another lens to look at the contemporary immigration policy debate is in the case of sanctuary cities, which have been a focus in many recent political debates about the positives and negatives of immigration and have been a subject of research since the movement’s beginning in the 1980s. That being said, such cities’ supposed relationship to crime has been the subject of only a few empirical inquiries, perhaps due to the fact that the policies substantively changed post 9-11. The theories that claim a positive correlation between sanctuary policies and crime “point toward three notable types of transformation within immigration communities: behavioral changes, compositional changes, or changes in the relative population” (Martinez et al 2017: 5). The first idea, the behavior change theory, posits that sanctuary policies will cause a change in behavior due to there being a lower risk or deterrent to committing crime; however, such a theory has weaknesses in the sense that many immigrants are not aware of such policies and the most serious offenses would still have the same punishments in sanctuary areas. The second idea is based on the idea that immigrants and criminality are associated and thus, as sanctuary policies may attract more immigrants, the crime rate would increase as the composition of the population changes. This more general idea of the immigrant-crime link has been a subject of research for some time. Ousey and Kubrin’s (2018: 63) combined narrative review and meta-analysis found that the research from 1994-2014 indicated that “overall, the immigrant-crime association is negative -- but very weak ... [with] significant variation in findings across studies.” That being said, Martinez et al (2018: 6) noted that the Ousey and Kubrin study found “a significant negative effect of immigration on crime in traditional destinations and in studies that utilized longitudinal analytic designs.” They continued that

such results when paired with individual-level evidence strongly goes against the idea that immigration (or sanctuary policy) increases crime. The third argument is the idea of “social disorganization framework,” which was developed by Shaw and McKay as “an approach that emphasizes neighborhood structural differences rather than individual differences” in that achieving something like a crime-free neighborhood depends on a neighborhood's characteristics (Poleczynski et al, 2009).

The counter-hypothesis to the immigrant-beget-crime hypothesis is what has been called the “immigrant revitalization perspective,” i.e. the notion that “communities with higher proportions of recent immigrants, other things being equal, will exhibit lower levels of criminal homicide” (Lee and Martinez, 2001: 564). Lyons et al (2013: 604), using a multilevel comparative framework, analyzed the relationship between immigrant concentration and neighborhood violence and, after revealing an inverse relationship between the two, speculated that “this occurs because favorable political contexts bolster social organization by enhancing trust and public social control within immigrant neighborhoods.” The authors (2013: 624) note that “contrary to much public opinion and political rhetoric, our research joins a chorus of others in suggesting that immigration generally makes neighborhoods safer,” while also finding that “punitive anti-immigrant policies enacted in many jurisdictions decrease the benefits of immigration for our communities.” They also stated (2013: 610) that sanctuary policies could lead to immigrants trusting in the political structure, which “can facilitate involvement in social and political life, attachment to and ownership of their neighborhoods, and mobilization on behalf of neighborhood concerns”. Gonzalez et al (2019:3) used “a causal inference matching strategy to compare similarly situated cities where key variables are the same ... except for sanctuary status of the city.” This analysis’ result was “that sanctuary policies themselves appear to have no effect on subsequent crime rates” (Gonzalez et al, 2019: 30). Martinez et al (2018: 8) noted that

empirical inquiries into the sanctuary-crime issue, while yielding mixed results and each having limitations, do not “suggest these limited cooperation policies foster crime.” Hummel (2016: 1211) found that local immigration policy (either pro-immigrant or anti) had “no significant effect on attracting or repelling immigrants while the impact of this [foreign-born] population on city crime is significantly negative,” i.e. it negated an argument that immigrants bring or cause crime. He stated (2015: 1227) that, if cities with anti-immigrant policies had hoped to cause immigrants to leave or stay away, “the continued existence of immigrants in some of these anti-immigrant cities is a clear indication that these policies have failed.” In summary, regarding the argument for and against the immigrant-beget-crime hypothesis, Martinez et al pointed out (2017: 9) that while the literature on the immigration-crime link and studies concerning sanctuary/limited cooperation policies and crime both show null or negative relations, i.e. “neither ... are directly positively associated with higher rates of crime,” the former literature is robust while the latter is limited to a handful of studies. Ousey and Kubrin (2018: 82) note that, in looking at this issue, “scholars will confront several obstacles, perhaps the greatest of which involves data limitations,” e.g. crime data not providing enough information (such as an individual immigrant’s status [native born versus foreign born, documented vs. undocumented, etc.]) to sufficiently address many key issues at the heart of the immigrant-crime debate.

2.2. Advocacy Coalition Framework (ACF)

Theoretical Background

The theoretical foundation for this analysis is the ACF, which focuses primarily on advocacy coalitions, policy change, and policy-oriented learning. The ACF’s action takes place within specific policy subsystems (e.g. the California water policy subsystem), “composed of participants who regularly seek to influence policy within a

policy subsystem,” with the assumption that a subsystem is usually dominated by one advocacy coalition with one or more minority advocacy coalition also present (Sabatier and Weible, 2007: 192). The framework has at least four premises: that “understanding the process of policy change - and the role of learning therein - requires a time perspective of a decade or more,” that the best way to think about long-term policy change is by focusing on a policy subsystem, that subsystems (at least in terms of domestic policy) require an intergovernmental dimension, and, finally, that “public policies or programs can be conceptualized in the same manner as belief systems, i.e. as sets of value priorities and causal assumptions about how to realize them” (Jenkins-Smith and Sabatier, 1994: 178) The framework is based on the assumption “that policy participants hold strong beliefs and are motivated to translate those beliefs into actual policy,” attempting to achieve policy objectives by forming advocacy coalitions, i.e. groups composed of various individuals united around their common beliefs about policy and who “also engage in a nontrivial degree of coordination,” building strategies of how influence policy (Sabatier and Weible, 2007: 192-196). The members of coalitions come from a wide range of places, going beyond the iron triangle view (the single-level, Congress-bureaucracy-interest group framework) to “include actors at various levels of government, as well as journalists, researchers, and policy analysts who play important roles in the generation, dissemination, and evaluation of policy ideas” (Jenkins-Smith and Sabatier, 1994: 179). Cairney (2012: 202) notes that the ACF, like the policy network literature, pays attention to group-government relationships: since governments cannot deal with all policy issues and aspects alone, policy is broken down, with more specialized sectors and more responsibility for lower-ranking officials; while this is going on, “those officials gather policy knowledge in consultation with actors such as interest groups, who trade their expertise and advice for access to government and the chance to influence policy,” with such a

specialization process leading to groups being only able to have enough knowledge to compete in a few subsystems.

Coalitions beliefs and/or actions can be “impacted by long- and short-term opportunities, constraints, and resources that are affected by both relatively stable parameters and external subsystem events,” as well as government decisions feeding back into the subsystem (Pierce et al., 2017B: S15). Beliefs are seen as what holds coalitions together and are broken up into three levels: deep core beliefs, which “involve very general normative and ontological assumptions about human nature” and are very difficult to change; policy core beliefs, “applications of deep core beliefs that span an entire policy subsystem,” or policy core policy preferences, “normative beliefs that project an image of how the policy subsystem ought to be, provide the vision that guides coalition strategic behavior, and helps unite allies and divide opponents”; and, finally, secondary beliefs, which are narrower positions on things such as how a policy is implemented, where its funding comes from, etc., and thus being characterized as the beliefs that are most likely to be changed (Sabatier and Weible, 2007: 194-196). This hierarchy of beliefs is ordered “according to their scope, how strongly they are adhered to, how they influence learning and how susceptible they are to change in the light of new experiences and events” (Cairney, 2012: 205).

To better illustrate what these terms mean, we can look at how these terms are actually used in an ACF analysis: Shin (2019: 862), looking at the case of the U.S. Visa Waiver Program (VWP), found two coalitions around the idea of expanding the VWP: a security-concerned coalition and an economy-concerned coalition. The former’s deep core beliefs were that people’s safety was more important than the nation’s economic growth and had more negative views about tourism, whereas the latter had the opposite view, e.g. “large business coalitions in the travel and tourism industries and Department of State have supported [the

expansion of] the VWP for their interests” (Shin, 2019: 860). One example of the former’s policy core beliefs was that the government wanted stricter government policies in regards to non-immigrants and tourists, whereas the latter held that “lowering the threshold to enter into the U.S. would result in a larger economic growth by increasing both foreign tourism and commerce activity” (Shin, 2019: 861) Finally, one example of secondary beliefs for the former group was their desire for fewer countries to be able to utilize the VWP, while the latter believed in its expansion.

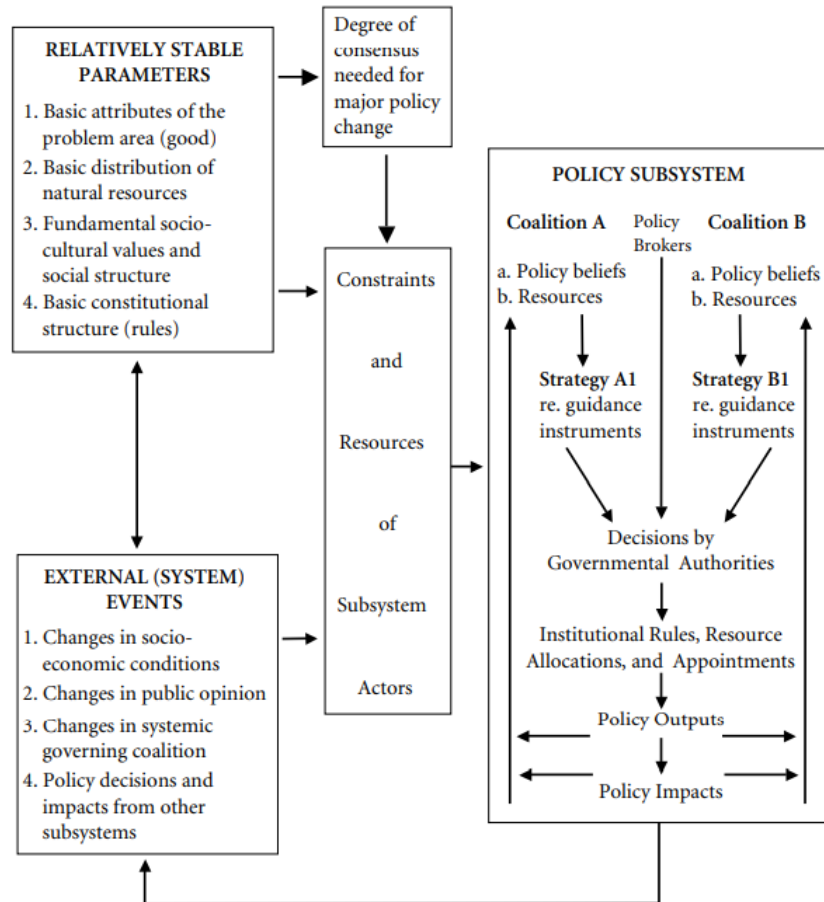
The framework’s goal is not simply to show what sides supported what in terms of policy, but to “explain belief change and policy change over long periods,” with the framework pointing to four potential ways for policy change to occur: policy oriented learning, external shocks, internal shocks, or a hurling stalemate that incentivizes a negotiated agreement (Sabatier and Weible, 2007: 208). Policy oriented learning is defined as “relatively enduring alternations of thought or behavioral intentions that result from experience and/or new information and that are concerned with the attainment or revision of policy objectives” (Sabatier and Jenkins-Smith, 1999: 123), while external shocks are defined as “significant perturbations external to the policy subsystem” (Sabatier and Weible, 2007: 198). On the other hand, internal shocks are defined as “disasters from within a policy subsystem,” whereas negotiated agreements arise when “agreements involving policy core changes are crafted among previously warring coalitions,” brought about by the incentive to negotiate seriously due to a policy stalemate or hurling stalemate (Sabatier and Weible, 2007: 204-206). Changes are distinguished between major policy changes (changes that occur in policy core beliefs) and minor policy changes (changes that occur in secondary beliefs) and policy change reflects the policy beliefs of the winning advocacy coalition (Pierce et al., 2017b: S17).

Another key aspect of the ACF is how individuals are seen as having bounded rationality (as opposed to the rational model), as being susceptible to “the devil shift” (“the tendency for actors to view their opponents as less trustworthy, more evil, and more powerful than they probably are”), and that they’re motivated by both their beliefs and fear of opponents to “seek allies, share resources, and develop complementary strategies” in trying to turn their beliefs into policies (Sabatier and Weible, 2007: 194-196). Jenkins-Smith and Sabatier (1994: 183) list nine hypotheses drawn from the ACF, with three dealing with what holds advocacy coalitions together, two regarding policy change, and four regarding “conditions conducive to policy-oriented learning across belief systems, i.e. between coalitions.” The first policy change hypothesis states that the “policy core attributes of a governmental program are unlikely to be significantly revised as long as the subsystem advocacy coalition which instituted the program remains in power,” while the second one posits that “policy core attributes of a governmental action program are unlikely to be changed in the absence of significant perturbations external to the subsystem” (Jenkins-Smith and Sabatier, 1994: 183).

Finally, the concept of policy brokers, or actors “whose principal concern is to find some reasonable compromise which will reduce intense conflict” (Jenkins-Smith and Sabatier, 1994: 182), is emphasized in earlier versions of the ACF. However, as has already been noted, while present in the 2007 framework displayed in Figure 4, later revisions of the framework have removed policy brokers entirely. Weible, Sabatier, and McQueen (2009: 132) explicitly mention that many applications of the ACF ignore the concept entirely, attributing this either to a lack of interest or “is that many of these concepts have yet to be incorporated into explicit theories within the ACF.” For example, in a review of ACF applications done in relation to South Korea, Jang et al (2016: 282-283) found that, on the topic of policy-oriented learning and the importance of brokers in learning, 51% of applications did not include analysis of brokers and 31%

could not find a link between brokers and learning, and only “16% of articles viewed that policy brokers played an important role as a conflict mediator in instances of policy change.” Ingold and Varone (2009: 320) point to, due to the concept being “largely overlooked” in the framework, three open questions regarding policy brokers: the existence of brokers, such as who they are and what they believe, their activity within the policy process, such as whether they’re seeking to increase their own power (interest-based) or seeking to bring about stability in the subsystem, and how policy brokers operate in non-U.S. systems. In relation to the broker concept, another issue arises in that brokers are seen to be desiring stability in the system based on their beliefs, not their self-interest, like how coalitions form based on their beliefs. As Mintrom and Vegari note (1996: 421), the ACF “rejects the possibility that ‘coalitions of convenience’ motivated by ‘short-term self-interest’ can have lasting impacts on policy directions.”

<Figure 4> Advocacy Coalition Framework



Source: Sabatier and Weible (2007)

Strengths, Weaknesses, and Evolving Application of ACF

Some of the ACF's strengths include: its recognition of policy networks while identifying a wide number of actors; how it views policy change not simply at the point of decision but over long periods of time; its incorporation of socio-economic factors instead of simply viewing the policy process as a "black box"; and, finally, the importance the

framework puts on ideas and beliefs and how that helps understand their role within conversations on policy change (Cairney, 2012: 201-202).

Besides the criticisms already noted around the concept of policy brokers and omission of self-interested actors, the framework has been criticized for being overly empirical, with Fischer (2003: 101) saying the ACF “neglects the social and historical context in which such [policy] change takes place.” Other criticisms or limitations have been, considering that the ACF was originally designed while thinking about the U.S. and environmental policy, the need for better understanding of how the ACF is be employed in regards to non-U.S. and non-environmental policy issues, and the need to find replicable methods in operationalizing the key concepts of the ACF (Jenkins et al., 2014). However, in consideration of this latter criticism, the ACF has seen a wide range of applications, with one overview of recent ACF studies showing an application of the framework “to 54 unique countries... frequently across five different levels of government and to 16 different policy domains” (Pierce et al., 2017b: S35). Jang et al. (2016: 279) in a comprehensive review of 67 peer-reviewed applications of the ACF in South Korea from 2002 through 2014, saw a wide range of applications of the ACF, with the most common areas being social policy, development policy, environmental policy, and health policy.

In one example of a non-US, non-environmental policy application, Kübler (2001: 637-638) used the ACF to look at changes in Swiss drug policy, finding that the “concept of harm reduction as a new policy core emerged and replaced the previously dominant abstinence policy core through the efforts and strategies of a coalition of advocates,” with the newly dominant harm reduction coalition being able to enact major policy change at the national level, with the AIDS epidemic serving as the crucial event in overthrowing the once-dominant abstinence coalition. Sato (1999: 28), using the ACF and policy process analysis

simultaneously to look at smoking control policy in Japan, was able to use the ACF to explain policy changes “as resulting from the emergence of, and the competition among. two advocacy coalitions, either protobacco or antitobacco.” Roßegger and Ramin (2013: 323) used the ACF to “understand the complex process of policy change throughout various periods in the Swedish [nuclear] phase-out policy,” grouping the policy changes into policy phases. They noted that an ultimate decision to revoke the phase-out policy in 2009 was influenced by important factors such as one party’s attitude toward nuclear policy and the majority government coming into power, but they also noted that while the ACF “may explain how a crisis can be defined as one event where parties are acting, and what the reasons are if they are not acting,” explaining changes without crisis presents problems for the ACF (Roßegger and Ramin, 2013: 340). In regards to the 2003 criticism of the ACF being too empirical, more recent ACF studies have adopted more methods of qualitative analysis, such as interviews and document analysis, and “current articles are highly contextual” (Pierce et al., 2017a: 23). As it stands now, in a review of methods of the ACF, Pierce et al. (2017a: 25) stated that in “order for the ACF to balance theoretical generalization with unique contexts, scholars should continue to use diverse methods of analysis and data collection, but should seek common conceptual operationalization.”

Competing Theories of Policy Change

Besides the ACF, there are a number of prominent theories related to policy change. The multiple streams approach (MSA) sees three independent process streams of problems, policies, and politics that develop on their own, yet “at some critical junctures the three streams are joined, and the greatest policy changes grow out of that coupling of problems, policy proposals, and politics” (Kingdon, 2014: 19). Punctuated equilibrium theory (PET) sees the policy process as having long periods of stability and incrementalism that are occasionally broken by periods of

major change, and looks at what factors either enable stability/incrementalism or produce drastic change (True et al., 2007: 155). Historical institutionalism focuses “attention to real-world empirical questions, its historical orientation and its attention to the ways in which institutions structure and shape behaviour and outcomes,” seeing how rules can decide what strategies are taken and what policy choices are made (Steinmo, 2008:118). Policy feedback theory builds off of the idea that policies produce politics, “that policies themselves must be seen as politically consequential structures” that can shape subsequent politics and policies (Pierson, 1992: 624). The discourse coalition framework sees policies and politics as dependent on the social construction of a problem, analyzing not only “what is being said, but also ... the institutional context in which this is done and which co-determines what can be said meaningfully,” leading to a focus on discursive struggles (Hajer, 1995: 6). The reason this analysis will use the ACF as its foundation, instead of some of the alternatives listed above, is to utilize the ACF’s focus on one policy subsystem, capability to incorporate many different individuals and interest groups who have both material and normative beliefs, the inclusion of testable hypotheses of policy change, and the fact that it is a framework meant for wicked problems and contentious policy debates, such as various issues around immigration.

While the MSA has advantages, in that it “gives users unparalleled flexibility: there is no need for a detailed codebook, to test hypotheses, or advance general policy theory,” one key disadvantage that arises is that there are not often testable hypotheses and parts to be operationalized (Cairney and Jones, 2016: 38). Compared to the ACF ‘PET is based more on the allocation of attention and the heuristics that decision makers, and consequently organizations, use to allocate scarce attention’ (Jones and Baumgartner, 2012: 4), but the beliefs of coalitions and how those beliefs bring coalitions together seem like a better guiding principle for this analysis. The justifications for not using MSA and PET

are similar in regards to the discourse coalition framework: the theory is less clear about testable hypotheses, and, while also prioritizing coalitions like the ACF, it focuses on discourse as what keeps coalitions together, which seems like less clear of a focus than the beliefs of actors within a coalition and how those beliefs cause them to behave, though it could be argued, as Kern and Rogge (2018: 13-14) have done, that such a focus could be quite beneficial in a different type of analysis, focusing on how actors interpret different points of debate and potential goals in their own way. Finally, seeing as some historical institutionalist research on immigration policy and immigration policy change have already been referenced (such as Tichenor, 2009), an ACF analysis may be able to offer new insights into this policy subsystem.

2.3. Policy Entrepreneurs

Policy entrepreneurship is a concept that has been discussed extensively in the literature of policymaking, with a number of different definitions for the concept. One of the most well-known conceptions comes from Kingdon's MSA, who defines (2014: 122-123) policy entrepreneurs' defining characteristic as "their willingness to invest their resources-time, energy, reputation, and sometimes money-in the hope of a future return," with the return coming potentially from preferred policy decisions, personal aggrandizement, or other means of increasing their self-interest. They are driven by their own potential benefits, as well as their values and/or simply in interest in policy, but such a drive can play the key role of, as in the MSA, bringing the three streams together when an opportunity arises. Entrepreneurs lay the foundation for such an occurrence to happen, as they attempt to pair their preferred solutions with various issues that the government is concerned about, and they engage in what's called "softening up" of both "policy communities which tend to be inertia-bound and resistant to major changes, and larger publics, getting them used to new ideas and building acceptance for their proposals" (Kingdon, 2014: 128). This can involve such things as writing and

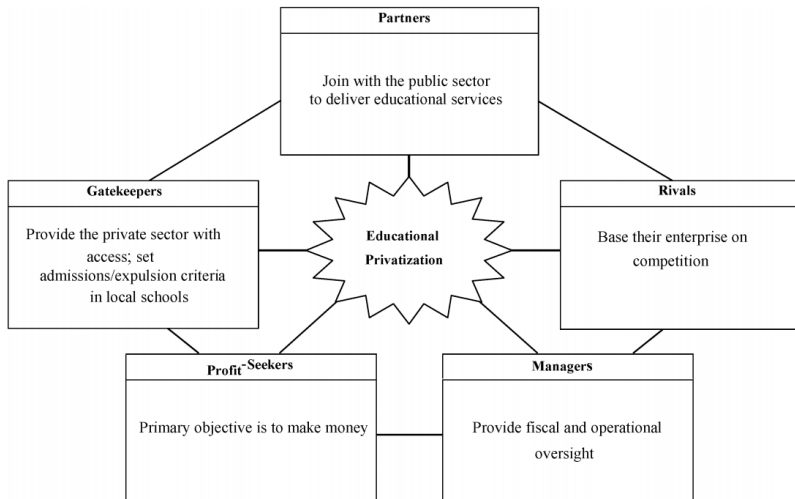
sending correspondence, talking with and visiting key decision makers, and protests and demonstrations in the hopes of defining a policy issue along the lines of their concerns. In terms of softening activities within the political system, speeches, bills, and hearings all help in the process of connecting their solution with the identified problems. Entrepreneurs' success will depend on their connections, and negotiating skill, on their claim to a hearing (resulting from either their decision-making position, expertise in problem areas, or from being able to speak for others as the head of an influential interest group), and on their persistence. Their potential for success comes with the risk that their investment of time and resources will come to nothing or simply personal (or collective) loss. While in the MSA, like the ACF, "much of the process is governed by large events and structures not under any individual's control, ... entrepreneurs take advantage of those events and work within those structures," showing the importance of both individuals and events (Kingdon, 2014: 225). Another similar feature to the ACF is that, due to the slow development of the policy stream, entrepreneurs will work on their pitch for many years, as proposals must be ready and connected with problems when a policy window opens.

Mintrom and Vegari (1996: 422) presented a policy entrepreneurship (PE) model to supplement the ACF, feeling that the ACF explains policy stability while the PE model would better explain dynamic policy change, with the main goal of the model being an "increasing of our understanding of how innovative ideas get articulated onto political and legislative agendas. Much of this model is similar to what Kingdon described in the MSA. They point to three key functions of entrepreneurs: finding needs and providing innovative solutions, taking on risks in pursuing their goals amidst uncertainty, and bringing together and organizing networks of groups and individuals in order to realize the change they're hoping to enact. Entrepreneurs attempt to define issues along the lines of their desired policy, develop strategies for getting their

idea well-ingrained in the appropriate networks, and develop and help organize coalitions around their policy goals. In conclusion, they found (1996: 430) that the combination of the ACF and PE model provides “considerable guidance for thinking about the determinants of policy change,” with the ACF addressing the context and macrolevel of policy change, and the PE model working to explain microlevel activity and bring attention to “the way individuals package their ideas, build coalitions in support of those ideas, and use political opportunities to drive their policy preferences home.”

The policy entrepreneurship concept has been further elucidated by various scholars. Mintrom (2019: 308) has identified the common attributes, skills, and strategies of policy entrepreneurs, which builds off of the definition listed above. In terms of attributes, ambition, social acuity, credibility, sociability, and tenacity are considered key. For skills, strategic thinking, team building, collecting evidence, making arguments, engaging multiple audiences, negotiation, and networking are presented. Skills are seen as learnable skills, while attributes are nurturable. Finally, depending on the skills and attributes of the policy entrepreneur(s), strategies such as problem framing, using and expanding networks, working with advocacy coalitions, leading by example, and scaling up change processes or advocacy efforts are all strategies that are employed. Scott and DiMartino (2009: 438) generated a typology for identifying five different roles (gatekeepers, managers, rivals, partners, and profit-seekers) that policy entrepreneurs were playing in New York City education reform, with each role summarized in Figure 5.

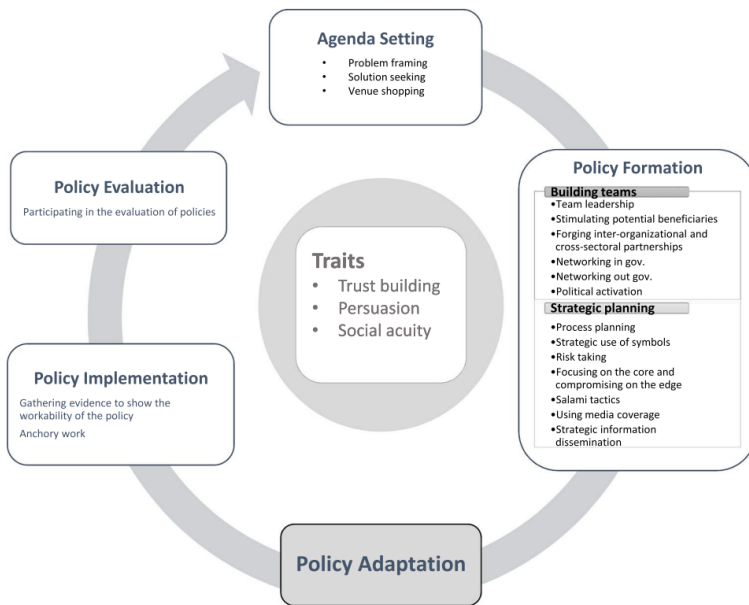
<Figure 5> Typology of Privatization Actors



Source: Scott and DiMartino (2009: 438)

In a systematic review of over forty years of 229 articles that were published between 1984 and 2017 on policy entrepreneur's characteristics and strategies, Frisch et al. (2020: 625) developed a heuristic framework of policy entrepreneurs' strategies and traits, which can be seen in Figure 6. Besides confirming many of the central premises of the entrepreneurship concept in that confirming that "framing problems, seeking solutions, and building teams of diverse stakeholders from different domains is crucial to policy entrepreneurship", they found that much of the literature focuses on strategies of entrepreneurs but that strategies will differ depending on what level of government the entrepreneurs are working at and that, in terms of characteristics, around half of entrepreneurs come from outside the public sector (Frisch et al., 2020: 630-631).

<Figure 6> Heuristic Framework for Classifying Policy Entrepreneurship Strategies



Source: Frisch et al. (2020: 625)

Criticisms of the policy entrepreneurship concept generally start from the fuzzy nature of the concept, with problems arising from studies not reflecting the literature as a whole and/or presenting new models of study that are not readily comparable to others (Cairney, 2013: 49-50). For example, critics pointed to Kingdon's model as needing "more conceptual and theoretical elaboration, which at that point was largely based on limited empirical evidence" (Frisch et al., 2020: 614). That being said, research of the concept has developed in response to such criticisms, with such research becoming, as Mintrom et al. stated (2020: 3), "increasingly sophisticated in taking account of how factors in their operating contexts can influence the degree of success that policy entrepreneurs achieve as they work to promote policy change. The same

authors continue to note that, research development notwithstanding, a number of key points must be considered for policy entrepreneurship studies: addressing the context of the policy networks entrepreneurs are working in, which often is best done by pairing studies with theories of policy making such as the ACF; addressing the context of who becomes a policy entrepreneur and conditions that allow for them to emerge; further attention towards particular issues such as what level of government the entrepreneurs are working at, and/or the exact strategies that entrepreneurs are using; and, finally, the need to consider the impacts of entrepreneurs beyond the most obvious impact, i.e. legislative change.

Chapter 3: Analysis Of Change In U.S. Federal Immigration Policy

This chapter is divided into six sections: one for examining the exogenous variables of this ACF, one for examining the two advocacy coalitions, and then four subsequent sections on the different phases of policy during this period. These mostly follow with who was the President at the time, though the Reagan and H.W. Bush administrations have been merged into one due to their relative overlap in policy. To generally summarize the changes in policy over time, while IRCA and the Immigration Act of 1990 established an expansionist policy regime in terms of admissions that has remained to this day, the general drift in immigration enforcement and enforcement-only policy, particularly from the Clinton administration onward, has been towards a restrictionist regime. This has been accompanied by record highs in deportations, a fairly steady increase in the number of immigrants being held in detention, the creation of various agencies under the DHS to replace the INS, and increasing militarization of border enforcement, among other things.

The first phase (1986-1994) was characterized by general subsystem stability following IRCA with the policy focus being primarily on expansive admissions and with less attention paid to restrictionist policy desires. The second phase (1994-2001), initiated by both the short-term establishment of a systemic governing coalition for the Democrats and the quick loss of that coalition in the face of restrictionists' rising influence within the Republican party and at the state/local level, began the rise of restrictionist enforcement policy and a weakening of immigrants' rights. The third phase (2001-2009) came with the establishment of a systemic governing coalition for the Republicans and the external crisis of 9/11, which essentially eliminated discussion of expansionist immigration policy and further solidified a linkage between immigration and national security that benefited restrictionists. Finally, the

fourth phase (2009-2020) was defined by a total lack of negotiated agreement between parties leading to policy almost exclusively through unilateral executive actions, undertaken by two different presidents with differing visions on immigration, with expansionists having some of their policy desires addressed during the Obama administration, but with much of these gains contended during the Trump years while the restrictionists were able to achieve policy victories under both administrations.

3.1. Exogenous Variables

Relatively stable parameters can be defined as “wider features of the policy system, exogenous to the subsystem, that are unlikely to change over one cycle” (Cairney, 2012: 208). Things like the fundamental sociocultural values and social structure of a society, or a country’s constitutional structure, are some examples of these variables. However, such parameters can also “be internal to the subsystem, such as the physical conditions of the subsystem” and the basic attributes of a problem (Jenkins Smith et al., 2014: 193). Such parameters are the stable elements in the ACF, while the external events, or shocks that are exogenous to the subsystem, are the dynamic ones. These can include such things as “changes in socioeconomic conditions, regime change, outputs from other policy subsystems, and extreme events such as crises and disasters” (Pierce et al., 2017a: S29).

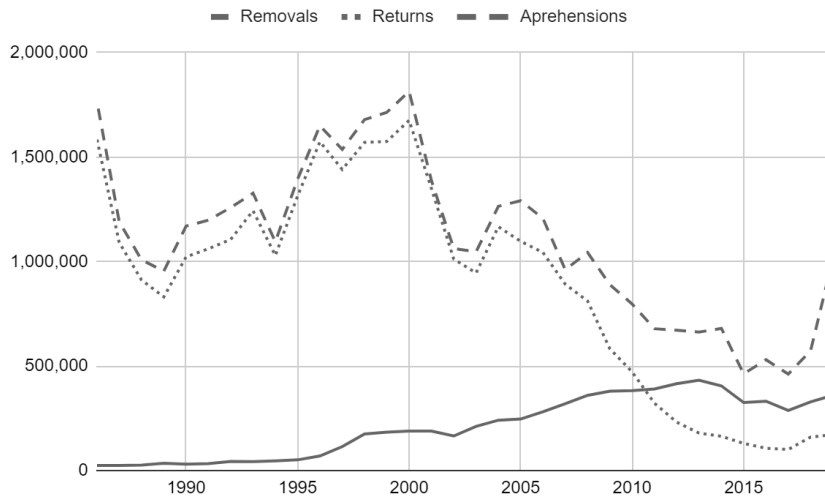
(1) Relatively Stable Parameters

1) Basic Attributes of the Problem

The Immigration and Nationality Act bases U.S. immigration policy around four objectives: facilitation of family reunification by the admission of people who have a family member who lives in the U.S., attraction of workers to jobs where there are shortages, increasing the diversity of the country, and providing “refuge for people who face the risk of racial, religious, or political persecution in their home country (Congressional Budget Office, 2010). This act, and immigration policy in

general, deals with the legal admission of different types of legal residents and visitors, such as through the Visa Waiver Program, the naturalization process that enables legal permanent residents to become citizens, and regulation of inflows of legal immigrants into the U.S. However, besides policy surrounding admission and legalization, immigration policy and law also deals with immigrants who do not have such legal authorization, such as the prevention of entry and/or removal of such individuals. Immigration enforcement deals with a number of issues: border security both at and between ports of entry, detention, removal, worksite enforcement, and working to prevent immigration fraud (Kandel: 2018). The DHS is “responsible for enforcing immigration law and acts to arrest, detain, return, and remove foreign nationals who violate U.S. laws” (Congressional Budget Office, 2010). Those found in violation of immigration law may be given the option to voluntarily depart from the country or be removed through adjudication, which can involve penalties and fines, being banned from future entry into the U.S., and/or, in cases of criminal conviction, imprisonment. Figure 7 summarizes the main immigrant enforcement actions, i.e. the number of apprehensions, removals (“compulsory and confirmed movement of an inadmissible or deportable alien out of the United States based on an order of removal”), and returns (“confirmed movement of an inadmissible or deportable alien out of the United States not based on an order of removal”), that took place from 1986 till 2019 (U.S. Department of Homeland Security, 2020). While it has already been noted that removals (or what used to be referred to officially as deportations), which are much harsher as they prevent removed aliens from legally reentering the country for a number of years, peaked during the Obama administration, returns and apprehensions peaked during the Clinton and George W. Bush administrations.

<Figure 7> Number of apprehensions, removals, and returns,
1986 -2019



Source: U.S. Department of Homeland Security (2020)

2) Fundamental Sociocultural Values And Social Structure

Being a nation of immigrants is a central component of the American identity, such as the traditional motto of “E Pluribus Unum” or the Statue of Liberty and her call to the huddled masses. Despite these notions, the actual history of America and the treatment immigrants have experienced in America is much more complex and less positive than the “nation of immigrants” narrative puts forward. While the concept of America as a melting pot has also been emphasized in different periods of time, a liberalizing of immigration policy, in particular the Immigration and Nationality Act of 1965 which did away with the racially discriminatory National Origins Act of 1920 and the immigration quotas that went with it, ended a restrictionist immigration policy regime, and “created a new social framework of multiethnic and multiracial diversity, which has reconfigured American pluralism and national identity” (Waters et al, 2009: 3). Within this social framework, “ethnic communities and cultures based on ancestry, race, culture, religion, and regionalism wield

important influence on the values, lifestyles, and tastes of many Americans" (Vecoli, 1996: 24). Furthermore, it can easily be argued that "twenty first century American society and culture are not simply products of continuity from eighteenth-century origins, but have been continually reshaped by successive waves of immigrants and their descendants," while the impact on culture of the population with English ancestry has diminished (Hirschman, 2005: 613). A similar view was taken by Neuman (1996: 145) in his work on the U.S. Constitution, immigration law, and how both relate to aliens and immigrants: "The United States is a nation of immigrants, and not just of white immigrants, which continually reshapes its identity through its immigration and naturalization." Be that as it may, questions of who is truly American, or who is not, and debates over national identity continue to be a key component in immigration policy debates. Furthermore, important aspects of immigration and immigrants' lives can be lost in popular narratives around the issues, such as in the classic musical "West Side Story," where some have argued the authors, in avoiding the actual story of Puerto Rican migration to New York City, tried "to erase the web of relations that connected Puerto Ricans, Euro-Americans, and African Americans in New York and offered instead a simple and more familiar 'white and ethnic' equation" (Rubin and Melnick, 2007: 103).

In terms of social structure, Masuoka and Junn (2013: 71) note that "Americans are in general agreement about how the racial hierarchy is ordered, and the perception of positive and negative stereotypes across racial groups is remarkably consistent." Theories such as social identity theory and social domination theory find that high-status group members work "to maintain their dominant social position, regardless of the extent to which their status is superior to that of the low-status outgroup," with, in the U.S. context, the high-status, dominant groups being white or European Americans and the low-status, subordinate groups being minorities such as African Americans and Latinos (Levin and Sidanius,

1999: 101-102). The history of race, nationality, and immigration policy in the U.S. has seen many low points in terms of exclusion based upon race and/or nationality: some examples include the Alien and Sedition Acts of 1798, the Page Act of 1875, the Chinese Exclusion Act of 1882, the Gentlemen's Agreement of 1907, the Immigration Act of 1917 (or the Literacy Act), multiple national quotas laws in the 1920s and the National Origins Act of 1924, and, finally and more recently, the so-called Muslim Ban that then President Trump issued by executive order in 2017. There have also been immigration bans based on political beliefs, such as some of the aforementioned laws, the Anarchist Exclusion Act of 1903, or laws targeting communists and/or anarchists passed around the time of the first and second Red Scares in America.

3) Constitutional Structure

The first line of the U.S. Constitution (I, pmbl.) starts by referencing the people of the United States, but what does it have to say about immigrants and aliens? While reviewing the myriad of other questions that arise from such an inquiry is outside the purview of this paper, there are some key sections of the Constitution and relevant Supreme Court cases that would inform any discussion of immigration policy. That being said, in terms of direct commentary on the matter, "the Constitution is all but silent about immigration", with the framers making the decision to allow states to self-regulate and have the federal government take a laissez-faire approach to immigration issues, "anticipating that most states would recruit European settlers as a means of promoting economic development at a time when untamed territory abounded and labor was scarce" (Tichenor, 2009: 51-54). Article 1, Section 8 of the Constitution outlines the powers of Congress, but included only a mandate to "establish a uniform Rule of Naturalization." This led to a number of naturalization acts, the first being the Naturalization Act of 1790, but these did not deal directly with restrictions

on immigration. Thus, the system of state self-regulation continued for about a century.

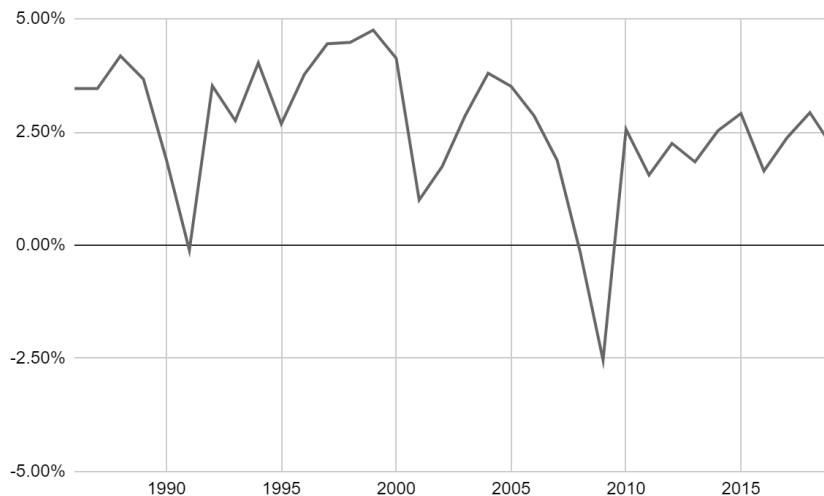
However, following various Supreme Court rulings limiting state immigration power, the late 19th century saw a number of rulings (such as the Chinese Exclusion Case of 1889) that would make Congress the absolute authority on the regulation of immigration: from then till now, “the Supreme Court has upheld almost every federal immigration regulation against constitutional challenge, citing Congress's plenary power in this area” (Chacón, 2014: 20-21). Justice Kennedy summarized this point in his majority opinion in *Arizona v. United States*, 2012: “The Government of the United States has broad, undoubted power over the subject of immigration and the status of aliens.” Despite this, state and local governments still hold significant power in mediating federal immigration policy. One other notable section of the Constitution in relation to immigrants is Article II, Section 1, which lays out that, while immigrants are able to serve in other government offices, “no person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this constitution, shall be eligible to the Office of President.” In terms of birthright citizenship, the Citizenship Clause comes in the Fourteenth Amendment to the Constitution, with *United States v. Wong Kim Ark*, 1898, setting the precedent for all children born in the U.S., with only a few exceptions, to be granted U.S. citizenship. Finally, building off of *Kwong Hai Chew V. Colding*, 1953, which had held that legal residents were entitled to due process rights if they leave and come back to the U.S., in *United States v. Verdugo-Urquidez*, 1990, the Supreme Court has held that “that Fourth Amendment protections did not apply to prevent the illegal seizure of a noncitizen not present on U.S. soil at the time of the seizure” (Chacon, 2010: 1620).

(2) External (System) Events

1) Changes In Socio-economic Conditions

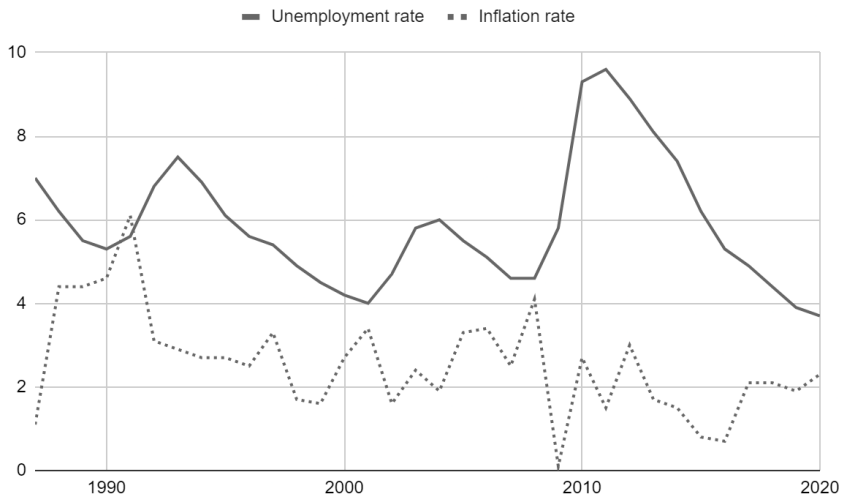
Changes in socio-economic conditions can be defined as “major socio-economic changes, such as economic dislocations or the rise of social movements” (Sabatier, 1998: 103). To start, a number of economic indicators can be found below. Figure 8 shows the growth rate of the U.S. from 1986 till 2019. Figure 9 shows the U.S. unemployment rate and inflation rate over the period of study. There have been a number of significant economic crises since 1986, including “Black Monday 1987, the 1997 Asian Crisis, the 2000 Dot-com bubble burst, and the 2008 Financial Crisis” (Diks et al, 2016: 1201). These crises sometimes came along with the recessions in the U.S., such as in the early 1990s and early 2000s recessions, the Great Recession in the late 2000s, and the COVID-19 recession that is still ongoing as of this publication.

<Figure 8> U.S GDP Growth Rate, 1986-2019



Source: World Bank (2021)

<Figure 9> U.S. Annual Unemployment and Inflation Rate,
1986-2020



Source: U.S. Bureau of Labor Statistics (2021)

Besides economic crises and fluctuations, there were a number of significant bills passed and/or policies enacted in relation to the U.S. economy. The Reagan tax cuts, first with the Economic Recovery Tax Act of 1981 and the Tax Reform Act of 1986, remain some of the largest such cuts in U.S. history, though it in fact accelerated the growth of debt that it was supposedly meant to reduce (Prasad, 2012: 351-352). Following much debate, the North American Free Trade Agreement (NAFTA) came into force in 1994, which, despite politicians claiming that the agreement would curb immigration, fueled immigration to the integrated U.S. market (Andreas, 1998: 609). During the Clinton administration and in the wake of the Republicans' Contract with America, Clinton's welfare and immigration reforms in 1996, and the Balanced Budget Act of 1997, were passed as "a rise in neo-isolationism in the United States [had] given encouragement to a new fiscal politics of immigration" and a renewed focus on the desire to produce a balanced federal budget (Huber and Espenshade, 1997: 1031). Soon after this, and after years of lobbying by banks against it, the Glass-Steagall Act in 1999 was repealed, breaking the

wall between commercial and investment banking, with later arguments over whether this ultimately led to the Great Recession (Crawford, 2011: 128).

The 9/11 attacks have already been mentioned as a crucial event in regards to immigration policy, and the research period includes other notable incidents of terrorism, such as the 1993 World Trade Center bombing and the 1998 U.S. embassy bombings. This period is also defined by an almost continuous state of war and military intervention for the U.S. in the Middle East and elsewhere. Various significant disasters also occurred during the range of this research. Various hurricanes, most significantly Hurricane Andrew in 1992, Hurricane Katrina in 2005, and Hurricane Harvey and Hurricane Maria in 2017, caused catastrophic destruction and tens of billions in economic loss (Kishore et al., 2018: 163). Finally, America has seen the most deaths of any country due to the COVID-19 pandemic, with more Americans having died from the disease than “on the battlefields of World War I, World War II and the Vietnam War combined” (Bosman, 2021).

In terms of other external events related to immigration, the increased focus on border security and immigrants illegally crossing the border has been a focal point of various policy discussions. At the same time, the centrality of immigration across the Mexican-U.S. border, along with immigration enforcement along that border, in contemporary immigration policy discussions is notable. Along with this, the “immigration-related fallout of the so-called war on terrorism has been the extension of interior immigration policing practices away from the southwest border” (Coleman, 2007: 54). Many of these same wars, and other U.S. interventions, have fed into major incidents of forced migration and refugee crises, such as in 2014 when “59.5 million people around the world were forcibly displaced,” with the numbers of forced migrants “particularly high in countries which have been subject to a process of ‘redrawing the map’ by imperial powers or their regional allies”

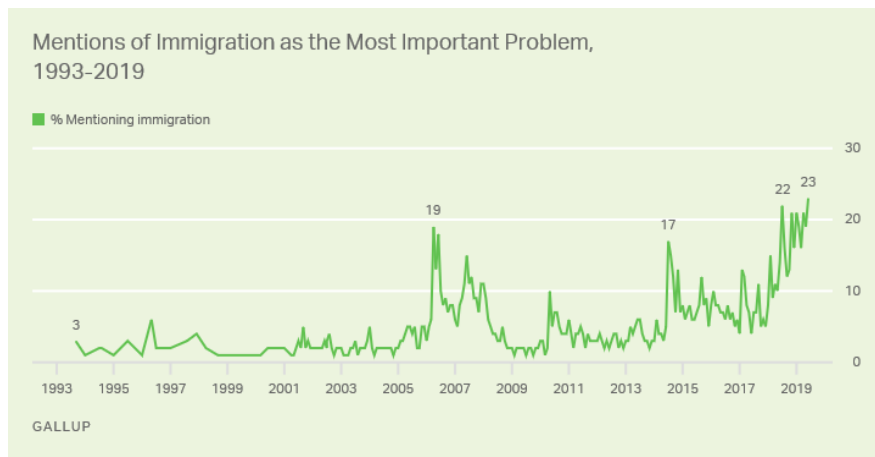
(Khiabany, 2016: 755). One review of what's driving forced migration found that, "besides exposure to insecurity, organized violence, war, and terror, other drivers exert a substantial role in explaining forced international migration" (Conte and Migali, 2019: 416). Economic crises in other countries could also cause spikes in immigration, such as the case of Cuba in the early 1990s, when there was a noticeable spike in the number of Cubans immigrating to the U.S. (Dominguez, 1997: 68). Finally, there were also major events in terms of the public debate around immigration, such as a 2000 photo of an INS home raid showing the seizing of Elián González from his Miami relatives, which sparked many debates about excessive force in immigration enforcement and "drew public attention to immigration policy by personifying the militarization of immigration law enforcement efforts" (Demo, 2007: 27).

2) Changes In Public Opinion

This section will expand the discussion started in the public opinion section of the literature review. It is noted that when talking about changes in public opinion in the ACF, this is particularly in regards to "governmental spending priorities and the relative seriousness of various problems" (Sabatier, 1998: 103). One example of this may be found in changes in public opinion regarding immigration following the September 11, 2001 attacks, where "the shifts in attention and public opinion salience indicate[d] that the 9/11 attacks had the effect of drawing attention and concern to the security domain and away from others" (Jones and Jenkins-Smith, 2009: 48). In terms of how serious an issue immigration is in the eyes of the American public, Gallup began measuring Americans' belief that immigration was its most important problem in 1993 and Figure 10 shows the findings of this polling until 2019. During this period, there were three periods where mentions of immigration rose significantly: in 2006 during an effort to pass comprehensive immigration reform, in 2014 during a period of notable uptake in how many undocumented immigrants were coming to America, and in both 2018 and

2019 during the Trump presidency, which notably included the administration’s controversial family separation policy and repeated focus on illegal immigrants from Central America (Jones, 2021).

<Figure 10> Mentions of Immigration as the Most Important Problem, 1993-2019



Source: Jones (2021)

3) Changes in Systemic Governing Coalition

Table 1 shows, during the period of 1986 till 2020, which party held a majority in the Senate (out of 100 seats) and the Houses (out of 435 seats), as well as who (and what party) held the presidency at what time. In terms of what qualifies a change in the systemic governing coalition in a separation of powers system like the U.S., Sabatier (1998: 120) defines this as requiring “the replacement of one coalition by another in both houses of the legislature and in the chief executive, perhaps over several elections.” Based on this definition, the only times when this sort of all-encompassing systemic governing coalition emerged were, for the Democrats, during the 103rd and 111th Congress, and, for the Republicans, during the 108th, 109th, and 115th Congress. This isn’t to say that other changes in the government coalition are not significant: Brady (1978: 79) found that major changes in policy “have been associated with 'critical' or 'realigning elections.’” For example, Sabatier

notes (1988: 137) how the election of Ronald Reagan in 1980 allowed for the appointment of Environmental Protection Agency (EPA) officials who worked to drastically reduce federal enforcement of environmental regulations. Though such an action had only been the minority coalition's position "within the relevant subsystems, it was Reagan's election on other issues which brought the minority to power at EPA" (Sabatier, 1988: 137). Outside of the periods of one-party control and during periods when the government was divided, the Democrats controlled both the Senate and the House from 1987 till 1993 during Republican presidencies, while the Republicans controlled Congress during two periods, first from 1995 till to 2001 and then from 2015 till 2017, during Democratic presidencies.

<Table 1 Party Control of Congress and the Presidency>

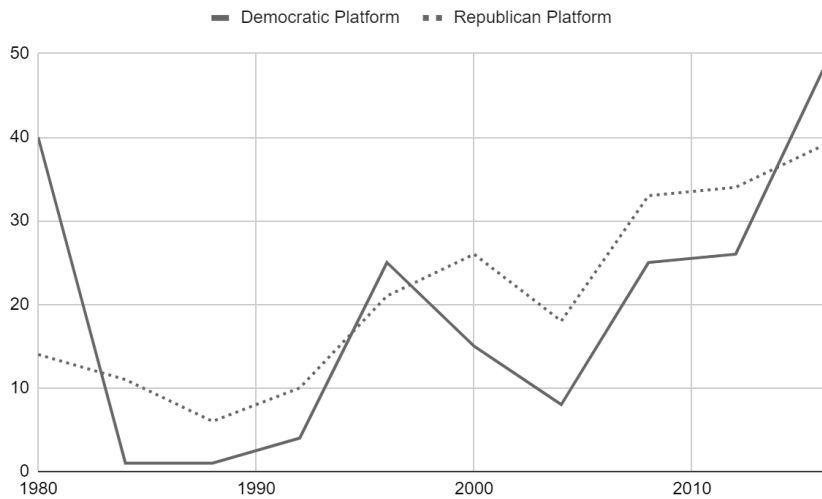
Years	Congress	Senate	House	President
1985-1987	99th	R (53)	D (254)	Reagan (R)
1987-1989	100th	D (55)	D (258)	
1989-1991	101st	D (55)	D (260)	H.W. Bush (R)
1991-1993	102nd	D (56)	D (267)	
1993-1995	103rd	D (57)	D (258)	Clinton (D)
1995-1997	104th	R (52)	R (230)	
1997-1999	105th	R (55)	R (226)	
1999-2001	106th	R (55)	R (223)	
2001-2003	107th	Divided	R (221)	W. Bush (R)
2003-2005	108th	R (51)	R (229)	
2005-2007	109th	R (55)	R (233)	
2007-2009	110th	D (49)	D (233)	
2009-2011	111th	D (57)	D (257)	Obama (D)
2011-2013	112th	D (51)	R (242)	
2013-2015	113th	D (53)	R (234)	

2015-2017	114th	R (54)	R (247)	
2017-2019	115th	R (51)	R (241)	Trump (R)
2019-2021	116th	R (53)	D (235)	

Sources: United States Senate (2021) and History, Art & Archives, U.S. House of Representatives (n.d.)

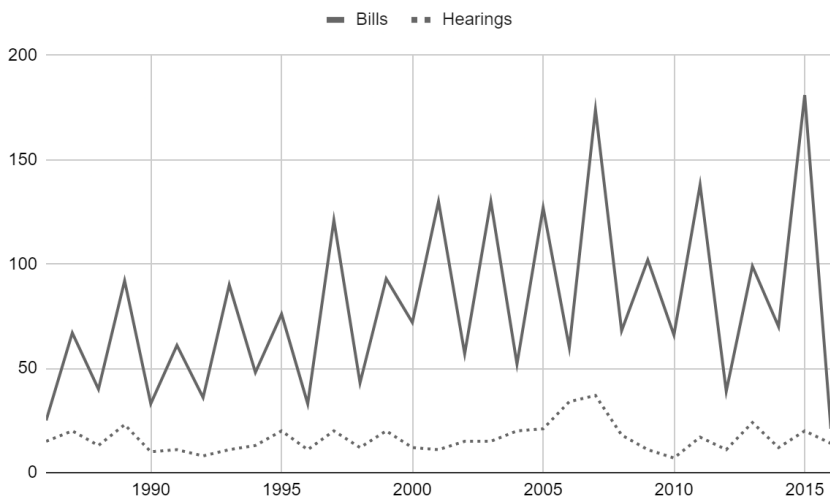
Besides looking at changes in the governing coalition, there are a number of indicators that can be looked at to see how much attention was given to immigration policy by different administrations and legislatures, though some of these indicators are limited by the fact that they do not cover the full period of study. Figure 11 shows the number of quasi-statements regarding immigration policy in each party's platform. In particular, immigration was highlighted in the Democratic Party's 1980 and 1996 platforms, as well as every platform recorded since 2008. For the Republicans, immigration became more of a focus in the party platform from 1996 onward, particularly since 2008. Figure 12 shows the number of immigration bills introduced in the U.S. Congress and the number of Congressional hearings regarding immigration from 1986 till 2016. While the years 1997, 2001, 2003, 2005, 2007, 2011, and 2015 all saw over 120 immigration bills introduced, the number of hearings regarding immigration was by far the highest in 2006 and 2007, with thirty-four and thirty-seven hearings respectively, during the Bush Administration's attempts to pass comprehensive immigration reform. Finally, Figure 13 has information regarding how many times immigration was mentioned, measured using quasi-statements, during the President's annual State of the Union address: mentions of immigration clearly spiked during the Trump administration, but Clinton (in 1995, 1996, and 1999), George W. Bush (in 2007 and 2008), and Obama (in 2011, 2012, and 2013) also mentioned issues of immigration a number of times.

<Figure 11> Quasi-statements Regarding Immigration in Party Platforms, 1980-2016



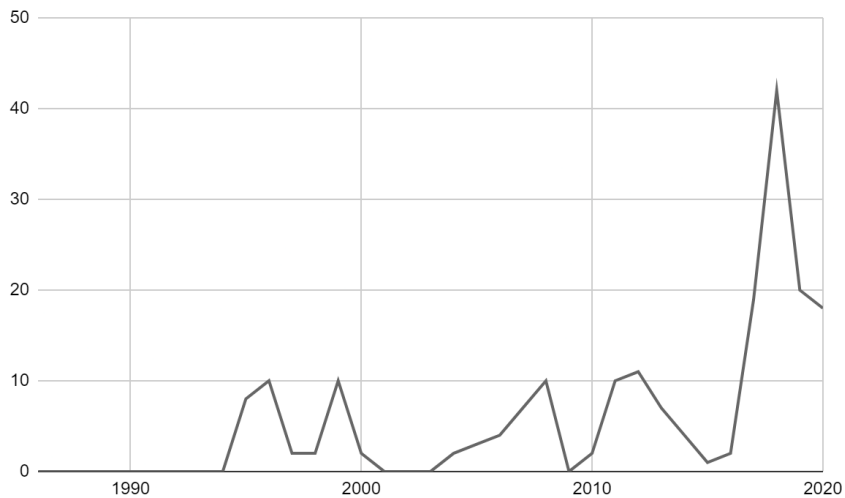
Source: Wolbrecht (2016)

<Figure 12> Bills Introduced in Congress Regarding Immigration, 1986-2016



Source: Adler and Wilkerson (2018) and the Policy Agendas Project (2021)

<Figure 13> Number of Mentions of Immigration during State of the Union Address, 1986-2020



Source: The Policy Agenda Project (2021)

3.2. Advocacy Coalitions

(1) Advocacy Coalitions

The debate around enforcement can be positioned between an expansionist coalition and a restrictionist coalition. Framing the debate as between these two groups builds off the work of others who have looked at immigration politics and policies through such a lens, or similar lenses such as between a security-concerned coalition and an economy-concerned coalition (Tichenor, 2009, and Shin, 2019). As their names suggest, the expansionist coalition believes generally in expanding alien admission opportunities while, on the other hand, the restrictionist coalition believes in the restriction of such opportunities. However, within these coalitions, there is also another debate about whether alien rights should be expanded or restricted: thus, the expansionist coalition is made up of those who believe admissions and rights should both be expanded (“cosmopolitans”) or those who believe that only admissions should be

expanded while rights should be limited (“free-market expansionists”); in the same vein, the restrictionist coalition includes those who would want admissions to be restricted while holding expansive views on rights (“nationalist egalitarians”), while others believe in restriction of both admissions and rights (“classic exclusionists”). (Tichenor, 2009: 35-36).

While membership of coalitions can change over time, there are many constant members of each coalition in this study. The expansionist coalition contains interest groups who have supported expansionist policy, such as the agriculture industry which depends on immigrant laborers, and other business groups, such as the National Association of Manufacturers (NAM) and the Business Roundtable, who have opposed policies aimed at cutting immigration and enhanced enforcement efforts, as well as supporting legalization paths for undocumented immigrants (Business Roundtable, 2018). Universities, hospitals, tech companies, and various other industries depend on immigration for their workforce (Schuck: 22-23). While labor groups have traditionally opposed immigration as a threat to workers and supported measures such as employer sanctions, prominent labor groups such as the AFL-CIO have, in light of changing demographics of union members (Tichenor, 2009: 180) and the inability to pass comprehensive reform, come to oppose any “enforcement-only proposals that embolden abusive employers to discriminate and retaliate against hard-working people” (Samuel, 2017). Ethnic groups, civil rights groups such as the ACLU and the National Association for the Advancement of Colored People (NAACP) (Shelton, 2018), religious groups, think tanks, such as the Cato Institute, and pro-immigration advocacy groups are also all key members of the expansionist coalition.

On the other hand, the restrictionist coalition's most obvious members are nativist and xenophobic groups, including far-right and white supremacist groups, and are often referred to simply as anti-immigration groups. Specific business interests, such as the private

prison industry which will be highlighted in the policy entrepreneurship section, have also supported restrictionist policy. Within the Republican Party, prominent subgroups such as the Tea Party movement have been key in preventing comprehensive immigration reform and drawing focus instead to immigration/border enforcement (Woodruff, 2017). There are still a number of labor unions that see expansionist immigration and temporary immigrant workers as threats to American workers. The public opinion polls that have been highlighted in this paper point to the American general public as being in the exclusionist coalition, which goes back to a general disconnect that has existed at times between a restrictionist public and expansionist immigration policy such as IRCA. Some prominent anti-immigration groups include the Federation for American Immigration Reform (FAIR), NumbersUSA, and the Center for Immigration Studies (CIS). One final note here is that while environmental groups were once prominent members of the restrictionist coalition, many have taken a more neutral stance in recent times: for example, John Tanton, the founder of the three anti-immigration groups referenced above, had considerable influence in the Sierra Club and its anti-immigration stance but, in recent times, the organization has tried to distance itself from such restrictionist policy positions (Hopkins, 2018).

While it is often put forward that Democrats are expansionist and Republicans are restrictionist, this is not always the case, especially if one considers enforcement-only policies. For example, the Reagan and H.W. Bush administrations saw some of the most expansionist immigration policies in recent times, and some prominent Republican politicians such as Republican Senator and 2008 presidential nominee John McCain who, while supporting restrictionist enforcement policies in terms of border enforcement (and leaning more into restrictionist positions during his 2008 campaign), was a major proponent of comprehensive reform efforts during the Bush administration, including his support for legalization paths for the undocumented population and guest-worker problems (Yoon,

2007). There is also the dynamic of state and local officials putting themselves in one of the two coalitions: for example, while sanctuary city officials generally support expansionist policies, state/local restrictionist initiatives and the individuals around them, such as in Arizona and its controversial 2010 anti-illegal immigration bill, have helped to draw focus to restrictionist policy desires.

(2) Beliefs

The belief system of these coalitions is summarized below in Table 2, but a few clarifying remarks are probably in order. One is simply, again, noting the existence of a sub argument on alien rights that exists in both coalitions. In this view, open-border expansionists who believe in protecting immigrants' rights can be grouped with those who are less concerned about rights but believe in expansionist admissions. Also, while the expansionist coalition does not outright promote illegal immigration and the presence of undocumented immigrants, they endorse policies that enable or tolerate the long-term presence of such immigrants, via actual policies or as how Schuck describes (2007: 17-18) expansionist policies as "referring not to official pronouncements about government's goals, which of course firmly oppose illegal immigration, but rather to government's actual behavior in deciding how to deploy its limited enforcement resources," which ends up enabling a historically large number of undocumented immigrants in the country.

<Table 2> Outline of Coalitions' Belief Systems

	Expansionist coalition	Restrictionist coalition
Deep core beliefs	<ul style="list-style-type: none"> - Immigrants benefit economy and society - Associate immigrants with positive traits/optimistic - Value accessibility 	<ul style="list-style-type: none"> - Immigrants threaten American workers/society - Associate immigrants with negative traits/pessimistic - Value security
Policy core beliefs	<ul style="list-style-type: none"> - Large admittance of immigrants - Accessibility above regulation/enforcement 	<ul style="list-style-type: none"> - More limits on immigration - Rigorous immigration regulation & enforcement - More limits/prevention of

	<ul style="list-style-type: none"> - Enabling or tolerance of long-term presence/legal permanence of illegal immigrants - Confliction on alien rights 	<ul style="list-style-type: none"> long-term presence/legal permanence of illegal immigrants - Confliction on alien rights
Secondary beliefs	<ul style="list-style-type: none"> - Sanctuary policy - Legalization routes for long-term undocumented residents - Challenge immigration detention and nature of immigration detention - Utilization of modern technology for more accessible immigration 	<ul style="list-style-type: none"> - Cooperation with local agencies in enforcement efforts - Disapprove of legalization routes for long-term undocumented residents - Promotion of immigrant detention - Nature of immigrant enforcement and detention e.g. outsourcing, border security - Utilization of modern technology for enforcement

Source: Table based on outline provided in Weible and Ingold (2018: 334)

(3) Resources and Strategies

General coalition resources include: “access to legal authority; support from the public; the ability to mobilise supporters; financial resources; information; and leadership” (Weible and Ingold, 2018: 331). Based on this, the legal authority to make decisions includes which coalition’s beliefs are in favor with the sovereign decision maker of the subsystem, i.e. the president, and/or with a systemic governing coalition. Understanding the issues at play and being able to rely on the coalition’s collective knowledge to provide policy solutions, as well as explain the feasibility and benefits of such policies, is essential. Having members of the coalition who are willing to protest or demonstrate for specific policy desires, and having the ability to mobilize effectively around such issues is another key for turning beliefs into policy. Naturally, it is beneficial to have funding for trying to gain access to the policy process, whether it be through lobbying, funding research that would support one’s policy desires, or promotion of such desires. This can go hand-in-hand with gaining public support, but such support also comes from having persuasive arguments and spokespersons. Finally, Sabatier and Jenkins-Smith (1993: 227) have also noted that institutional rules can also

serve as a resource if they assist coalitions in codifying their beliefs and thus helping to shape future debates around their policy preferences.

The ACF has been criticized for being vague about coalition behavior and strategies (Schlager, 1995: 246). That being said, there are general strategies that are common throughout the ACF literature that both coalitions employ, such as promotion of a coalition's policy objectives, building relationships with governmental agencies so that they can influence future policy initiatives, social mobilization and coordination strategies, negotiation, partnership and coalition building, and other methods of increasing influence in the policy process. Furthermore, Sabatier (1993: 164) has noted that coalitions aim to influence and lobby at many different levels of government: a "coalition doing poorly in Washington is not helpless but instead can focus its efforts at subnational levels where it is more powerful." This can be seen in things such as sanctuary policies, or in anti-sanctuary/strict enforcement policies, that have arisen in state and local governments in the past decades, on the back of advocacy campaigns and lobbying efforts from respective coalitions.

That being said, coalition-specific strategies around issues of immigration enforcement and detention also exist. The expansionist coalition tries to capitalize on the many controversial elements of immigrant detention and enforcement, such as conditions of detention centers or deaths caused by immigration enforcement/detention, and try to build off such events to provide alternative policy solutions to restrictionists measures, which also can mean validating a government's decision not to utilize such restrictionist policies. The expansionists also try to locate and highlight information/research that affirms the positive elements of immigration, as well as the stories of immigrants themselves. In the same vein as its opposing coalition, the restrictionists seek to exploit immigration-related crises and focusing events, or raise awareness to potential focusing events, in order to build support for their policy preferences. They also will try to demonstrate the purported negative

effects of immigration through research and experts that would affirm such a view, including think tanks such as FAIR and CIS and various academics, and help them challenge the expansionist's policy paradigm. Illegal immigration, which for most of this period steadily increased, is another issue that restrictionists try to bring attention to and design policy for in line with their beliefs.

3.3. The Post-IRCA Period (1986-1994)

The passing of IRCA serves as the launching point for this analysis. What would become IRCA was the result of numerous comprehensive bills that passed in years prior in the Senate but never were able to be finalized between the House and the Senate. As the last comprehensive immigration reform bill that has passed in the U.S., it hoped to attain a number of objectives: most notably, cracking down on employers of illegal immigrants via employer sanction; stopping the flow of such immigrants into the country via, besides the employer sanctions, a 50 percent increase in border patrol staffing; and, finally, creating new paths to legal permanent residency for current unauthorized immigrants via two new legalization programs. It also created the Immigrant and Employee Rights Section of the Justice Department as an immigrant anti-discrimination agency. President Reagan took up the bill despite opposition from the Council of Economic Advisors, with the spokesperson saying that the bill was based on a number of faulty premises: namely, "that illegal immigration is a problem, that illegal immigrants take jobs from Americans and that illegal immigrants are a drain on the economy" (Pear, 1986a). Such opposition from business groups, as well as the legislative debates around sanctions that took place over a number of years, led to key elements of the original employer sanctions provision being scrapped in the final bill (Tichenor, 2009: 261). Furthermore, for the bill to pass, it also had to overcome opposition from Hispanic, business, and farm groups who had helped to block previous bills: a negotiated agreement with this last group, to "assure farmers a

steady supply of foreign workers while protecting the workers' rights", was a key aspect of IRCA's eventual passing (Pear, 1986b).

When the bill finally did pass, lawmakers boasted it was the most far-reaching immigration reform since thirty years prior, while at the same time saying it was unclear whether such sanctions and amnesty measures would be effective. Being that it was the last comprehensive reform, it started a new policy regime based around expansionist admissions. However, as has been noted earlier in this paper, while the amnesty measures allowed for millions to obtain legal residency, the effort to curb illegal immigration failed: besides the number of immigrants entering the country continuing to rise, the enforcement of employer sanctions "has never risen above a token level," with only a small number of cases being inspected at the policy's inception and, as time has passed since then, workplace investigations basically ceasing to exist (Cornelius, 2001: 678). Furthermore, while the legalization programs were successful to a certain degree, business owners argued that they needed more migrant workers to fill key positions. Thus, George H.W. Bush and Bill Clinton entered office with many of the previous problems still on their plates.

(1) Policy Outputs

The policies produced in this period mostly aligned with the priorities IRCA had laid out and generally represented stability in the policy subsystem, with the expansionist coalition remaining the dominant group and thus receiving more attention to their policy concerns. The significant policy undertaken in this time would be the Immigration Act of 1990, which most notably raised the number of immigrants admitted on basis of their skills and education, with sponsors of the bill believing that "facilitating the admission of higher-skilled immigrants would benefit the economy and increase the United States' competitive edge by attracting the 'best and the brightest' in the global labor market" (Chrishti and Yale-Loehr, 2016). The bill also included smaller increases in family-based immigration visas, created a Temporary Protected Status

(TPS) category specifically for Salvadorians fleeing their country in light of civil war, and limited the government's ability to deport individuals based on their ideology, among other things.

In advocating for their policy preferences, the expansionist coalition received support from economists and policy experts who argued that "the country will face critical labor shortages among highly skilled workers, and that one solution is to open up the doors to such workers from abroad" (Nash, 1990), besides members of the business sector such as the Business Roundtable who had been advocating for more skilled foreign workers. Hispanic groups advocated for the ultimately more modest increase in family-based admissions and the Congressional Hispanic Caucus staged a protest right before the bill's passing that removed a restrictionist-supported national identification pilot program that would have been undertaken in three states (Pear, 1990). The restrictionists primary spokesperson in this process was Republican Senator Alan Simpson, who was one of the primary sponsors of the bill, but he ultimately failed to realize many of his ambitions: it was actually his pilot program that was cut and his other restrictionist measures, such as a curb family-based admissions, were mostly opposed by the free-market expansionists whose beliefs were more in favor with President Reagan, President Bush, and many Republicans at the time (Tichenor, 2009: 281).

In terms of other immigration enforcement policy, the only other notable policy in the period was connected to the War on Drugs with the 1988 Anti-Drug Abuse Act, which expanded the grounds for deportation to include a new category of crimes called "aggravated felonies," which were limited to a few serious crimes such as murder or drug/weapons trafficking. This definition would be expanded further in the Immigration Act of 1990, with the new definition "making a larger number of noncitizens deportable, and eliminating the power of federal judges to recommend against deportation in compelling cases" (Chrishti and

Yale-Loehr, 2016). The act also eliminated judicial recommendations against deportation, eliminating one form of discretion that judges could use to grant relief in deportation proceedings. However, the restrictionist coalition largely failed to gain any other policy victories, at least in terms of policies that were passed.

(2) Policy Impacts

While IRCA and the Immigration Act of 1990 were the last additions to an expansionist admissions regime that remains to this day, the policies of this period did little to address the issues around and growing concern with illegal immigration. The election of Bill Clinton in 1992, along with the Democrats maintaining their control of the Senate and House, established a short-lived systemic governing coalition for the Democrats. As Andreas notes (1993: 594), while Clinton entered office not emphasizing immigration enforcement and border control (actually calling for a reduction in border agents at one early point in his presidency), he quickly became a proponent of more restrictionist measures in the face of continued failures to deal with illegal immigration and fears of looking inert on the issue as Republicans brought forth strict enforcement bills in Congress, they themselves spurned on by state and local restrictionist initiatives that seemed to indicate a growing frustration with the issue of illegal immigration in the eyes of the public. Thus, in time, the establishment of Clinton's systemic governing coalition, followed by the quick loss of that coalition in the 1994 election, would ultimately give the restrictionist coalition the entry point it needed to realize some of its policy beliefs.

3.4. The Rise of Enforcement and Detention, and the Weakening of Immigrant Rights (1993-2001)

One way to see how immigration enforcement and restrictionist policy was rising on the agenda is by looking at the Commission on Immigration Reform, which was established by the Immigration Act of

1990 and was also called the Jordan Commission for its leader, former Democratic representative Barbara Jordan. Her beliefs would fall under the nationalist egalitarian restrictionist position, upholding rights for legal immigrants and believing in legal immigration while believing that enforcement needed to be enhanced for illegal immigration, stating at one point that the “commission finds no national interest in continuing to import lesser skilled and unskilled workers to compete in the most vulnerable parts of our labor force” (Fanning, 2018) and that the answer to this problem was heightened enforcement against illegal immigration. Clinton highlighted his support for the commission’s recommendations at his 1995 State of the Union Address, where he stated that it was “wrong and ultimately self-defeating for a nation of immigrants to permit the kind of abuse of our immigration laws we have seen in recent years, and we must do more to stop it.” The commission also called for a cut of legal admissions by around a third, but “met fierce opposition from Hispanic, Asian-American, Roman Catholic and Jewish groups, as well as from the National Association of Manufacturers,” and such a measure would ultimately never be taken up, despite Clinton’s initial support for this recommendation (Pear, 1995).

Another way to see this rise is to look at how restrictionists made gains at the state level. Perhaps the most notable state bill was California’s Proposition 187, a “measure denying public benefits to certain aliens, against the backdrop of statewide economic stagnation and high unemployment” (Tichenor, 2009: 21). Some have argued that the nativism that propelled this bill was “provoked primarily by California’s economic downturn during the early 1990s” (Alvarez and Butterfield, 2000: 167). Whether this was the case or not, what was true was that the group behind Proposition 187, called Save Our State and including former INS officials such as Alan Nelson and Harold Ezell, worked closely with the restrictionist think tank FAIR through the years leading up to its passing (Arellano, 2019). This was just the most notable bill that passed at the

time, with many others being proposed and with a public mood that was seemingly becoming increasingly restrictionist. For example, one poll conducted before the 1994 election found 72 percent of respondents viewing mass immigrations as a grave threat to the interest of the United States (Rielly, 1995: 32). In terms of events around this time, the 1993 World Trade Center bombing was one reason listed behind a 1996 anti-terrorism bill that also included restrictionist immigration enforcement measures.

The larger Republican party managed to break the Clinton coalition in the 1994 midterm elections, initiating a period of Republican-controlled Congress that was mostly uninterrupted from 1995-2007. Driven on by the state and local successes of restrictionist enforcement policy, and pressured by restrictionist state and local officials to enact such policies at the federal level, Republicans began to raise more attention to the border and illegal immigration, with figures such as Republican Senate majority leader Bob Dole saying that expansionist policymakers were “not willing to protect our borders” (Reimers, 1998: 134). Thus, it could be argued that restrictionist success and pressure at sublevels of government helped to pressure both the Republican party as a whole and ultimately the Clinton administration into undertaking stricter enforcement policy.

(1) Policy Outputs

Thanks to the reasons listed above, the Clinton administration ended up being decidedly restrictionist, passing policies that would have perhaps have been Republican ones in times past and initiating a period of policy defined by enforcement policy and a weakening of immigrants rights. The most significant policies all came in 1996: the Antiterrorism and Effective Death Penalty Act (AEDPA) further expanded the crimes considered an aggravated felony and “expanded the criminal grounds for deportation, limited relief from removal, restricted judicial review, ...

expanded mandatory detention,” and established “expedited removal” procedures (Kerwin, 2018: 193).

This bill, particularly the measures around aggravated felonies and expedited removal, would soon be supplemented in the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) that Fragomen (1997: 438), characterized as having “some of the toughest measures ever taken against illegal immigration.” Perhaps the most significant bill of this period in terms of immigration policy, IIRIRA’s main points can be summarized as follows: initiating growth of immigration enforcement through such measures as a doubling of border patrol agents over five years and funding for a fourteen-mile fence along the border; expansion of reasons for denial of admissions and removal, including further expansion of what constitutes an aggravated felony; a firm establishment of the expedited removal process that would allow deportation procedures to proceed without a formal hearing; limits on welfare benefits available to immigrants; increased requirements/restrictions for asylum seekers; further restrictions on judicial review; expansion of the Attorney General’s discretionary authority in enforcement matters; expansion of mandatory detention of immigrants; and, finally, the expansion of the federal government’s use of immigration enforcement partnerships with state and local levels through the 287(g) program, which enables sublevel agencies to enforce immigration law (Kerwin, 2018: 200). In terms of detention measures, while pre-1996 saw most detained immigrants being released after payment of a monetary bond, the new policies “required the detention of all immigrants, including permanent residents, facing deportation for most criminal violations until the final resolution of the case” (Hines, 2006: 17). This meant mandatory detention of immigrants during deportation hearings, with the possibility of deportation also increasing due to measures that “provided for retroactive deportation for relatively minor

criminal offenses committed years before the passage of the law” (Hines, 2006: 11).

Finally, also in 1996, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), Clinton’s welfare reform bill, placed new restrictions on immigrants’ ability to access public benefits, such as making most legal permanent residents “ineligible for means-tested public-benefit programs for five years after receiving their green cards, and ineligible for Medicare and Social Security for ten years after getting their green cards,” and completely barring unauthorized immigrants from such benefits (Ewing, 2012). Besides the 1996 policies, the 1994 Violent Crime Control and Law Enforcement Act, also known as the Clinton Crime Bill or Biden Crime Bill, granted the Attorney General, for the first time, the power to “bypass deportation proceedings for certain alien aggravated felons,” besides increasing deportation penalties and allocating more funding for the Border Patrol (Siskin et al., 2006). Finally, the 1994 program “Operation Gatekeeper” initiated the rise of funding for border enforcement and the INS, with the latter’s funding doubling from the program’s initiation until 1997 (Nevins, 2002: 3).

There were a few smaller policies undertaken in Clinton’s second term that were less focused on intensifying enforcement: the Nicaraguan Adjustment and Central American Relief Act (NACARA) of 1997 provided certain Nicaraguans, Cubans, Guatemalans, Salvadorans, and those from former Soviet-bloc countries with different means of seeking relief from deportation and ways of restoring some benefits lost during the 1996 policies. This was followed by a similar bill in 1998, the Haitian Refugee Immigration Fairness Act (HRIFA), which enabled certain Haitian immigrants to enjoy similar provisions to what had been laid out in NACARA. In terms of countries listed in the former bill, only Nicaraguans were able to secure an automatic residency status, with some arguing at the time that this was due to the political clout of the Nicaraguan population in the Miami area, and thus “interpreted by

Guatemalans and Salvadorans as a measure of just how far they lag politically and how dispersed their communities have been” (Ojito, 1998). Whatever the case may have been, it is one way of highlighting how ethnic, human rights, and other expansionist coalition members, despite utilizing strategies of mobilization such as protests outside the Capitol building and immigration offices in different states or promotion of their policy objectives through the media and coalition spokespersons, were unable to achieve much in terms of expansionist policy during this period.

On the other hand, as has already been stated, efforts by restrictionists to limit legal admissions also failed, with the executive director of FAIR saying in 1996 that “the question of how many legal immigrants come in and who we choose was derailed” and that the possibility of a bill passing on the matter was gone (Schmitt, 1996). In 1997, the restrictionist head of the Senate immigration panel, Alan Simpson, retired and was replaced by Spencer Abraham (R-MI), a free-market expansionist who in a speech outlining his priorities stated that “legal immigration has been a positive thing and something we must continue to defend” (Schmitt, 1997). Abraham had also played a key role in the “decoupling of legal immigration reform from illegal immigration control efforts” during the 1996 immigration policy debates that would ultimately lead to Clinton disavowing any legal immigration restrictions (Tichenor, 2009: 282-283). This disavowal was also the result of “intense lobbying by the business community” (Fragomen, 1997: 438), as well as various other expansionist coalition members such as ethnic and religious groups.

(2) Policy Impacts

The Clinton administration’s emphasis on enforcement and border security resulted in a tripling of INS’s budget by 2002 compared to its 1993 budget when Clinton entered office (Cornelius, 2001: 661). While Clinton had stated that his immigration policy would reduce illegal immigration in all areas while protecting legal immigrants in the U.S., the

legacy of the Clinton immigration policies such as IIRIRA is one that both failed to reduce such immigration (with the population of unauthorized immigrants going from around five million in 1996 to 12 million in 2006) and, in fact, punished both citizens and noncitizens, significantly ratcheting up the “punitive aspects of US immigration” policy already in place (Abrego et al., 2017). This would end up laying much of “the legal and operational infrastructure that [would underlie] the Trump administration’s plan to remove millions of undocumented residents and their families” while terrifying others to leave on their own or simply never come in the first place (Kerwin 2018, 192). Looking at the information above, one could argue that the Clinton immigration policies ultimately made it easier to be deported and harder to become legalized, with deportation numbers steadily rising from 1996 until their peak in 2013.

As for what ushered in the next phase of policy, the first external shock came through the narrow and controversial election of George W. Bush, accompanied by the near systemic governing coalition the Republicans achieved in 2001. This coalition’s ability to make policies was bolstered by the support the government received following the 9/11 terrorist attacks, with a noticeable rise in bipartisanship immediately following the attacks (Trubowitz and Mellow, 2011: 168), and their eventual claim of a true systemic governing coalition in 2003 that lasted until 2007. This external shock of the 9/11 attacks fed into the perception of immigration enforcement and national security being linked, the culmination of years of shift in thought that, as Masuoka and Junn noted (2013: 190), could be seen in the “progressively increasing emphasis on restriction by the use of the words ‘control,’ ‘illegal,’ and ‘terrorism’” in the bills that were being proposed, moving from the neutral Immigration and Nationality Act of 1965, the Immigration Reform and Control Act of 1986, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and finally bills like the Border Protection, Anti-Terrorism, and

Illegal Immigrant Control Act of 2005-2006, which passed in the House but failed in the Senate.

3.5. Post 9/11: The Creation of the Department of Homeland Security, and the Linkage of Immigration and National Security (2001-2009)

As Hines puts it (2006: 11), in the aftermath of Clinton's restrictionist immigration policy in 1996, "immigrants and advocates mobilized in an effort to ameliorate the harshness of laws," while the media reported on the harsh conditions deported individuals faced due to such policies. She further notes that this came at a time where the Hispanic population was steadily increasing and during a period of economic prosperity, causing President Bush to initiate bilateral talks with Mexican President Vincente Fox about a new temporary worker program and for lawmakers to propose more expansionist policies to revise the Clinton-era policies. Bush also campaigned on what could be described as an expansionist immigration platform, saying he aligned himself with policy views of free-market expansionists such as Abraham and proposing to reform the INS by splitting it into two new agencies (one for enforcement and one for immigration services), though this latter position was not exactly bold: as the head of the pro-immigration National Immigration Forum put it, almost everyone supported such an idea (Seelye, 2000). Bush outspent Democratic candidate Al Gore by millions in Latino voter outreach attempts and gave interviews in Spanish during his 2000 presidential campaign, following warnings from party strategists that Republicans would never win an election in the near future if they were only getting 25 percent of the Hispanic vote (Tichenor, 2014). Going along with the bills being proposed in Congress, it was also reported during the 2000 presidential campaign that an "unusual coalition of conservatives and liberals ... [was] beginning a major campaign to persuade Congress to ease the nation's immigration laws" (Greenhouse,

2000). Bush's first appointment to be commissioner of the INS, James Ziglar, stated his goal was to create a "kinder, gentler and more efficient INS" (Schmitt, 2001A). On September 1, 2001, Bush's position on immigration reform was characterized as being "a critical step in developing a stronger relationship with Mexico, which he has put at the top of his foreign policy agenda" (Schmitt, 2001B).

However, any discussion that had been going on about immigration reform (and of a kinder, gentler immigration system) ended following the 9/11 attacks, which instead ushered in a wave of restrictionist enforcement policy and essentially eliminated discussion of expansionist immigration policy. Bush came back to his pledges for comprehensive reform in 2004, helping him to yield a GOP record-high 40 percent support amongst Latino voters and seemingly validating Republican strategist Karl Rove's advice to Bush that "courting Latino voters with pro-immigrant rhetoric and a relatively expansive reform proposal could be done without losing ground among voters in the Republican base" (Tichenor, 2014). Some of the groups participating in these reform efforts included pro-immigration groups such as the American Immigration Lawyers Association, which was "putting out daily analysis of the flood of amendments" during immigration reform debates, or business groups such as the Essential Worker Immigration Coalition and officials in the U.S. Chamber of Commerce, who lobbied for immigration reform (Camerini and Robertson, 2010). Other participants included other business groups such as AFL-CIO and the Service Employees International Union, advocacy groups such National Council of La Raza and the Asian American Justice Center, and think tanks such as the Migration Policy Institute, among others. In the midst of these reform efforts, Bush stated that there must be a "'rational middle ground' between automatic citizenship for illegal immigrants and launching a 'program of mass deportation'" (Gaouette, 2006). Yet, Bush was ultimately met with opposition from both sides of the aisle: later members of the what would be known as the restrictionist Tea Party

movement such as Republican congressman Tom Tancredo, supported by House and grassroots Republicans, Republican media figures, nativists groups, and a still restrictionist general public were joined by Latino groups, with 71 percent of Latino voters eventually supporting Obama in the 2008 election in his defeat of the now-restrictionist Republican candidate John McCain, and other expansionist groups such as the ACLU and the AFL-CIO in ultimately halting the reform efforts (Tichenor, 2014; Weisman, 2007). Thus, Bush's ultimate policy legacy would be his decision to replace the INS with the DHS, CBP, ICE, and USCIS, and one of enforcement policy, emphasizing this linkage between immigration and national security while enabling restrictionists to see more of their beliefs turned into actual policy.

(1) Policy Outputs

Bush's first immigration policy would come six weeks after 9/11 with the USA Patriot Act. While the Patriot Act redefined many areas of policy, its immigration-specific measures "expanded the government's ability to detain and deport suspected terrorists, greatly increased the budget for immigration enforcement, and tripled the number of U.S. Border Patrol on the northern border" (Hines, 2006: 12). This included invoking "plenary powers to give the Attorney General broad authority to detain immigrants who endanger national security," such as individuals who were believed to be engaging in or having engaged in terrorism (Koulish, 2008: 479). It also heightened the monitoring of foreign students and created new reasons for exempting an immigrant from entering the United States. This would be followed by the Enhanced Border Security and Visa Entry Reform Act of 2002, which set up a biometric database to aid in both enforcement and admissions, while also enabling tracking of aliens and hiring more INS agents to inspect and investigate such cases. Both the bills included entry-exit provisions, which included "biometric technology and a combination of facial recognition and electronic fingerprint scanning," and both bills passed with scant opposition in

Congress: the Patriot Act had one nay vote in the Senate, while the latter bill received no nay votes in the entirety of Congress (Koulish, 2008: 484). Finally, the Homeland Security Act of 2002 created the DHS, which would eventually absorb the INS in 2003 and replace them with three new agencies: the CBP, ICE, and USCIS, whose functions have already been described in an earlier section of this paper.

In Bush's second term, as he tried to form a coalition for comprehensive reform, he passed other enforcement measures to try and show restrictionists that he took immigration enforcement seriously. For example, the REAL ID Act of 2005 included a number of provisions: making it more difficult to be eligible for asylum or be exempt from removal; further limitations of judicial review; additional ways to bypass laws that would impede the construction of border barriers; expanded measures for admission and removal; and, finally, a requirement for states to verify that an applicant is legal in order to acquire a driver's license or other personal ID (Garcia et al., 2005). These provisions had one researcher stating that it left expansionist "advocates to wring their hands in despair and immigration restrictionists to clap their hands in glee" (Cianciarulo, 2006: 101). The Secure Fence Act of 2006, passed following failed reform efforts, authorized the DHS "to build a \$2.2 billion wall in five sections along 700 miles of the 2000-mile-long US-Mexican border" as well as the authorization for upgrades in various equipment related to border enforcement (Cohn, 2007: 96). Finally, in his last year in office in 2008, Bush launched the Secure Communities Program, a partnership with state and local agencies initiated "to improve the efficiency of interior immigration enforcement and to enhance the capacity for targeting deportable individuals with criminal convictions," primarily through the establishment of a system of fingerprint checks that would enable enforcement officers, using the DHS biometric database, to instruct local law enforcement agencies to detain those individuals deemed deportable by ICE, with ICE assuming custody within 48 hours of this detention (Kubrin, 2014: 323)

(2) Policy Impacts

The linking of immigration and national security, and the subsequent strict enforcement measures that came with this linkage, did little to address the problems at hand. In a survey of four hundred community leaders, law enforcement officials, and senior members of the intelligence community, the general opinion of this era's policies were negative: the immigration system was not the key to national security; the enforcement measures did little for stopping terrorism; and, finally, many of the people who were being arrested were doing nothing to threaten national security and were instead being used to create a false sense of security, when in reality communities were not any safer than before while immigrants' rights were being consistently violated (Chrishti et al., 2003). At the same time, the policies resulted in a skyrocketing budget for immigration enforcement: for example, in the year 2012, the U.S. "spent approximately \$18 billion on immigration and border enforcement, more than all other federal law enforcement efforts combined" (Brown and Rodriguez, 2014: 147).

Furthermore, Bush's failures at immigration reform, upended by the rise of more restrictionist groups within his own party, foreshadowed the failures that would face the Obama administration's attempts at comprehensive reform. Thus, the last period of contemporary immigration policy, though certainly quite different in many respects between the Obama and Trump administrations (whose respective elections could serve as the collective external shock for the final phase), would ultimately be defined by the hurling stalemate that comprehensive reform has become (Pramuk, 2018). Furthermore, there was an increasing stalemate in general between parties on working together on issues of immigration, mostly ensuring that the major immigration policies that would be passed would be through the President's executive authority, and that immigration policy would be mostly headed where it already was

trending: still mostly expansionist in terms of admissions, but also still mostly restrictionist in terms of enforcement.

3.6. Comprehensive Reform as Hurling Stalemate, Policymaking Through Executive Action, and Record Deportations (2009-2020)

While Obama entered office prioritizing quick immigration reform (Thompson and Herszenhorn, 2009), his priorities quickly shifted towards other policy areas, in light of an economic recession, high unemployment, and the failings of Bush's reform efforts. His first-term immigration policy was characterized in the media as having not "differed hugely from the Bush White House," emphasizing enforcement measures (Farrell, 2009). In what could be characterized as "partly a 'down payment' on comprehensive reform", the Obama administration continued and expanded several enforcement programs initiated during the Bush administration, recording record numbers of deportations in the process (Tichenor, 2014). When he finally did come around to immigration reform in his second term, the rise of the restrictionist Tea Party movement and a generally uncooperative Republican party ensured that such an effort would never come to pass. Perhaps recognizing that comprehensive reform was not going to occur in his administration, Obama attempted to push back on the "deporter in chief" label that he had received from expansionist advocates (all the while advocating against the strict enforcement measures and protesting the measures, such as when an undocumented immigrant heckled Obama during a speech on reform efforts (Epstein, 2013)), issuing some executive orders that were designed to grant certain undocumented immigrants temporary residency status or at least defer them from being subject to deportation. However, both of the major orders would face a number of challenges in the courts, besides the fact that both policies were initiated via executive order, resulting in a situation where the smaller gains for expansionists were much more

subject to be lost in the future compared to the gains the restrictionist had during this period.

Compared with Obama, it can easily be argued that the presidency of Donald Trump was centered around immigration, with Trump making immigration policies, including the construction of a border wall, a proposed “Muslim ban,” and various other efforts to handle the purported negative effects of immigration (particularly from Mexico), perhaps the central component of his successful 2016 presidential campaign, which kicked off in June 2015 with him stating that Mexico was “sending us not the right people, ” characterizing immigrants as bringing drugs and as rapists (Neate, 2015). While such a campaign was criticized by many, the unexpected election of Trump would enable restrictionists to see more of their policy desires addressed to some extent in both areas of enforcement and admissions, as well as a roll back of certain expansionist policies Obama had ordered. However, as again all the major policies came through executive orders, it was often unclear how long these gains would last, as many of these orders were challenged in court or were promised to be reversed by Democrat presidential candidates in the 2020 election. These perhaps ephemeral changes are not ultimately enough to turn an expansionist admissions system into a restrictionist one, in light of the lasting impact of the Reagan and Bush-era policies.

(1) Policy Outputs

Again, this period of policy is not defined by the similarities of the Obama and Trump administrations, but by the fact that essentially all the policy comes from unilateral executive action by the President at the time. While comprehensive immigration reform has usually come through bargaining and negotiated agreement, such behavior was absent during this time. Obama’s first term, in an attempt to show conservatives and restrictionists that he would take their concerns seriously if comprehensive reform was undertaken, took enforcement to new heights never seen before: his administration “deported more immigrants during

Obama's first term in office than former President George H.W. Bush deported in both terms," to the disdain of many expansionist coalition members (Brown and Rodriguez, 2014: 150). This involved numerous measures: the Secure Communities program started by Bush was "expanded to all 3,181 jurisdictions within 50 states, the District of Columbia, and five U.S. territories," reaching full implementation by January, 2013 (Kubrin, 2014: 323). Enhancing cooperation between state and local law enforcement officials, expanding this program to the entire country was an attempt to make participation in it mandatory at all levels and was perhaps the central policy for the rise in deportations in this time. The Obama administration, in defending the policy and expansion, made the point to say that they were specifically focusing on deporting serious criminals. However, the program has been continually criticized, with many arguing that it "had become fairly clear that most, if not all, local detention of immigrants on the sole authority of these administrative requests were unconstitutional" (Shebaya, 2017: 567). This eventually led the administration to create a new program, the Priority Enforcement Program, that was intended to create a system where only dangerous criminals would be targeted, where limits on how long a person can be detained would be more respected, and where "the many legal and policy concerns about the detrimental effects of local collaboration with ICE would be accommodated" (Shebaya, 2017: 580).

Besides these policies, the Obama administration also expanded two other programs with the hope of achieving more deportations: the 287(g) program, which had enabled "ICE to partner with local law enforcement agencies, effectively giving local police the powers of federal immigration agents," and E-Verify, an "Internet-based program that compares information from employees' work documents to government records," in an attempt to crack down on workplace violations of immigration law (Gonzales, 2010: 16). Some expansionist advocates, such as a researcher with the Cato Institute, claim this period saw much more

enforcement at the workplace as well, with “15.5 times as many fines against employers and 8.3 times as many arrests for immigration-law violations as did George W. Bush by the end of 2014” (Nowrathesh, 2020).

The loss of Obama’s systemic governing coalition in 2011 mostly closed the door on any opportunity for reform. Besides this, the Tea Party movement became a prominent subsection of the Republican party at this time, with one of their fundamental principles being restrictionist immigration policy. The regular protests by the Tea Party, against Obama’s reform efforts, regularly featured restrictionist coalition members, such as members from anti-immigration think tanks, and helped to dissuade other Republicans from negotiating with the Obama administration. Thus, Obama was left to try and implement the more expansionist elements of his immigration policy via executive orders, the most notable being the Deferred Action of Childhood Arrivals (DACA) in 2012 and the Deferred Action for Parents of Americans (DAPA) in 2014. The former, building off a bill called the DREAM Act that had been brought up for a vote multiple times since 2001 but never passed, “allowed illegal immigrants who had been brought to the United States as children to obtain temporary deportation relief and obtain work,” while the latter would have “allowed illegal immigrants with U.S.-born children to apply for deportation relief and work permits” (Wood, 2016: 29). However, both policies were challenged in the courts: while DACA would withstand these challenges during the Obama administration, DAPA was blocked from ever being implemented, first by an appellate court ruling and then a 4-4 split decision by the Supreme Court in 2016, stopping a policy that “would have shielded as many as five million undocumented immigrants from deportation and allowed them to legally work in the United States” (Liptak and Michael, 2016).

As for the Trump era policies, they intensified the restrictionist elements of the immigration system while attempting to roll back various expansionist policies. Besides Trump's own restrictionist beliefs on

immigration, his senior advisor, Stephen Miller, was found to have an affinity for white nationalism and the racially exclusionary quota policies of the 1920s, and was considered a key figure in Trump's restrictionist policies (Schacher, 2020: 192). It is somewhat impossible in this space to cover all of Trump's executive actions: one study stated that from January 2017 till around July 2020, Trump had issued more than 400 such actions in regards to immigration, "spanning everything from border and interior enforcement, to refugee resettlement and the asylum system, DACA, the immigration courts, and vetting and visa processes" (Pierce and Bolter, 2020). Some of these actions were simply reversals of Obama executive orders, highlighting the nature of policy in this phase: via executive orders, Trump restarted the Secure Communities program when he entered office and he attempted to end DACA, though this latter effort was put on hold by court order and eventually blocked by the Supreme Court (Liptak and Shear, 2020). The former action was part of a Trump measure to increase immigration enforcement and roll back the focus on serious crimes as the basis for deportation, which Obama had initiated, with the result being many more immigrants potentially subject to deportation, e.g. the noncriminal share of arrested immigrants doubled in 2019 compared to 2016 (Pierce and Bolter, 2020).

Some of the most notable policies were follow up to campaign promises Trump had made: a series of travel bans, most famously the "Muslim ban," which also barred admission for Syrian refugees. This would face many legal challenges but ultimately be upheld by the Supreme Court (Liptak and Shear, 2018). Trump initiated an expansion of the Mexico-U.S. barrier, which he often referred to as "The Wall", using restrictionist think tank research to argue for the benefits of such a project. The debate over funding for this wall would cause the longest government shutdown in U.S. history and, after facing many lawsuits from expansionists groups such as the ACLU, would be funded by redirection of funds from the Pentagon to the border, a decision would be upheld by

the Supreme Court and federal appeals courts (Alvarez and LeBlanc, 2020).

Many of the actions taken were in relation to border and interior enforcement, and ways to limit asylum. The family separation policy, a “zero tolerance” approach to enforcement which was also notorious for the horrendous conditions of the detention centers, was hugely controversial and involved the separation of thousands of parents and children. This too would be eventually challenged and halted by a federal judge (Shear et al, 2018), but poor record-keeping made it so that many of the children could not be reunited with their parents despite the policy ending (Shoichet and Alvarez, 2019). Trump also attempted to remove temporary protected status from immigrants from various countries, and various alterations to asylum procedures: mandating asylum seekers must have applied to other countries as well to be accepted into the U.S. agreements with Central American countries to redirect asylum seekers abroad, and “a ramping up of the Migrant Protection Protocols (MPP), requiring migrants, mainly asylum seekers, to wait in Mexico for their adjudications,” as well as attempts to lower refugee intake (Alvarez and LeBlanc, 2020). Other notable policies include assigning Border Patrol and ICE agents to sanctuary cities, further restrictions on admissions based on the COVID-19 pandemic, attempts to limit poorer immigrants from gaining permanent residency, increased fees for immigration and asylum applications, termination of a program granting parents of gravely ill children temporary status, and deploying the National Guard to the border multiple times.

(2) Policy Impacts

The policy impacts of this phase, including a ballooning enforcement budget, record levels of deportation, and only a slight decrease in the undocumented immigration population, have been highlighted already in the general background, and the implications of this phase and the trends within this subsystem will be covered in the

discussion at the end of this paper. What does need to be said is that the devolution of immigration policy into mainly more restrictionist and more militarized enforcement has not come without many victims. Every year now, hundreds of immigrants die at the Mexico-U.S. border, and many scholars have held U.S. policy directly accountable for increased border deaths, referring to an implicit strategy of “‘prevention through deterrence’ — intentionally redirecting migrants to more dangerous, remote areas, including the area referred to by the US Customs and Border Patrol as the ‘corridor of death’” (Holmes, 2013: 153). Such results are often portrayed as the result of migrant’s own decisions, and not as the result of policies that “force certain categories of people to put their bodies, health, and lives at risk in order for them and their families to survive” (Holmes, 2013: 153). Cornelius also notes (2005: 784) that “officials invariably blame these deaths on professional people-smugglers, but it is apparent that smugglers are only satisfying a demand that has been created largely by ... concentrated border enforcement,” while also noting that the border build-up has also brought with it a surge of anti-immigrant vigilante activity. Furthermore, while the Obama administration claimed to be shifting deportation policies towards “serious criminals,” the reality of his policies were quite different: “nearly two-thirds of the deportations during the first five years of his administration involved noncitizens who had committed only minor infractions,” some even with only traffic violations or no criminal record at all, and “only about one in five involved people convicted of serious crimes” (Gottschalk, 2015: 216).

Chapter 4: Policy Entrepreneurship of Private Prison Industry

As this aspect of the paper is more complimentary to the ACF approach, it will focus less on showing the extent of impact the private prison industry has had in changing public policy and more on defining the attributes, skills, and strategies of the private prison industry, while looking at instances where they specifically were interested and involved in trying to influence immigration policy. By briefly focusing on one group acting out of their own self-interest, some insights about the immigration policy subsystem can be gained that might be lost in the more broad, belief-based ACF approach. It is also easier to identify entrepreneurs than it is to identify policy brokers as defined in the ACF: almost all of the policies identified in the ACF had no clear policy broker, at least in terms of finding actors whose primary concern is reducing conflict and trying to deliver compromise. There were key figureheads of the different comprehensive reform efforts, but it is hard to argue they fit this definition, which might be part of why this concept is often left out of ACF studies entirely.

As Collingwood et al. (2018: 275) put it, while restrictionists and nativists believe in harsh enforcement policy, others look to gain materially from them: “Harsh enforcement policies ... enable and expand a marketplace whereby private prison companies stand to increase their bottom line,” with these companies “lobbying to expand the carceral state into immigration policy.” In this case, when referring to the private prison industry, CCA and GEO will be the main focus, as well as the lobbies that represent them in advocating for their policy desires. Most notable among these lobbies is the American Legislative Exchange Council (ALEC), in that it uniquely is “composed of state legislators and corporate leaders who collaborate to produce model or template bills that are introduced or promoted by ALEC members within state legislatures” (Anderson and

Donchik, 2016: 326) and that it has been involved in modeling policies and/or advocating for policies in many controversial areas, including ‘stand your ground’ laws, anti-labor laws, laws lengthening prison sentences such as ‘three strikes’ or ‘truth in sentencing’ measures, measures that assist corporations in evading environmental regulations, laws and policies criminalizing parts of immigrants’ lives, and various efforts aimed at privatizing different areas such as prisons and education, among other things (Cooper et al, 2016: 385).

4.1. Attributes

One fundamental attribute of entrepreneurs is ambition, which is noted by the private prison industry’s willingness to invest in their policy desires and to be committed to pushing for them (Mintrom and Luetjens, 2017). These ambitions partially rose out of necessity: private prisons were largely kept out of immigrant detention in the 1980s and 1990s and the industry as a whole was “on the verge of bankruptcy” in this latter period, due to various scandals related to the industry that had made many states distance themselves from the industry immediately following a speculative prison building boom (meaning many prisons were built and then were soon left empty) (Ray, 2018: 117). It was at this time that the private prison industry was able to make a key pivot to immigrant detention: marketing itself as being able to save the federal government almost \$35 a day per detainee, CCA and GEO were both able to secure lucrative federal contracts to run private immigrant detention facilities (Berestein, 2008). Thanks to these ambitious maneuvers, CCA’s stock (both CCA and GEO are listed companies) rebounded from \$1.15 on Jan. 1 1998 to \$70.13 on Jan. 1, 2001, and GEO went from \$2.50 a share in January 2001 to \$26.76 in May 2008.

Social acuity, or the attribute of “understanding others and engaging in policy conversations,” is also necessary for success (Aviram et al., 2020: 626). As Mintrom and Norman (2009: 652-654) put it, entrepreneurs are “well-versed in the sociopolitical context in which they

operate,” and thus are able to understand how others view problems, what their driving concerns or motivations might be, and how to develop strategies to appeal to others (Mintrom and Luetjens, 2017). This is not to be confused with sociability, which is more about how entrepreneurs try to consider how others will respond to their solutions and must have empathy for others’ needs so they feel appreciated and understood. The best representation of both these attributes is the work of CCA and GEO’s lobbies, primarily ALEC which claims on its website to contain within its members “nearly one-quarter of the country’s state legislators and stake-holders from across the policy spectrum.” ALEC advertises itself as “a forum for stakeholders to exchange ideas and develop real, state-based solutions,” which in practice means different task forces bringing private sector actors together with legislators to work side-by-side in designing policy proposals: since each individual gets an equal vote in these task forces, “in order for a proposal to become model legislation, both the public and private sides of the committee must agree — granting considerable power to the corporate side” (Underwood and Mead, 2015: 51). At the same time, it allows the industries utilizing ALEC’s services, including the private prison industry, to develop their social acuity and sociability with policymakers and their constituents, while also allowing corporations to participate in policy evaluation and be active members in policy decision making, albeit outside the formal policy process.

In order for their policy proposals to be taken seriously and build coalitions of support, the entrepreneurs and their solutions must be seen as having credibility. Obviously, the private prison industry uses its experience in criminal detention to try and make its case for being able to manage immigrant detention. Finally, tenacity, or the “willingness to keep working towards a bigger goal, even when that goal seems nowhere in sight,” is important in the sense that usually entrepreneurs are investing with the risk that they will see nothing in return for their efforts and where their chances of succeeding may not be great (Mintrom and Luetjens, 2017). This has already been highlighted in the last-ditch efforts the

industry made to secure immigrant detention contracts when the industry's stocks had generally crashed in the late 1990s. As one commentator put it, the immigrant detention contracts with different levels of government were and are a life preserver to the private prison industry: "if they lost those federal immigration contracts tomorrow, I don't know that we would have a private prison industry of GEO and CoreCivic by the end of the month" (Jackson, 2020). Thus, the tenaciousness of the private prison industry, and its willingness to make risky investments with the hope of influencing immigration policy, is mostly the result of self-preservation.

4.2. Skills And Strategies

Looking at how strategic thinking aids policy entrepreneurs, Kalil (2017: 19) pointed to how having clear goals, a constantly growing toolbox of policy solutions, and effective networking can make working with entrepreneurs easy and turn proposed solutions into real policies. For the private prison industry, their goals in terms of immigrant detention are fairly clear: maintaining and expanding the use of private facilities and funding for it. In terms of the policy toolbox and networking, much of this is done by their lobbies, such as ALEC and its model legislation forum, the connections it has made over time with government agencies, and the experience it has in the field of detention already. ALEC makes working with the industries it represents fairly easy and thus solution seeking (at least in accordance to the interests ALEC represents) as well: Tommy Thompson, who was among other things the longest-serving governor in Wisconsin's history and the 19th United States Secretary of Health and Human Services in the W. Bush Administration said that he had "always loved going to [ALEC] meetings because I always found new ideas. Then I'd take them back to Wisconsin, disguise them a little bit, and declare, 'That's mine'" (Kroll, 2012).

When looking at the strategies the private prison industry employs, there are a few areas that these entrepreneurs have worked in recent years that can serve to illustrate their strategies: in debates around

the housing of inmates detained by ICE and debates regarding the DHS appropriations budget that directly relate to private detention funding (Ray, 2018: 124). While many details of what exactly lobbying entails are unknown, it is clear that the industry is invested in maintaining/increasing funding and government support for private immigrant detention facilities: for example, CCA “has lobbied Congress each year on the homeland security annual appropriations bill, targeting increased funding for the Bureau of Prisons, the Office of the Federal Detention Trustee,” and ICE (Ray, 2018: 129). It was noted in some of the materials submitted to the Subcommittee on Privatized Immigration in 2016 that between 2008 and 2014, CCA “spent \$9,760,000—61 percent of total private prison lobbying expenditures—in quarters where they directly lobbied the DHS Appropriations Subcommittee,” while GEO spent \$460,000 between 2011 and 2014 on the same issues (Homeland Security Advisory Council, 2016).

Besides increasing/maintaining funding and use of private immigrant detention, another reason for the industry’s interest in the DHS appropriations process, at least since 2009, is for the purpose of maintaining what has become known as “bed quotas,” which were first introduced in 2009 during the Obama administration and “linked the US. Department of Homeland Security’s (DHS) funding to ‘maintaining’ [or filling] 33,400 immigration detention beds a day” (Sinha, 2017: 77). This quota has been controversial and many have called for its removal but, while language regarding the quotas is sometimes removed from proposed budgets, there has in fact been an expansion of the quota in practice, for example in 2017 when “DHS filled approximately 44,050 beds each day” (Ray, 2018: 130). This naturally benefits the private prison industry and they have lobbied to ensure that bills or formal reductions of the quota are blocked, such as the Justice is Not for Sale Act of 2015 that sought to remove this quota but ultimately never made it out of committee.

In lobbying to maintain/expand current levels of private detention and its funding, the industry engages in problem framing, trying to put

forth their preferred policy outcomes “in a politically -- and culturally-- acceptable and desirable manner” (Beland, 2005: 12). This is not an easy task in theory for the industry: looking at a 2016 Report of the Subcommittee on Privatized Immigration Detention Facilities by the Homeland Security Advisory Council, one can find a number of condemnatory statements about these facilities: a Department of Justice review stating that private facilities, in almost all areas, have a worse record on safety and security than public facilities; countless advocate letters and testimonies from expansionist coalition members advocating for an end to private detention and the bed quotas policy, specifically detailing the many failings of these facilities and their lack of transparency; the United Nations High Commissioner for Refugees noting a deep concern about the increasing detention of asylum seekers in private facilities; and so on.

One point of argument employed by the private prison industry is that, considering how increasingly dependent the government has become on private immigrant detention, it will be difficult to phase-out the use of private detention and that the government lacks the capacity to handle such a phase out, so that while there are some issues with the facilities, they would be even worse if these facilities were not being used. The cost-benefit of the facilities is often put forward as well, even though it is unclear that private facilities are cheaper than public ones, and is often argued in tandem with the first point, i.e. that the phase-out would be both detrimental to the quality of detention and to the budget.

Finally, when all else fails, the industry does its best to ensure that failings and/or negative aspects of detention are not disclosed: in fact, as is noted by many advocates opposing private immigrant detention, “privately contracted prisons are not required to provide Congress or DHS with information about detention operations,” exempt from Freedom of Information Act request, and are “protected in litigation by complex contractor immunity doctrines” (Ray, 2018: 121). This helps in keeping the debate about prison capacity and costs, and not about human rights

abuses or poor management of facilities. This also makes how adept the industry is at gathering compelling evidence to support their solutions important, as “entrepreneurs must be adept at collecting evidence and using it strategically to support their quest for policy change” (Mintrom, 2019: 313). Downplaying the profit-seeking aspects of the industry is also common: Jerry Watson, the senior legal counsel for the American Bail Coalition, put it quite bluntly at one ALEC meeting in 2007 while presenting a model bill to the legislators present: “If we can help you save crime victims in your legislative district, and generate positive revenue for your state, and help solve your prison overcrowding problem, you don’t mind me making a dollar” (Cooper et al, 2016: 388). Trying to maintain these exceptions to oversight is another reason why the industry invests heavily in lobbying the appropriations process, and they lobbied against “the Private Prison Information Act of 2015, which would have subjected private prison records to Freedom of Information Act requests,” but never made it out of committee (Ray, 2018: 129).

By membership in ALEC and through its lobbying, the industry is attempting to use and expand its networks. Some have attributed CCA securing its first-ever contract to operate immigrant detention centers to one of its eventual founders, who was also a Chairman of the Tennessee Republican Party, making key contacts with then-presidential candidate Ronald Reagan at a Tennessee fundraiser in 1980 (Koulish, 2008: 476). CCA would eventually be founded in 1984 and would secure this contract soon after its establishment. For entrepreneurs to succeed in networking, team and/or trust-building skills, or networking, must be developed: as Petridou put it (2014: S22), “entrepreneurial actions are carried out by teams and not just one heroic, lonely individual.” It is vital to develop trust in relationships, networks, and coalitions, and those entrepreneurs “who get along well with others and who are well connected in their local policy contexts are more likely to achieve their policy goals (Mintrom, 2019: 312). This can also involve working with existing advocacy coalitions or leading coalitions themselves.

Venue shopping is a strategy that has generally benefited the industry in past endeavors: Collingwood et al. (2019: 735) have documented how ALEC “has exerted an overwhelming influence on the introduction of anti-sanctuary legislative proposals in the U.S. states over the past 7 years.” Another notable incident that points to the industry utilizing state and local initiatives is when “ALEC arranged secret meetings between Arizona’s state legislators and CCA to draft what became SB 1070, Arizona’s notorious immigration law, to keep CCA prisons flush with immigrant detainees” (Elk and Sloan, 2011). Such cases of entrepreneurship, while not directly changing federal immigration policy and perhaps occurring in part due to the inability to initiate such policies at the federal level, are part of a larger movement towards mandating state and local participation in federal enforcement efforts, thus increasing the need and demand for immigrant detention. It also assists in building networks in government, potentially assisting in federal policy change efforts.

Besides these strategies, there’re also more straightforward approaches such as donating to political candidates that the industry believes will support and increase funding for private immigrant detention. For example, CCA and GEO donated respectively \$250,000 and \$225,000 to either help elect Donald Trump or to donate to enhance his inauguration ceremony (Schouten, 2017). Various restrictionist legislators have also been on the receiving end of these donations. Such investments are a form of risk-taking for the industry, hoping that these donations will help aid policy efforts and give them allies within the policy process.

While this section of the research is not extensive enough to establish the extent of influence the private prison industry and its lobbies have had in the appropriations process, it would seem as if many of their goals have been realized as of now: in 2019, private immigrant detention held 70% of all detainees (Freedom for Immigrants, 2020), maintaining the government’s reliance on the private prison industry and its funding

for it (further enhanced by the larger failure to find alternatives to detention); relatively little has been done to enhance oversight mechanisms on private detention (even if this is seen as the best-worst option in light of the dependence on private detention and inability to find alternatives to such detention), allowing the private prison industry, “incentivized by shareholders to maximize profit ... to negotiate for the least costly standards” and leaving “detainees in those facilities ... subjected to noticeably worse living conditions” (Rollins, 2020); and, finally, the bed quotas have been maintained (with some minor alterations, such as the Obama administration's supposed focus on detaining “high-priority” individuals extending to the quotas process and occasional exclusion of explicit language regarding quotas in proposed budgets or ultimately meaningless recommendations of lowering quotas) and have survived various attempts to eliminate them (Sinha, 2016).

In this sense, the risks that have been taken and investments the industry has made into the process will most likely continue as long as the government is still dependent upon private immigrant detention, as long as comprehensive immigration reform efforts are stalled and alternatives to detention are left simply as alternatives, and while the bed quotas and oversight exceptions are maintained.

Chapter 5: Conclusion

5.1. Discussion And Implications

The ACF is adept at identifying macro-level changes in a policy subsystem, such as the shift within the Republican party from being majority free-market expansionist to majority restrictionist, the rise of strict enforcement policies within the Democratic party in response to a restrictionist public and restrictionist gains at the state and local level, and comprehensive reform (and many expansionist policy beliefs) being pushed aside due to external crises such as 9/11 or the Great Recession, the linkage of national security and immigration, and the hurling stalemate that comprehensive reform has become in the face of declining bipartisanship and restrictionists' reluctance to compromise on policy.

However, there are numerous issues with the theory in trying to understand immigration policy change. For example, the ACF's offered relatively little insight into the last phase of policy, where most actions came as a result of executive order. Also, the behavior of individual or collective entrepreneurs, who are acting and designing strategies in their own self-interest, can be easily lost in trying to categorize every actor by their beliefs, besides the fact that such micro-level behavior can be easily pushed aside for the sake of condensing individuals' behavior into coalitions. Depending on what level of government the analysis is done at, it would seem there will almost always be some potential to miss important aspects and debates around policy, such as private prisons' efforts around bed quotas and attempting to block phase-outs of private immigrant detention.

Some implications can be drawn from the general trend in the federal immigration policy subsystem. The first note to make is that in terms of the final phase of immigration policy, the courts figured heavily

in shaping, or altering, the policy intentions of these administrations. Shin (2019: 859) has noted that, in the period of this study, the Supreme Court in this period has generally supported expansive admissions, been more negative in cases looking to increase immigrants' rights, and been divided on issues of immigration enforcement. Whatever the court's future decisions end up being, the impacts and future of policies undertaken as they have been in this era (or the shape of policies to come) may ultimately be decided by the courts, in what has been referred to as a "judicialization of politics" (Vallinder, 1994: 91).

The second note is that, with the current inability of the two parties, (or either coalition) to find a negotiated agreement on comprehensive reform, part of a wider trend in polarization between parties in Congress (Theriault, 2008) and a general erosion of bipartisanship since the 1970s (besides brief rises in the late 1990s and following 9/11) (Trubowitz and Mellow, 2011: 168), means that the foreseeable future of immigration policy may continue to be one defined by the Reagan/H.W. Bush era of expansionist immigration admissions policy and the restrictionist enforcement policies that have continually ramped up since the Clinton administration. These latter policies have also become increasingly harsh, while the goals of such policies seem increasingly removed from the policies' actual results. The inability to negotiate also points to executive authority's importance, enhanced by clashing parties and coalitions, to be maintained going forward.

There has also been a proliferation of sanctuary and anti-sanctuary policies, as well as various federal policies aimed at making local and state participation in enforcement mandatory. As Farris and Holman put it (2017: 142), "immigration enforcement and policy making has increasingly devolved to the local level in the United States," and it seems that both state/local policy innovations and federal utilization of localized immigration enforcement policies will continue.

Finally, it would seem the expansionist coalition needs to find new ways to advocate for their positions. The Biden administration's first days in office have, besides the move to exclude private immigrant detention from a phase-out of private prisons (despite campaign promises to do so), so far maintained some of the restrictions on asylum that the Trump administration imposed (Montoya-Galvez, 2021). While Biden has promised to pursue some expansionist policy desires such as the legalization policies the Obama administration had pursued, it is unclear that Biden can overcome the hurling stalemate that has generally hindered many expansionist policy initiatives. Though Biden did halt the construction of the Trump border wall and ended some other restrictionist measures that Trump had enacted, some of these attempts (such as a temporary ban on most deportations) have been blocked by the courts. Finally, the coronavirus pandemic has made immigration and asylum-seekers a focus of Republicans, perhaps recognizing that the pandemic is feeding into an already restrictionist public. All in all, it points to a situation where the emphasis is more on the policy desires of restrictionists than expansionists.

5.2 Limitations

Some of the limitations of this paper arise from the study of recent immigration policies of the Trump administration, which will most likely be the topic of much more research as time passes and will see more information disclosed about how these policies came about. The other phases of immigration policy benefited greatly from being able to review the wealth of research on immigration policies of those eras. On a different note, considering the complexity of federal immigration policy over a thirty-four-year period, exhaustive coverage of all aspects of the policy subsystem could not be reached. In the same vein, this study is limited by what information was accessible: better access to those directly involved with the policy-making process would naturally allow for more

exact descriptions of coalition disputes and this policy subsystem. Such access, combined with tools from disciplines such as network analysis, might allow for more assumptions to be drawn from a future analysis also employing the ACF and theories of policy entrepreneurship to immigration policy issues. The private prison industry is notoriously secretive about its lobbying and work in general, so better access to the entrepreneurs themselves would be beneficial. Finally, this paper centered its conceptual framework around the ACF and PE model, which comes with their own strengths and limitations. Combining the aforementioned theories with other approaches to policy change would enable one to contrast and compare the findings and conclusions of each theoretical approach to yield more useful information both about the subject area and the theories themselves.

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국문초록

본 연구 논문은 포괄적인 이민 개혁이 이루어지지 않은 상황에서 어떤 일이 일어났는지를 살펴보기 위해 미국의 현대 이민 정책 토론을 검토한다. 주된 목적은 옹호 연합 프레임워크(ACF)를 사용하여 미국 연방 이민 정책을 정성적으로 분석하고 발생한 주요 정책 변화와 이를 둘러싼 연합을 설명하는 것이다. 그러나 ACF는 정책 브로커에 대한 모호한 개념에 의해 제한되며, 하위 시스템 내에서 연구자가 브로커를 식별할 수 없고 사리사욕이 아닌 믿음에 중점을 두었기 때문에 최근 개정에서는 이 개념이 실제로 프레임워크에서 제외된다는 점에 주목했다. 따라서 정책 기업가 관련 이론(즉, 단순히 신념에 의해서가 아니라 물질적 사익에 의해 추진되는 행위자)으로 ACF를 보완하는 것이 이러한 결점을 해결하고 정책 하위시스템의 보다 강력한 분석을 가능하게 할 것이다.

본 연구의 목표는 다음과 같다. 하위 시스템에 명시된 정책 변경 또는 조합의 출처 식별, 이민 정책 하위 시스템과 이들이 구성한 연합에 관여한 행위자 식별, 그러한 연합의 신념, 전략 및 자원의 식별, 마지막으로, 정책 기업가의 특성, 기술 및 특성을 식별하는 동시에, 이러한 기업가들이 정책 하위 시스템 내에서 정책 변화에 어떻게 영향을 미치려고 했는지도 확인한다.

이 논문은 다섯 개의 장으로 구성되어 있다. 1장에서는 입문서로서 연구 배경과 목표, 연구 범위와 규모, 연구 방법론을 설명한다. 2장에서는 미국 이민 정책, ACF 및 정책 기업가정신과 관련된 문헌과 이론을 검토한다. 3장에는 미국 연방 이민에 대한 ACF 분석이 포함되어 있다. 하위 시스템에 대한 외부 요인들을 검토하는 섹션으로 세분되며, 상대적으로 안정적인 변수와 외부 충격이 있고, 그 다음 정책의 여러 단계를 분석하여 경쟁적인 옹호 연합 구성, 각각의 신념, 전략 및 자원, 그리고 발생한 정책 산출물과 그 결과를 검토한다. 4장에서는 이민정책에 영향을 미치기 위한 사립 교도소 산업의 기업가적 노력을, 특히 산업의 속성, 기술, 전략, 자세히 살펴본다. 결론은 5장에서 도출되며 결론과 결론의 논의와

함축성, 그리고 논문 중에 어떤 제약이 발생했는지에 대한 통지와 함께 도출될 것이다.

집행에 관한 논의는 확장주의 연합과 제한주의 연합 사이에 있을 수 있으며, 전자는 일반적으로 외국인 입국 기회를 확대하는 것을 믿는 반면 후자는 그러한 기회의 제한을 믿는다. 각 연합의 구성은 다양하다: 확장주의 연합은 중요한 기업, 노동, 시민권, 민족, 종교 및 친이민 단체들을 포함하는 반면 제한주의 연합은 원주민과 반이민 단체뿐만 아니라 특정 사업 이익단체, 공화당, 특정 노동 단체 및 대다수의 미국 대중이 포함된다. 두 연합은 법적 권한에 대한 접근성, 대중의 지원, 지지자 동원 능력, 재정 자원, 정보, 리더십 및 제도 규칙을 자신들의 이익을 위해 활용하고자 한다. 이는 연합의 정책 목표를 홍보하고, 향후 정책 이니셔티브에 영향을 미칠 수 있도록 정부 기관과의 관계를 구축하고, 사회 동원 및 조정 전략, 협상, 파트너십 및 연합 구축, 정부의 여러 단계에서 영향력을 미치고 로비하는 것을 노력하고, 정책 과정에서 영향력을 증가시키는 다른 방법들 쓰지만 각 연합은 고유한 영향 전략도 활용했다.

시간 경과에 따른 정책 변화를 일반적으로 요약하면, 1986년 이민개혁관리법(IRCA)과 1990년 이민법(IRCA)이 오늘날까지 남아 있는 입국허가 측면에서 확장주의 정책 체제를 수립한 반면, 클린턴 행정부에서 특히 이민 집행과 집행에만 국한된 정책의 일반적인 흐름이 있고 제한주의 정권을 지향해 왔다. 이는 기록적인 추방자 수, 구금 중인 이민자 수의 꾸준한 증가, INS를 대체할 DHS 산하의 다양한 기관의 설립, 국경 집행의 군비화 증가, 그리고 포괄적인 이민 개혁 통과 실패와 함께 이루어졌다.

첫 번째 정책 단계(1986-1994)는 IRCA에 이은 일반적인 하위 시스템 안정성으로 특징지어졌으며, 정책의 초점은 주로 광범위한 입국에 맞춰져 있고 제한주의적 정책 욕구에 덜 관심을 기울였다. 2단계(1994-2001)는 단기적으로 민주당을 위한 지배 연합체제를 구축하고 공화당과 주/지방 수준에서 규제주의자들의 영향력이 증가하는 상황에서 연합체제를 빠르게 상실함으로써 시작되었다. 이것은 제한주의 시행 정책의 증가와 이민자들의 권리 약화가 시작됐다. 3단계(2001-2009)는 공화당을 위한 체계적인 통치 연합의

설립과 9/11 사태의 외부 위기와 함께 이루어졌다. 이것은 본질적으로 팽창주의적 이민 정책에 대한 논의를 없애고 제한주의자들에게 혜택을 준 이민과 국가 안보 사이의 연계를 더욱 공고히 했다. 마지막으로, 4단계(2009-2020)는 이민에 대한 서로 다른 비전을 가진 두 명의 대통령이 수행했던 일방적인 집행권 조치를 통해 정책으로 이어지는 당사자들 간의 협상된 합의 부족으로 정의되었다. 팽창주의자들은 오바마 행정부에서 정책적 욕구 중 일부를 해결했지만, 이러한 이익의 상당 부분은 트럼프 정권 동안 주장된 반면, 제한주의자들은 두 행정부 모두에서 정책적 승리를 달성할 수 있었다.

결론적으로 ACF는 정책 서브시스템에서 매크로 수준의 변화를 식별하는 데 능숙하다. 예를 들어, 공화당 내 다수 자유 시장 팽창주의에서 다수 제한주의자로의 전환, 주와 지역 차원의 제한적 대중과 제한주의 이익에 대한 민주당 내 엄격한 시행 정책의 상승, 포괄적 개혁(및 많은 팽창주의적 정책 신념)이 9/11이나 대공황과 같은 외부 위기로 인해 밀려나고 있는 것, 국가안보와 이민의 연계, 등을 볼 수 있다. 그러나 ACF는 이민 정책 변화를 이해하려는 데 있어서 많은 문제가 있다: 이 이론은 상대적으로 행정 명령의 결과로 대부분의 행동이 이루어졌던 정책의 마지막 단계에 대한 통찰력이 거의 없었다; 개인 또는 집단 기업가의 행동은 모든 행위자를 그들의 신념에 따라 분류하려 할 때 쉽게 상실될 수 있다, 게다가 그러한 미시적인 행동은 개인의 행동을 연합으로 압축하기 위해 쉽게 밀어낼 수 있다; ACF 틀은 거의 항상 침상할당제에 대한 사설 교도소의 노력과 개인 이민자 구금과 감독 면제의 철폐를 막으려는 시도와 같은 정책에 관한 중요한 측면과 토론들을 놓칠 것이다.

결론적 논의에서 몇 가지 시사점을 언급한다. 이민 정책의 마지막 단계에 법원은 이러한 행정부의 정책 의도를 형성하거나 변경하는 데 있어 매우 중요한 역할을 담당했으며, 현재와 같은 정책(또는 향후 정책의 형태)의 영향과 미래는 결국 법원에 의해 결정될 수 있다. 현재 두 정당(또는 두 연합)이 포괄적 개혁에 대한 협상 타결을 이끌어내지 못하고 있는 것은 이민정책의 예측 가능한 미래가 팽창주의적 이민입국정책과 제한주의 시행정책으로 정의된

미래로 계속 유지될 것임을 의미한다. 협상 불능은 또한 앞으로 정당과 연정이 충돌함으로써 강화되는 집행권의 중요성을 지적한다. 마지막으로 성역 및 반성역 정책은 물론 지역 및 주의 집행 참여를 의무화하는 다양한 연방 정책이 확산되어 주/지방 정책 혁신과 연방의 국지적 이민 집행 정책 활용이 모두 지속될 것으로 보인다.

키워드: 이민 정책, 옹호 연합 프레임워크, 정책 기업가정신, 정책 변경

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