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Research Article

President Trump and Migration Policy

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ABSTRACT

The US is home to a fifth of the world's 260 million immigrants; but about one in four of the 48 million foreign-born residents in the US is unauthorized (UN DESA, 2017; Passel & Cohn, 2018).¹ Candidate Donald Trump promised to stop the entry of unauthorized foreigners by building a wall on the Mexico-US border and deporting the unauthorized immigrants in the US. After taking office in January 2017, President Trump issued executive orders that ordered planning to build the wall, more agents to detect and deport unauthorized foreigners, and restrictions on the entry of Muslims from countries deemed uncooperative in the fight against terrorism. Congress has rejected many of Trump's proposals, and the courts have slowed the implementation of some Trump policies, highlighting the limits of a nationalist and populist approach to managing migration.

Keywords: Trump, US migration policy, border wall

1 According to the UN DESA, persons who were born in Puerto Rico and moved to the mainland US are considered as international migrants. However, they are not counted by the US government among the estimated 44 million foreign born in the US in 2017.

1. Mexico-US Migration²

Mexico and the US share a long border and history, but most of the 12 million Mexican-born residents of the US arrived in the past half century. In 1970, when Mexico had 52 million people, about 750,000 or less than two percent of persons born in Mexico lived in the US. By 2008, when Mexico had 110 million people, some 12 million or 11 percent lived in the US (Passel, Cohn, & Gonzalez-Barrera, 2012).

This paper reviews unauthorized Mexico-US migration since 1970, US efforts to curb such migration, and the debate between admissionists and restrictionists over the relative importance of legalization of unauthorized foreigners in the US versus more enforcement to prevent future illegal entries, and President Trump's enforcement-only approach and efforts to deal with Central American asylum seekers. The paper concludes with a look at adjustments to rising labor costs in agriculture, the port of entry for many of the unauthorized Mexicans.

What turned the Mexico-US migration corridor into the world's largest movement of people between countries in modern times of peace? Several reasons explain why "go north for opportunity" became a mantra of young people, especially in rural Mexico. First, the Mexican government for most of the 20th century had an inward-oriented economic policy that protected local industries from import competition, slowing urban job creation because Mexico's protected industries produced high cost goods that few Mexicans could afford. Second, Mexico developed a collective or ejido agricultural system that allowed peasants to farm the land assigned to them but prohibited ejido members from selling or renting their land discouraged investment to improve agricultural productivity and incomes (Escobar & Martin, 2006). The ejido system keep peasants on the land, but poverty increased as plots got smaller with population growth.

Third, labor-intensive agriculture expanded in the arid western US states with the help of government irrigation projects and a series of guest worker or Bracero programs that brought rural Mexicans to the US legally as guest workers. The Bracero program] depressed farm wages and encouraged US farm workers to seek nonfarm jobs, leading to "farm labor shortages" that justified ever-more Braceros. The Bracero program was ended in 1964 as a form of civil rights for Mexican Americans, and US farm wages rose, spurring a wave of labor-saving mechanization in US agriculture (Martin & Olmstead, 1985).

There was a decade-long pause in Mexico-US migration between 1965 and 1975 that was associated with the rise of Cesar Chavez and the United Farm Workers union pushing US farm wages to twice the federal minimum wage in contracts with hundreds of California farms. Oil was discovered in the Gulf of Mexico in the mid-1970s, prompting the Mexican government to borrow in anticipation of rising tax revenues. When the price of oil fell, the Mexican peso was devalued several times, making US wages more attractive to Mexicans and setting off a wave of south-north migration. The US had few Border Patrol agents on the Mexico-US border, and there were no federal "penalties on US employers who knowingly hired unauthorized workers," so unauthorized Mexican workers found it easy to get US jobs (Martin, 2010).

2. IRCA and the 1990s Upsurge

The US government in 1986 tried to stem the rising tide of unauthorized Mexico-US migrants with the Immigration Reform and Control Act (IRCA). At the time, US policy makers were divid-

2 **Acknowledgement:** This is an expanded revised version of the opinion article published earlier: Martin, P. (2019). Trump, Migration, and Agriculture. *Border Crossing*, 9(1), 19–27. doi:<https://doi.org/10.33182/bc.v9i1.674>

ed into two camps on how to proceed. One group, often dubbed ‘restrictionists’, believed that the highest priority was to reduce unauthorized migration. The other end of the spectrum was dominated by ‘admissionists’ who believed that, as a nation of immigrants, the US should legalize unauthorized foreigners and admit more legal immigrants (Martin, 2016).

Restrictionists and admissionists compromised in IRCA. Restrictionists got the first ever federal sanctions on employers who knowingly hired unauthorized workers and more Border Patrol agents. They reasoned that, if more Border Patrol agents raised the cost of crossing the border, and employers refused to hire unauthorized workers for fear of being fined, fewer migrants would attempt illegal entry. Admissionists won two legalization programs, one for unauthorized foreigners who were in the US at least five years and another for “unauthorized workers who did at least 90 days of farm work in the previous 18 months” (Martin, 1987).

IRCA’s legalization programs worked but their enforcement provisions failed. Some 2.7 million unauthorized foreigners were legalized, 70 percent Mexicans (Chishti, et al., 2011). The farm worker legalization program made it relatively easy for adults with elementary school educations to become legal immigrants by submitting letters from employers attesting that the person had done at least 90 days of farm work in 1985-86. Many workers who did not do qualifying farm work submitted documentation asserting that they did and became immigrants, which taught rural Mexicans and others how to use false documents to obtain immigration benefits (Martin, 1994). As the use of false documents became routine, more unauthorized workers arrived and gained employment, since employers were not required to verify the authenticity of documents of newly hired workers in order to avoid fines.³

The 1990s were a period of very high Mexico-US migration. Legal immigration reached a million a year, as newly legalized Mexicans brought their families into the US. Illegal Mexico-US migration surged, and over 1.6 million Mexicans were apprehended in the US in FY2000, an average of over 4,300 a day.⁴ Many of those who were apprehended agreed to return to Mexico “voluntarily,” which allowed them to try to enter the US again, sometimes on the same day.

3. Enforcement versus Comprehensive Reform

The upsurge in Mexico-US migration during the 1990s was well publicized, but restrictionists and admissionists were unable to find a compromise solution, blocking action in Congress. After the September 11, 2001 terrorist attacks, the House took a restrictionist approach in 2005 with an enforcement-only bill, the Border Protection, Antiterrorism, and Illegal Immigration Control Act (HR 4437), which would have required employers to use an internet-based government system to

3 Chishti et al. (2011) argued that reasons for growing illegal immigration after IRCA included the Special Agricultural Workers program and absence of new programs for recruiting guest worker: “IRCA’s greatest failing was that it did not anticipate the dynamic nature of the country’s immigration need. Thus, the law provided no legal avenues for increased employment-based immigration, especially for low-skilled workers. This failing, combined with a high demand for low-skilled workers in a growing economy, led to a surge in the unauthorized population in the 1990s and in the early 2000s. By 2007, the U.S. unauthorized population had reached a new peak of 12 million people.” (cited from Martin, 2019: 19–20).
“IRCA *did* include a new guest worker program called the Replenishment Agricultural Workers program, which could be implemented if there were labor shortages. There were no labor shortages due to the influx of unauthorized foreigners, so RAW expired without being used (Martin, 1994). The “labor shortages” cited by Chishti et al came a decade after IRCA legalization, when there were already over eight million unauthorized foreigners in the US” (Martin, 2019:20).

4 Apprehension data are at: www.cbp.gov/sites/default/files/assets/documents/2017-Dec/BP%20Total%20Monthly%20Aps%20by%20Sector%20and%20Area%2C%20FY2000-FY2017.pdf

check the documentation provided by newly hired workers, so that employers would know immediately if the new hires were authorized to work (Migration News, 2006a).

Admissionists who wanted another legalization program opposed HR 4437, and mounted protests on May 1, 2006 that were billed as “A Day without Immigrants.” Many businesses that hired unauthorized workers closed in support of their workers (Migration News, 2006c) and unions, who saw migrants as a prime source of new members, provided much of the organizational support for the May 1 protests.

The May 1, 2006 demonstrations persuaded a bipartisan group of senators to develop an alternative to the House enforcement-only bill. They introduced the Comprehensive Immigration Reform Act (CIRA or S 2611), which won Senate approval in May 2006 (Migration News, 2006a) but was not considered by the House. The Senate developed another bipartisan CIRA in 2007 and, despite the support of President George W. Bush, it did not win approval after then-Senator Barack Obama (D-IL) and unions opposed the inclusion of new guest worker programs. The Senate approved another CIRA in 2013 during President Barack Obama’s second term, and once again the restrictionist-dominated House refused to consider it (Migration News, 2013a).

The bipartisan CIRA bills rested on a three-legged stool that aimed for a compromise between admissionists and restrictionists, that is, CIRA bills offered more enforcement, legalization, and new guest worker programs. The Senate-approved CIRA in 2013 (S 744) illustrates the elements that are likely to be the starting point for any future bipartisan immigration reform. The first enforcement element provided \$6.5 billion for building more fences on the Mexico-US border, and introduced the same requirement that was in the 2005 House bill requiring all employers to use the government’s E-Verify system to check the legal status of newly hired workers. Non-US citizens seeking jobs would have to present “biometric work authorization cards” or immigrant visas with a photo, which employers would check with the internet-based system (Migration News, 2013b).

The second element was a legalization program that would have provided a 13-year path to US citizenship for unauthorized immigrants who arrived in the US before the end of 2011 and paid a \$500 fee and any back taxes they owed in order to become “registered provisional immigrants” (RPI). After six years, these RPIs could renew their status for another \$500 fee or, after 10 years, if they could prove that they had worked or studied, did not resort to federal means-tested welfare benefits and lived in the US since their initial registration, RPIs could apply for regular immigrant status (Migration News, 2013b).

The third leg of the stool would have been new guest worker programs. Critics of IRCA emphasized that legalization allowed previously unauthorized workers to move up in the labor market, leaving a vacuum that attracted more low-skilled unauthorized workers in the 1990s. CIRA would have created a new W-visa program to admit low-skilled guest workers, with an annual number set by a new Bureau of Immigration and Labor Market Research that studied labor market data to determine how many guest workers were needed. The H-2A guest worker program for agricultural workers would have been replaced by two new programs, a W-2 program that tied farm workers to one employer, and a W-3 program that allowed farm guest workers to “float” between farms (Migration News, 2013b). Finally, the number of visas available for high-skilled foreigners under the H-1B program would have almost doubled to 110,000 a year, with further increases allowed if employers used up all the visas made available.

The Senate’s approval of S 744 set off a wave of euphoria among admissionists, who made plans to help unauthorized foreigners to register for RPI status. However, restrictionists in the

House insisted that enforcement must come before legalization, citing the experience with IRCA. The House considered only proposals that would increase enforcement against unauthorized migration (Migration News, 2013b).

President Obama, frustrated with Congressional inaction, in June 2012 used an executive order to grant legal work and residence permits to some unauthorized foreigners who were children when they arrived in the US. The Deferred Action for Childhood Arrivals program allowed unauthorized foreigners who satisfied two major conditions: They were brought into the US before the age of 16 and graduated from US high schools, to obtain renewable work and residence permits that protected them from deportation (Migration News, 2012).⁵ Obama issued an executive order to go further in November 2014 and created the Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) program, which would have granted work and residence permits to unauthorized foreign adults living in the US with legal children, typically children who were born in the US and are US citizens (Rural Migration News, 2015).⁶

DACA now protects about 690,000 unauthorized foreigners, 80 percent of whom were Mexicans.⁷ However, DAPA was opposed by Republicans and not implemented after they won court injunctions that found DAPA to be an illegal intrusion on the power of Congress to manage migration.

4. Trump and Enforcement Only

Two decades of debate over what to do about unauthorized Mexico-US migration provide the backdrop for Donald Trump's successful quest for the presidency. Trump announced his candidacy in June 2015 with statements that pundits predicted would doom his chances of success. Trump said that unauthorized Mexicans were "bringing drugs. They are bringing crime. They're rapists, but some, I assume, are good people." Candidate Trump maintained his lead over so-called "establishment Republicans" by stressing his opposition to unauthorized migration and promising to "make America great again" by imposing tariffs on imports that would encourage US manufacturers to reopen US factories.

After taking office in January 2017, Trump immediately dealt with illegal migration. First, Trump issued an executive order instructing the Department of Homeland Security to plan for a wall on the Mexico-US border and to increase the number of Border Patrol agents patrolling the border. The second executive order doubled the number of Immigration and Customs Enforcement agents, the agency within DHS that detects and removes unauthorized foreigners from the US. The third executive order reduced refugee admissions and restricted the entry of foreigners

5 "Eligibility for DACA status is limited to those who have lived illegally in the US at least five years and was younger than 31 on June 15, 2012, or enrolled in school, or have a high school diploma, or be honorably discharged veterans. DACA recipients may not have been convicted of US felonies or three misdemeanors. Obtaining DACA work and residence permits cost applicants \$465, and entitled DACA recipients to Social Security numbers and driver's licenses in most states as well as professional certificates and financial aid for college" (Migration News, 2012).

6 After the November 2014 elections, the Republicans seized control of the Congress and then President Obama stated that he would "fix as much of our immigration system as I can on my own, without Congress." As a result, about four million unauthorised immigrants with children who are US citizens or permanent residents who had lived in the US for five years or more were estimated to be eligible to apply for renewable deportation deferrals and work permits for three years through the DAPA program (Rural Migration News, 2015).

7 See data at: www.uscis.gov/tools/reports-studies/immigration-forms-data?topic_id=20673&field_native_doc_issue_date_value%25255Bvalue%25255D%25255Bmonth%25255D=&field_native_doc_issue_date_value_1%25255Bvalue%25255D%25255Byear%25255D=&combined=&items_per_page=10

from countries that the US deemed to be uncooperative in the effort to reduce terrorism, the so-called Muslim ban (Martin, 2017a).

Admissionists challenged Trump’s executive orders in the courts, and won judgments that Trump did not follow proper administrative procedures to change migration policies or that his orders violated constitutional protections against discrimination. However, instead of dealing with illegal immigration, the Republican-controlled Congress tried and failed to repeal the Affordable Care Act (Obama care) and succeeded in reducing taxes in 2017-18.

Trump’s rhetoric on illegal migration never matched the facts. The number of unauthorized foreigners in the US peaked in 2007 fell 12 percent by 2016, with most of the decline attributed to more Mexican-born persons returning to Mexico than newcomers arriving from Mexico (Figure 1). The number of employed unauthorized workers, an estimated eight million in 2007, fell only five percent since the 2008-09 recession, suggesting that unauthorized foreigners without jobs were most likely to leave the US (Figure 2).

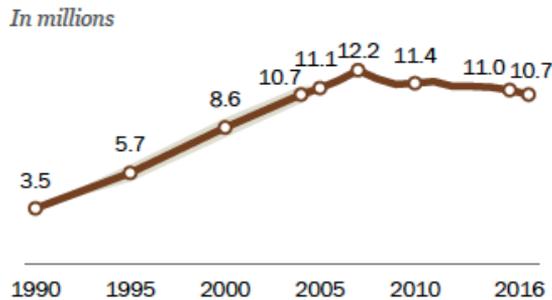


Figure 1. Number of unauthorized foreigners, 1990-2016

Source: Passel, Jeffrey and D’Vera Cohn. 2018. U.S. Unauthorized Immigrant Total Dips to Lowest Level in a Decade. Pew. <http://www.pewhispanic.org/2018/11/27/u-s-unauthorized-immigrant-total-dips-to-lowest-level-in-a-decade/>

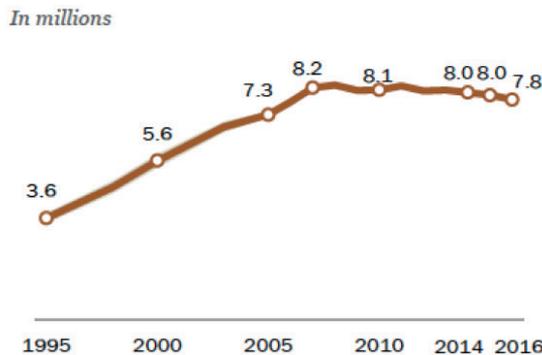


Figure 2. Number of unauthorized workers, 1995-2016

Source: Passel, Jeffrey and D’Vera Cohn. 2018. U.S. Unauthorized Immigrant Total Dips to Lowest Level in a Decade. Pew. <http://www.pewhispanic.org/2018/11/27/u-s-unauthorized-immigrant-total-dips-to-lowest-level-in-a-decade/>

5. Trump and Migration

President Trump changed the US debate on migration. Before Trump, US presidents celebrated “the nation of immigrants,” reminding Americans that they or their forebearers migrated to the US for freedom and opportunity, improving themselves and enriching America. There was bipartisan agreement that immigration strengthened the US, as most immigrants integrated successfully.

Trump’s focus on unauthorized migration, foreigners convicted of US crimes, and potential terrorists among foreigners in the US have made discussions of migration more partisan, have brought the courts more fully into controversial migration issues than ever before, and threaten trade and other non-migration policy areas, as illustrated by the Central Americans transiting Mexico to seek asylum in the US. Before Trump, most successful migration legislation in Congress was “bipartisan, including IRCA in 1986, the Immigration Act of 1990, and several immigration reform bills enacted in 1996. The comprehensive immigration reform bills approved by the Senate in 2006 and 2013 were also bipartisan, including the CIRA 2006 spearheaded by Senators Edward Kennedy (D-MA) and John McCain (R-AZ) (Martin, 2019, s. 21).

Trump did not try to obtain bipartisan support for his migration actions. Instead, he appealed to the nationalists and populists within the Republican party that want to reduce legal and unauthorized immigration. There has long been a populist minority in the US that highlights the crimes committed by some unauthorized migrants, but Trump was the first candidate and president to feature so-called angel moms at his political rallies, the mothers of victims of crimes committed by unauthorized migrants.

Trump wants to reduce legal immigration, which has been averaging about 1.1 million a year. His particular ire is “anchor babies,” the term for children born in the US to unauthorized mothers. Because they are born in the US, these children are US citizens and, when they turn 21, they can sponsor their parents for immigrant visas. Trump has threatened to end birthright citizenship. Trump in May 2019 proposed changes developed by his son-in-law Jared Kushner to the legal immigration system that would introduce a Canadian-style point system to select some immigrants based on their education, English-language ability and high-paying job offers. To keep the number of immigrants from rising beyond the current 1.1 million a year, Trump would eliminate the diversity visa lottery and immigrant visas for adult brothers and sisters.

As the Republican party becomes more restrictionist, the Democratic party has become more admissionist. Asians and Hispanics account for 85 percent of US immigrants, and they vote two to one for Democrats. Leading Democrats favor the legalization of unauthorized foreigners and more legal immigration, and many want to abolish DHS’s Customs Enforcement agency (ICE) that “aims to detect and eliminates unauthorized foreigners from the United States.” Democratic voices that once worried about “too many” foreign workers depressing the wages of similar US workers now say that the US should be open to immigrants and guest workers, and that migrant and US workers can be protected by raising minimum wages to \$15 an hour or more and enforcing labor laws strictly (Beinart, 2017 cited in Martin, 2019, s. 21).⁸

President Trump has attacked his critics and the federal courts for trying to stop or delay his migration actions. Trump supporters suspect there is a “deep state” within the US government that

8 Beinart (2017) argued that pro-immigration activists and pro-H-1B tech firms promoted the idea that “growing Latino population gave the party an electoral edge” to convince Democrats. At the same time, any negative impacts of more immigration was downplayed by some leading Democrats, who argued that immigrants push similar US workers up the job ladder as they increase the competition at the bottom. On the other hand, Collier (2013:26) argued that “social scientists have strained every muscle to show that migration is good for everyone.”

is blocking Trump's efforts to reduce trade, curb the power of the Federal Reserve to raise interest rates, and reverse Obama policies that range from slowing climate change to reducing immigration. For example, President Trump ended DACA in September 2017 and asked the Congress to find a durable solution for unauthorized foreigners brought to the US as children, a nod to his supporters who argued that only Congress can legalize unauthorized foreigners. Congress failed to reach agreement on what to do about unauthorized foreigners brought to the US as children and migrant advocates turned to the federal courts, preserving DACA with judicial injunctions.

The US grants Temporary Protected Status (TPS) to foreigners who are in the US when a catastrophe strikes their country of citizenship; TPS allows these foreigners to live and work legally in the US. Critics say that TPS is rarely temporary, so that Central Americans in the US two decades ago when hurricanes and earthquakes struck their countries still had TPS when Trump took office. Trump ended TPS for 320,000 citizens of 10 countries, but his effort to force what are now long-term foreign residents to leave the US were blocked by a federal judge in October 2018, bringing tweets of protest from Trump that "activist judges" are blocking his migration actions (Pierce, et al., 2018).

During his first two years in office, Trump's top priority has been building a wall on the 2,000 mile Mexico-US border. There are currently fences and vehicle barriers on 654 miles of the 2,000 mile border. Candidate Trump repeatedly promised to build a \$25 billion wall on the Mexico-US border in 2015-16, and told his supporters that Mexico would pay for its construction. Mexico refused to pay for the border wall, and Congress refused to appropriate funds for its construction, prompting Trump on December 22, 2018 to allow nine of the 15 federal agencies to close in a 35-day government shutdown, the longest in modern times. Congress approved \$1.375 billion for border security and 55 miles of additional fencing in February 2019, allowing the government to reopen, but then Trump declared a national emergency in order to move money from the military and other sources to build more border fencing.

6. Central American Asylum Seekers

The US system to deter unauthorized migration was created when most unauthorized foreigners were solo men from rural Mexico seeking farm, construction, and service jobs in the US. Their typical mode of entry was to elude Border Patrol agents between ports of entry, so the Border Patrol used fences to direct illegal entry attempts to places on the border where migrants could more easily be apprehended.

The nature of illegal migration over the Mexico-US border has changed. Instead of solo Mexican men seeking US jobs, most entries in 2019 are Central American families with children seeking asylum. Instead of trying to elude the Border Patrol, most of those apprehended today are Guatemalans, Hondurans, and Salvadorans who seek out Border Patrol agents. Some 248,000 parents and children were apprehended just inside the Mexico-US border between October 2018 and April 2019, making families over half of the total 460,000 foreigners apprehended in the first seven months of FY19 (Migration News, 2019b).

Neither President Obama nor Trump found effective ways to deal with Central American families seeking asylum in the US. Smugglers in Guatemala and Honduras urge people to leave for the US before Trump builds a wall or closes the border. Smugglers who charge \$5,000 tell clients that, if they cross the US border illegally with children, they will be released to relatives and friends and allowed to live and work in the US legally at least for several years, and that their children may attend US schools. If recognized as refugees, they can remain in the US.

Once smugglers help them across the Mexico-US border, Central American families are apprehended or turn themselves in to Border Patrol agents, who finger print and register them. Those who ask for asylum must pass a credible fear test, which means they must convince a US-CIS officer that they face a “significant possibility” of persecution in their home country. About three fourths of applicants pass the credible fear test (Migration News, 2019b).

The next step is to apply for asylum and explain to an immigration judge why the applicant faces a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group at home in order to be recognized as refugees and allowed to settle in the US. Most asylum applications are rejected; only an eighth of those who passed credible fear tests have been recognized as refugees by immigration judges. However, with a backlog of over 850,000 cases, there is often a several-year wait between applying for asylum and being ordered by a judge to leave the US. Many applicants use this time to work in the US, and not all leave the US as ordered.

Candidate and President Trump repeatedly criticized so-called “catch-and-release policies that involve apprehending Central Americans, allowing them to apply for asylum, and then releasing them into the US” for several years to await hearings and appeals in immigration courts (Martin, 2019, s. 22). To discourage asylum-seeking families, the Department of Homeland Security prosecuted all adults who entered the US illegally in May-June 2018, jailing them until their cases went before immigration judges. Since children cannot be jailed more than 20 days, “over 2,500 children were separated from their parents, some of whom were deported while their children were in shelters operated by or for the US government” (Martin, 2019, s. 22).

This child-separation policy caused a backlash and was soon stopped. However, the number of Central American families entering the US has since risen to record of over 3,000 a day, prompting President Trump to declare that the US is “full” and would not accept more asylum seekers (Migration News, 2019b). Trump in May 2019 threatened five percent tariffs on the \$1 billion a day goods imported from Mexico unless the Mexican government does more to stop Central Americans transiting to the US to apply for asylum.

Mexico-US negotiations in June 2019 led to an agreement that postponed the tariffs while Mexico takes steps to assist the US with Central Americans. First, Mexico agreed to deploy 6,000 members of its newly created National Guard to deter the entry and transit of Central Americans. Second, Mexico agreed to allow the US to implement its Migrant Protection Protocols or the Remain in Mexico Program along the entire border, so that migrants entering US ports of entry and applying for asylum are returned to Mexico to wait for hearings before US immigration judges.

Second, the US in March 2019 suspended aid to El Salvador, Guatemala and Honduras because these governments did not deter the outmigration of migrants. The US provided \$500 million to the three Northern Triangle countries in 2017, a year in which they received almost \$17 billion in remittances from migrants.

Third, the US wants Mexico to declare itself a safe-third country for foreigners seeking asylum, so that Central Americans would have to apply in Mexico rather than transit Mexico for the US. Canada and the US adopted a safe third country agreement in 2002, and Mexico will consider such safe third country status over the next 90 days. Mexican President Andrés Manuel López Obrador (AMLO) asked Trump for dialogue about migration rather than tariffs, and has stepped up enforcement on its 570-mile border with Guatemala. Mexico returned 436,125 Guatemalans, Salvadorans and Hondurans across its southern border between January 2015 to September 2018, and deported 9,000 Central Americans a month in 2019.

The long-run effects of President Trump on US migration policies remain unclear. Trump has kept migration in the headlines, reportedly to motivate his political base. Trump may move migration issues “from normal to regime politics. Normal politics involve issues on which there is broad agreement on the ends, such as agreement that immigration is mutually beneficial for immigrants and Americans, but disagreement on the means, exactly how many immigrants should be admitted. Regime politics involve disputes over ends, such as whether the US should accept immigrants” (Martin, 2019, s. 23).

7. Migration and Agriculture

Agriculture is the only major US industry in which half of hired workers are believed to be unauthorized. Most farmers are Republicans, and most voted for Trump despite his threats to reduce illegal migration, since farmers believed that reducing taxes and regulations would be more beneficial than the higher labor costs that could result from fewer unauthorized workers.

Most farmers expected Trump to make it easy for them to hire legal guest workers to replace unauthorized workers. Speaking in Michigan April 28, 2018, Trump said “For the farmers, OK, it’s going to get good. We’re going to let your guest workers come in.” Trump continued: “They’re going to come in, they’re going to work on your farms ... but then they have to go out.” (Rural Migration News, 2018a).

Farmers are concerned as their currently unauthorized workers age. The National Agricultural Worker Survey portrays an aging and settled workforce that is mostly married and has minor children living with them, many of whom are US citizens because they were born in the US (DOL, 2019). The “fresh blood” in the US hired farm workforce are mostly H-2A guest workers from Mexico. Unlike the aging unauthorized workers, who are an average 40 years old, the H-2A workers are a decade younger (Rural Migration News Blog, 2018).

Labor costs are rising as more farmers employ H-2A guest workers, which requires free housing and transportation for legal Mexican workers employed in the US up to 10 months a year. Rising labor costs have renewed interest in labor-saving machines. For example, precision planting machines reduce the need to thin crops, and machines that identify and remove weeds are a substitute for hand weeding. Similarly, “see and spray” machines apply fertilizers and protective sprays only to useful plants, reducing fertilizer and chemical costs.

Weeding affects many acres of crops, enlarging the market for machines, while harvesting machines are often crop specific, increasing technical difficulties and reducing the size of the market (Calvin & Martin, 2010). Machine harvesting often begins with farm management changes, as when farmers plant new orchards and vineyards to facilitate the pruning and harvesting of trees and vines mechanically. Machine-mounted cameras have difficulty “seeing” fruit hidden by branches and leaves, raising the cost of developing machines that can harvest fruits such as apples as efficiently as people. Pruning trees so they have fruiting walls that expose apples helps, but technical issues continue to bedevil cameras trying to detect ripe fruit through a canopy of leaves.

Soft fruits such as strawberries pose tougher challenges for machines. Instead of the current system that involves planting two rows in raised beds that are picked by workers wheeling carts between rows, machines need firm row edges to guide them to pick berries that have been trained to grow over the side to facilitate identification and picking. Tabletop berry production is best for machine picking, but requires costs of \$80,000 per acre up-front compared to planting strawberries conventionally, which costs \$30,000 an acre. Strawberry harvesters are expected to be com-

mercially viable in five to 15 years, determined by the cost and availability of menial workers and the engineers' speed of solving technical problems (Mohan, 2017; Strong & Hernandez, 2018).

Farmers anticipating too few seasonal workers have been able to supplement their workforces with legal guest workers under Mexico-US Bracero programs from 1917 to 1921 and again between 1942 and 1964, and under the H-2 and H-2A programs since 1952 (Martin, 2009). Receiving DOL certification to employ H-2A guest workers requires employers to satisfy three major obligations: (1) trying and failing to recruit US workers, (2) providing free and approved housing to guest workers, and (3) paying the state or regional Adverse Effect Wage Rate, \$13.92 in California in 2019.

The H-2(A) program evolved from a World War II program that imported mostly Jamaicans to cut sugar cane in Florida and to pick apples along the eastern seaboard, and shrank rather than expanded after enactment of the Immigration Reform and Control Act of 1986, the law that imposed sanctions on US employers who knowingly hire unauthorized workers (Martin, 2014). IRCA also legalized over 1.1 million unauthorized farm workers, and taught rural Mexicans how to use false documents to satisfy the I-9 worker documentation requirements when hired, increasing rather than decreasing illegal migration.

The H-2A program remained small and concentrated on the eastern seaboard until the 2008-09 recession, when the slowdown in unauthorized Mexico-US migration prompted California and Washington farmers to request more H-2A workers. Over 200,000 farm jobs were certified to be filled with H-2A workers in FY17, including almost 22,000 in berries, 12,700 in apples, and 12,500 in tobacco.

Most H-2A workers are in the US less than the usual 10-month maximum stay permitted. If H-2A workers average six month stays, 200,000 H-2A jobs means that 100,000 or 10 percent of the million full-time equivalent jobs in US crop agriculture are filled by H-2A workers. In the mid-1950s, when the employment of hired farm workers averaged two million, a peak 450,000 Braceros filled 20 percent of crop jobs.

H-2A workers are brought into the US in several ways. Most common is direct employment, when a farmer works with a US lawyer or agent to recruit guest workers abroad and transport them to the US, making the farmer responsible for ensuring that program regulations are followed. The second system involves employer associations such as the NC Growers Association or the Washington Farm Labor Association that recruit and transport H-2A workers and sometimes move them from one farm to another, helping to ensure that H-2A workers are fully employed and making the association jointly liable with farmers for violations of program rules. The third mechanism involves farm labor contractors such as Fresh Harvest that move H-2A workers from one farm to another. All three mechanisms are expanding.

An alternative to producing labor-intensive commodities in the US is to import them from lower-wage countries. About half of the fresh fruit consumed in the US, and a third of the fresh vegetables, are imported. Mexico accounts for half of US fruit imports and two-thirds of US fresh vegetable imports, and since 2014 the US has had an agricultural trade deficit with Mexico despite exporting \$4 billion worth of corn and soybeans in 2016 and \$2.5 billion worth of pork and dairy products.⁹ The leading US imports from Mexico were fresh and frozen fruits and vegetables worth \$11 billion, representing almost half of the \$23 billion of US agricultural imports from Mexico in 2016.

9 These commodities were a third of the \$18 billion of US agricultural exports to Mexico in 2016.

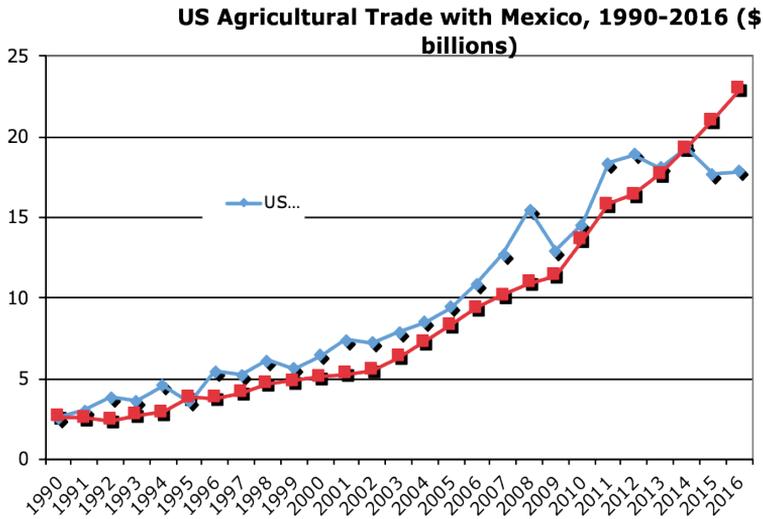


Figure 3. Mexico-US Agricultural Trade, 1990-2016

Source: US Census: <https://usatrade.census.gov/>

Mexico’s export-oriented vegetable agriculture has been transformed over the past two decades, in part with US capital and expertise. Many Mexican growers grow berries, tomatoes and other vegetables under metal hoops covered with plastic to reduce pest and disease problems. These protected culture structures often have controlled entry and exit points to reinforce worker adherence to food safety protocols. Yields are predictable and up to three times higher for crops grown under protected culture than those grown in open fields, reducing the uncertainty inherent in agricultural production and thus the demand for labor (Taylor & Charlton, 2018, Chapter 2).

8. Trump’s Migration Legacy

Donald Trump promised to build a wall on the Mexico-US border and to deport the 11 million unauthorized foreigners in the US. After two years in office, Trump has changed the way migration is discussed, but has made uneven progress on achieving the signature items on his migration agenda. Trump has made anti-migrant rhetoric far more common due to frequent references to foreigners who commit US crimes and an “invasion” of Central Americans.

Migration has become more partisan. Most Republicans want to reduce illegal and legal migration. The Democratic party has also become more divided on migration, with the dominant wing in favor of legalizing unauthorized foreigners and reducing enforcement of immigration laws. The divisions on migration that were sown by Trump and so-called new Democrats may make it more difficult to achieve the bipartisan compromises in the future that have long defined US migration policies.

The current challenge involves Central American asylum seekers. As with Europe in 2015, foreigners seeking opportunity can apply for asylum and remain in the US years while their applications and appeals are considered. Even if their applications are ultimately rejected, the asylum seeker may be able to work several years to work in the US that may provide upward opportunity at home. Many rejected asylum seekers remain unauthorized in the US.

Trump's efforts to change migration policy by executive order have met with sustained resistance from migrant advocates, who have successfully persuaded judges to issue injunctions blocking particular actions. Trump has won some of these battles on appeal, but the courts have clearly slowed Trump's efforts to change migration policies quickly.

What happens next? It is hard to predict the future, especially the future of US migration policy. History shows that predictions made at the time of major immigration policy changes are often the opposite of what proponents expected, as with IRCA that accelerated rather than reduced unauthorized migration after 1986. Trump's call for a wall on the Mexico-US border, and threats to shut down the border to trade or impose tariffs on Mexican imports, appear to have increased the number of Central American asylum seekers in the short term as smugglers advertise the importance of going now before the US border is closed. What is not yet clear is whether Mexico will change from a source of unauthorized migrants to a new buffer keeping unwanted migrants out of the US.

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References

- Beinart, P. (2017). How the democrats lost their way on immigration. *The Atlantic*. Retrieved from www.theatlantic.com/magazine/archive/2017/07/the-democrats-immigration-mistake/528678/
- Calvin, L., & Martin, P. (2010). The US produce industry and labor: facing the future in a global economy. *USDA Economic Research Report No. (ERR-106)*. November. <http://www.ers.usda.gov/Publications/ERR106/>
- Capps, R., et al. (2018). Gauging the impact of DHS' proposed public-charge rule on U.S. immigration. *Migration Policy Institute*. Retrieved from www.migrationpolicy.org/research/impact-dhs-public-charge-rule-immigration
- Chishti, M., Meissner, D., & Bergeron, C. (2011). At its 25th anniversary, IRCA's legacy lives on. *Migration Policy Institute*. Retrieved from <https://www.migrationpolicy.org/article/its-25th-anniversary-ircas-legacy-lives>
- Collier, P. (2013). *Exodus: how migration is changing our world*. Oxford, UK: Oxford University Press
- DOL (2019). Findings from the NAWS 2015-16. Retrieved from www.doleta.gov/naws/pages/research/docs/NAWS_Research_Report_13.pdf
- Escobar, A., & Martin, S. (2006). Mexico-US migration management: a binational approach. Retrieved from https://isim.georgetown.edu/sites/isim/files/files/upload/Martin%20US_Mexico_Report.pdf
- Martin, P. L. and Olmstead, A. L. (1985). The agricultural mechanization controversy. *Science*, 227, (4687). February. 601–606. Retrieved from <http://science.sciencemag.org/content/227/4687/601>
- Martin, P. (1987). Immigration reform: it leaves the door open to agriculture. *Choices*, 4th quarter: 29–30. Retrieved from <https://ideas.repec.org/a/ags/aaeach/130399.html>
- Martin, P. (1994). Good intentions gone awry: IRCA and US agriculture. *The Annals of the Academy of Political and Social Science*, 534, July, 44–57. Retrieved from <http://www.jstor.org/stable/1048497>
- Martin, P. (2005). AGJOBS. New solution or new problem. *UC Davis Law Review*. 38(3), 973–991. Retrieved from https://lawreview.law.ucdavis.edu/issues/38/3/symposium-immigration-civil-rights-after-sept11/DavisVol38No3_Martin.pdf
- Martin, P. (2010). NAFTA and Mexico-US migration: what lessons, what next? In: *CEStifo Forum*. 11(4), pp. 38–44. München: ifo Institut für Wirtschaftsforschung an der Universität München.
- Martin, P. (2014). The H-2A program: evolution, impacts, and outlook. Chapter 2 in David Griffith, Ed. (*Mis managing Migration. Guestworkers' Experiences with North American Labor Market*, (pp 33-62). SAR Press. Retrieved from <https://sarweb.org/mismanaging-migration/>
- Martin, P. L. (2016). Whither US immigration? *Migration Letters*, 13 (2), 295–306.
- Martin, P. L. (2016a). Migration, trade and remittances: Low-and high-skilled workers. *Remittances Review*, 1(1), 37–52.
- Martin, P. (2017a). Election of Donald Trump and migration. *Migration Letters*, 14 (1), 161–171. doi:<https://doi.org/10.33182/ml.v14i1.323>
- Martin, P. (2017b). President Trump and US Migration after 100 days. *Migration Letters*, 14, (2), 319–328. doi:<https://doi.org/10.33182/ml.v14i2.335>
- Martin, P. (2019). Trump, migration, and agriculture. *Border Crossing*, 9(1), 19–27. doi:<https://doi.org/10.33182/bc.v9i1.674>
- Martin, P. (2018). Agriculture and international labor flows. *Kansas City Federal Reserve Economic Review*. Retrieved from www.kansascityfed.org/~media/files/publicat/econrev/econrevarchive/2018/si18martin.pdf
- Martin, P. L. (2019). Trump, migration, and agriculture. *Border Crossing*, 9(1), 19–27.
- Migration News (2006a). Bush and Congress: action? *13*(1). Retrieved from <https://migration.ucdavis.edu/mn/more.php?id=3155>
- Migration News (2006b). Senate approves CIRA. *13*(3). Retrieved from <https://migration.ucdavis.edu/mn/more.php?id=3199>
- Migration News (2006c). Demonstrations, polls, states. *13*(3). Retrieved from <https://migration.ucdavis.edu/mn/more.php?id=3201>
- Migration News (2012). DREAM, states, elections. *19* (4). Retrieved from <https://migration.ucdavis.edu/mn/more.php?id=3199>

- Migration News (2013a). Senate approves S 744. 20(3). Retrieved from <https://migration.ucdavis.edu/mn/more.php?id=3838>
- Migration News (2013b). Immigration reform: house. 20(4). Retrieved from <https://migration.ucdavis.edu/mn/more.php?id=3856>
- Mohan, G. (2017). As California's labor shortage grows, farmers race to replace workers with robots. *Los Angeles Times*. July 21. Retrieved from <https://www.latimes.com/projects/la-fi-farm-mechanization/>
- Passel, J., & Cohn, D. (2018). U.S. unauthorized immigrant total dips to lowest level in a decade. *Pew*. Retrieved from <http://www.pewhispanic.org/2018/11/27/u-s-unauthorized-immigrant-total-dips-to-lowest-level-in-a-decade/>
- Passel, J., Cohn, D., & Gonzalez-Barrera, A. (2012). U Net migration from Mexico Falls to zero—and perhaps less. *Pew*. Retrieved from <http://www.pewhispanic.org/2012/04/23/net-migration-from-mexico-falls-to-zero-and-perhaps-less/>
- Pierce, S., Bolter, J., & Selee, A. (2018). U.S. immigration policy under Trump: deep changes and lasting impacts. *Migration Policy Institute*. Retrieved from www.migrationpolicy.org/research/us-immigration-policy-trump-deep-changes-impacts
- Rural Migration News (2015). Obama acts: DAPA and DACA. 21(1). Retrieved from <https://migration.ucdavis.edu/rmn/more.php?id=1874>
- Rural Migration News (2018a). H-2A, H-2B. 24, (3). Retrieved from <https://migration.ucdavis.edu/rmn/more.php?id=2186>
- Rural Migration News (2018b). H-2A, H-2B, H-2C. 24, (4). Retrieved from <https://migration.ucdavis.edu/rmn/more.php?id=2214>
- Rural Migration News (2018c). DHS: border, removals, asylum. 24(4). Retrieved from <https://migration.ucdavis.edu/rmn/more.php?id=2213>
- Rural Migration News Blog (2018d). H-2A job certifications top 240,000 in 2018. Retrieved from <https://migration.ucdavis.edu/rmn/blog/post/?id=2225>
- Rural Migration News Blog (2019). Border wall: caravans. Retrieved from <https://migration.ucdavis.edu/rmn/more.php?id=2281>
- Rural Migration News (2019b). Central americans, politics. 25(3). Retrieved from <https://migration.ucdavis.edu/>
- Strong, J., & Hernandez, D. (2018). Robots head for the fields. *Wall Street Journal*. October 2. Retrieved from https://www.wsj.com/articles/robots-head-for-the-fields-1538426976?mod=hp_jr_pos1
- Taylor, E., & Charlton, D. (2018). The farm labor problem. *Elsevier*. Retrieved from www.elsevier.com/books/the-farm-labor-problem/taylor/978-0-12-816409-9
- UN DESA (2017). International migration stock: the 2017 revision. Retrieved from <http://www.un.org/en/development/desa/population/migration/data/estimates2/estimates17.shtml>

